

**TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78 (AS AMENDED)**

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

**PROOF OF EVIDENCE RELATING TO TOWN
PLANNING MATTERS**

**Prepared by:
Steven Brown BSc Hons DipTP MRTPI**

**On behalf of:
Croudace Homes Ltd**

croudacehomes

PINS Ref: APP/M3645/W/25/3372747

LPA Ref: 2025/245

WBP Ref: 9060

December 2025



Woolf Bond Planning
Chartered Town Planning Consultants

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QUALIFICATIONS AND EXPERIENCE

Steven Brown will say:

I hold a Bachelor of Science and Post Graduate Diploma in Town and Country Planning and I am a Member of the Royal Town Planning Institute.

I am the Managing Director of Woolf Bond Planning Ltd – Chartered Town Planning Consultants and I have been engaged in town planning with more than 20 years' experience as a private consultant acting for major house builders, development companies, estates and private individuals. Housebuilder clients include Croudace (the "Appellant"), Barwood Land, Bellway, City & Country, Cora, Dandara, Foreman Homes, Persimmon, Redrow Homes and Taylor Wimpey, as well as strategic land promoters, including CEG and Fairfax.

I am an expert planning witness, having appeared at numerous S.78 inquiries and Local Plan Examinations.

I am well versed in the planning policy position in Tandridge, including in relation to the withdrawn Local Plan that failed the NPPF tests of soundness following a Report by the Local Plan Inspector in February 2024, as well as numerous schemes that have been determined by the Council and at appeal, including on account of the Council's continued inability to demonstrate a five year supply of deliverable housing land.

I acted in relation to the Planning Application, and I have visited the Appeal Site and its surroundings on numerous occasions. I have examined the relevant plans and documents for the purpose of the appeal.

The evidence which I have prepared and provide for the appeal is true and has been prepared, and is given, in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

1.0 Introduction and Executive Summary

The Scope of My Evidence

- 1.1. This Appeal is made by Croudace Homes (the “Appellant”) against the decision by Tandridge District Council (“TDC”) to refuse an outline planning application for the Appeal Scheme (LPA Ref: TA/20250245).
- 1.2. The Appeal Scheme is in outline with only the principle of developing the Site for up to 190 dwellings, provision of older persons accommodation (up to 80-beds) (Use Class C2) and the means of access to the Site to be determined as part of this outline application. Appearance, landscaping, layout and scale are reserved for subsequent determination.
- 1.3. My evidence addresses the planning balance under s38(6), and considers the acceptability of the Appeal Scheme in the context of the overarching planning policy context, drawing upon the evidence from the expert witnesses on the topic-specific considerations I reference below.
- 1.4. This is a case where the Appeal Site falls beyond the settlement policy boundaries as defined in the adopted Core Strategy (2008) (**CD4.1**) and Tandridge Local Plan Part 2: Detailed Policies DPD (2014) (**CD4.2**). However, the settlement boundaries were not drawn to meet current needs. It is my position that the development plan is out of date on account of (i) the failure of the Development Plan to meet housing needs, resulting in a need to breach the settlement boundaries to meet identified housing needs; and (ii) the demonstrable lack of a five year supply of deliverable housing land. In addition, the Council’s Housing Delivery Test result means that the presumption in favour of sustainable development is engaged, separate from points (i) and (ii).
- 1.5. The Appeal Site is located in the Green Belt. However, its location adjoining one of the most sustainable settlements in the District, within a short walk to High Street and train station, means the Site affords a sustainable location in meeting

housing needs, which position accords with the approach at paragraphs 110 and 115 of the NPPF.

- 1.6. For the purposes of my evidence, I identify two scenarios under which the Appeal Scheme could fall to be considered:

Scenario 1 – The Appeal Site is found to comprise grey belt

- 1.7. Scenario 1 represents my position for this inquiry, namely that the Appeal Scheme falls to be determined under paragraph 11(d)(ii) of the NPPF. This is based on my assessment that the Site comprises grey belt land on account of the Site not making a strong contribution to Green Belt purposes (a), (b) and (d); and because I conclude there are no NPPF footnote 7 strong reasons for refusal.

Scenario 2 – The Appeal Site is found not to comprise grey belt land

- 1.8. In this alternative scenario, should the Inspector find the Site does not comprise grey belt land, on account of making a strong contribution to any one of green belt purposes (a), (b) or (d), the Appeal Scheme would fall to be determined under paragraph 153 of the NPPF.

My Position

- 1.9. At the outset, I conclude that the Appeal Site would utilise grey belt land, and should be allowed through this appeal process, under the approach at paragraph 155 of the NPPF (my scenario 1) as:
- (i) it does not strongly contribute to any of purposes (a), (b) or (d) in paragraph 143 of the NPPF.
 - (ii) There are no NPPF footnote 7 considerations that represent a strong reason(s) for refusal.

- (iii) The Appeal Scheme would not fundamentally undermine the purposes (taken as a whole) of the remaining Green Belt across the plan area. This satisfies paragraph 155(a) of the NPPF.
 - (iv) Consistent with paragraph 155 (b) of the Framework, the undisputed housing land supply position and the mismatch in supply and demand for market homes, care homes, and affordable housing provision clearly evidence that there is a demonstrable unmet need for the type of development proposed.
 - (v) It is agreed that the Appeal Scheme is in a sustainable location, thus complying with paragraph 155 (c) of the NPPF.
 - (vi) The Scheme satisfies the Golden Rules at paragraphs 155 (d), 156 and 157 of the NPPF in so far as it would provide 50% affordable housing. It would also deliver necessary improvements to local infrastructure, secured through the legal agreement. The Scheme also secures new green spaces that would be accessible to the public.
- 1.10. In so far as the Appeal Scheme complies with the Golden Rules, this carries significant weight in favour of the grant of planning permission (paragraph 158 of the NPPF refers).
- 1.11. As such, the Appeal Scheme is not inappropriate development in Green Belt terms. Accordingly, the location of the Appeal Site in the Green Belt does not provide a strong reason for refusing the development proposed for the purposes of paragraph 11 (d) (i) of the Framework.
- 1.12. In my scenario 1, the Appeal Scheme is not inappropriate development, and the very special circumstances required to justify Green Belt harm do not need to be demonstrated.

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- 1.13. I have then carried out a planning balance, concluding that the harms (also termed the ‘adverse impacts’) identified in that scenario relating to (i) localised landscape harm, (ii) less than substantial harm to a designated heritage asset¹, (iii) loss of subgrade 3a agricultural land; and (iv) impacts to users of Bridleway 97 do not come anywhere near to significantly and demonstrably outweighing 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.
- 1.14. In this scenario, the Appeal Scheme should be positively determined under the presumption in favour of sustainable development at paragraph 11(d)(ii) of the NPPF.
- 1.15. However, and in the alternative (my scenario 2), should the Inspector consider that the Appeal Scheme does not satisfy the grey belt tests, on account of making a strong contribution to any one of green belt purposes (a), (b) or (d), such that the Appeal Scheme would represent inappropriate development in the Green Belt, I have also gone on to assess whether the harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development. I conclude they do.
- 1.16. Overall, it is my evidence for this inquiry that the Appeal Scheme should not be regarded as inappropriate development in the Green Belt, on account of satisfying the grey belt test and meeting the Golden Rules.
- 1.17. In the alternative, should the Inspector conclude the Site does make a strong contribution to purpose (a), (b) or (d), I have also carried out an assessment of the Appeal Scheme under the paragraph 153 approach in the NPPF. Again, I conclude

¹ Or 2 x designated heritage assets on the Council’s case.

it is acceptable as the harms identified are clearly outweighed by other considerations.

- 1.18. In the days leading up to settling my evidence the Government published a draft NPPF for consultation (Dec 2025) (**CD5.4**), accompanied by a Ministerial Statement (**CD11.6**).
- 1.19. The consultation draft NPPF reaffirms the Government's commitment to addressing the national housing crisis. It also sets out continued support for the development of suitably located sites in the Green Belt that are within reasonable walking distance of a railway station (as is the case with the Appeal Site).
- 1.20. As I explained in section 2 below, the Appeal Site is in an inherently sustainable location, within walking distance from the town centre and Oxted train station. The locational merits in accessibility terms are agreed with TDC and County Highways.
- 1.21. As it is a consultation document, it carries only limited weight. I will doubtless need to return to this matter during the inquiry, whether in oral submissions and/or in the form of a joint note to be prepared by the parties, should that be requested by the Inspector.

Accompanying Evidence

- 1.22. Evidence has been prepared by the following witnesses on behalf of the Appellant:
- Mr James Stacey – Affordable Housing (**CD6.3**)
 - Mr Neil Jaques – Drainage (**CD6.4**)
 - Ms Alexia Tamblyn – Ecology (**CD6.6**)
 - Mr Iain Warner – Care Home Need (**CD6.9**)
 - Mr Thomas Copp – Heritage (**CD6.7**)
 - Mr Paul Cranley – Highways (**CD6.5**)
 - Mr Brian Cafferkey – Hydrology (**CD6.8**)
 - Mrs Elizabeth Bryant – Landscape (**CD6.10**)

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- 1.23. I have adopted the findings and conclusions of the witnesses for the Appellant in coming to my judgement as to the overall merits of the Appeal Scheme.

Statements of Common Ground

- 1.24. To assist the Inspector, and to reduce the issues to be addressed in evidence, the Appellant, TDC and Surrey County Council (“SCC”) as the Local Highway Authority (“LHA”) have sought, where possible, to agree a position on relevant matters.
- 1.25. The Planning Statement of Common Ground (“SoCG”) is at **CD10.1**. The Five Year Housing Land Supply SoCG is at **CD10.2**. These SoCGs have been agreed between the Appellant and TDC.
- 1.26. The Transport SoCG is at **CD10.3**. This has been agreed between the Appellant and SCC Highways.
- 1.27. Additional topic-based SoCGs were prepared by the Appellant and issued to TDC on 24 November 2025. They covered the following topics (i) Affordable Housing, (ii) Care Need, (iii) Drainage/Hydrology, (iv) Ecology, (v) Heritage; and (vi) Landscape. It was hoped that they would narrow the issues between the parties, assisting the Inspector and the parties in preparing for the inquiry.
- 1.28. As paragraph 1.3 of the Planning SoCG (**CD10.1**) records, TDC’s position is that they will consider whether additional SoCGs can be agreed once it has finished producing its evidence.

Areas of Agreement

- 1.29. As explained in section 6 of the Planning SoCG (**CD10.1**), the matters now agreed between the Appellant, TDC and the LHA are extensive, comprising as follows:
1. It is accepted that the Council is not able to demonstrate a five-year supply of deliverable housing land against the Standard Method.
 2. The development plan policies for the supply of housing are out of date.

3. It is agreed that paragraph 11(d) of the NPPF is engaged.
 4. It is agreed that the Appeal Site is in a sustainable location within walking and cycling distance from the town centre and train station.
 5. The provision of up to 190 dwellings from the Appeal Scheme is a benefit that should be afforded positive weight.
 6. It is agreed that the Appeal Site is within the setting of the Surrey Hills National Landscape. Furthermore, the development proposals will result in permanent significant landscape harm upon the appeal site and permanent significant visual harm upon the users of public bridleway 97.
 7. It is agreed that receipt of a satisfactory, signed and dated legal agreement will secure the required planning obligations to make the Scheme acceptable in planning terms.
- 1.30. As confirmed in the Transport SoCG (**CD10.3**), the Appeal Scheme accords with paragraphs 110, 115 and 116 of the NPPF. It is also agreed that the Scheme will provide safe and suitable access. Importantly, there is no objection to the scheme from the LHA in highway (including locational sustainability) and safety terms.

Areas of Disagreement

- 1.31. As set out in section 7 of the Planning SoCG (**CD10.1**), there remains a lengthy list of matters that remain in dispute; and these are addressed in the evidence prepared by the respective parties.

Rule 6 Party Objections

- 1.32. Notwithstanding the extensive list of matters now agreed between the Appellant and TDC (as well as the LHA on highways), the Rule 6 Party (“R6P”) continues to advance objections on (1) highway, (ii) landscape; and (iii) recreational amenity grounds. The matters raised are addressed in evidence.

2.0. THE CONTEXT OF TANDRIDGE AND THE APPEAL SITE

General

- 2.1. This section of my evidence explains the planning context in Tandridge as it relates to the consideration of the merits of the Appeal Scheme at a macro (spatial) and micro (Site-specific) level.

Tandridge District

- 2.2. Tandridge is a predominantly rural district with two main built-up areas, comprising the settlements of Caterham (in the north) and Oxted (south of the M25). Both are served by rail stations. Along with Warlingham and Whyteleafe, they represent the most sustainable (Category 1) settlements (adopted Core Strategy Policy CSP1 refers **(CD4.1)**) in helping to meet identified housing needs. Thereafter, there are the two larger rural settlements of Lingfield and Smallfield. That settlement tier is followed by a number of smaller villages.
- 2.3. There are two National Landscapes (“NLS”) (Areas of Outstanding Natural Beauty (“AONB”)) in the District, the Surrey Hills and the High Weald. All of the land beyond the defined settlements is within the Green Belt, which accounts for approximately 94% of the District.
- 2.3. The Core Strategy (“CS”) was adopted in October 2008 and covers the period 2006 to 2026 **(CD4.1)**.
- 2.4. Accordingly, and as I explain in section 4 below, including on account of the fact that the CS was adopted 17 years ago, and no formal review has since been adopted, it is unsurprising that the Local Plan is manifestly out of date in terms of its lack of consistency with the NPPF.
- 2.5. A Detailed Policies DPD was subsequently adopted in 2014 **(CD4.2)**. However, that did not review the spatial strategy and/or the housing requirement.

Key

- Railway Stations
- Railway Lines
- Bus Routes
- Built Up Areas
- Larger Rural Settlement/Woldingham
- Green Belt
- Tandridge District
- AONB
- Strategic Employment Sites
- Broad locations for new development

Significant commuter route to employment centres of Central London and Croydon

Wokingham

Wokingham

Woldingham

Surrey Hills AONB

Oxted

Hurst Green

M25

M23

Redhill/Reigate Regional Hub and Growth Point

Lamb's Business Park

Smallfield

Hobbs Industrial Estate

Lingfield

Crawley/Gatwick economic area

Indicative position of East Grinstead Relief Road

High Weald AONB

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- 2.9. TDC did embark upon a review of its Local Plan, looking ahead to 2023. A Local Plan was submitted for examination in January 2019. However, it was subsequently withdrawn in April 2024 (**CD4.24**) following receipt of an Inspector's Report in February 2024 (**CD4.22**) which identified serious concerns with the Plan as submitted, concluding that the Local Plan was not capable of being adopted due to soundness issues.
- 2.10. The absence of an up to date Local Plan, and the lack of an emerging one, means that there have been serious failings to plan for growth in Tandridge.
- 2.11. As recorded in the most recent Housing Delivery Test ("HDT") results, Tandridge is the 13th worst performing Council in England, with a HDT score of 42%.
- 2.12. There is an acute affordable housing need (**CD6.3**), whilst there is also an unmet need for older persons' accommodation (**CD6.9**), as well as a demonstrable shortfall in the Council's five year supply of deliverable housing land (**CD10.2**)
- 2.13. As recorded in **CD10.2**, the Council is only able to show a 2.17 year supply of deliverable housing land (on their figures). This is a shortfall of 2,806 dwellings, representing a critically acute shortage of homes.
- 2.14. As section 4 of my evidence explains, there has been a persistent under delivery of housing in TDC over the last 10 years.
- 2.15. The lack of an up to date Local Plan, the unmet affordable housing need and the anaemic five year housing land supply position is the antithesis of the position sought by the Government.
- 2.16. The MHCLG Statement 'Building the homes we need' (**CD11.2**) that was published alongside the new NPPF in (December 2024) sets out the Government's agenda to increase house building in the right places. The Appeal Site satisfies that requirement.

2.17. The following extracts from the ‘Building the homes we need’ Statement (**CD11.2**) are plainly applicable in the Tandridge context (My emphasis underlined):

- *This Government has inherited an acute and entrenched housing crisis. The average new home is out of reach for the average worker, housing costs consume a third of private renters’ income, and the number of children in temporary accommodation now stands at a historic high of nearly 160,000. Yet just 220,000 new homes were built last year and the number of homes granted planning permission has fallen to its lowest in a decade.*
- *Rapidly driving up planning consents in the context of a system with woefully inadequate local plan coverage will increase the number of permissions secured outside of local plan allocations in the short-term. This is necessary if we are to see the scale of delivery we need to meet our commitment to 1.5 million homes. Therefore, where it applies, the presumption in favour of sustainable development must have real teeth.*

The Appeal Site

2.18. Given the constrained nature of Tandridge, it is important to maximise development opportunities such as that afforded by the Appeal Site, which is within walking distance of the many services and facilities in Oxted, one of only two towns within the District.

2.19. The failure to provide for growth at Oxted will result in unsustainable travel patterns, and a disproportionate amount of development at settlements further down the settlement hierarchy.

2.20. As set out in the Transport SoCG (**CD10.3**), the locational merits of the Appeal Site are agreed as follows:

1. The development proposals would represent sustainable development in transport terms.

2. The site is located within a reasonable walking distance of Oxted town centre (within 1,200m of the site) and its associated facilities and amenities.
 3. The Site is located approximately 500m from Oxted Railway Station, and approximately 300m from bus stops on Bluehouse Lane and is therefore well located in relation to public transport nodes.
 4. The Site is located approximately 600m from the existing Primary School, which can be accessed via Court Farm Lane, Barrow Green Road and Chichele Road.
 5. The Appeal Scheme is located such that the need to travel via private car is reduced, and there is a genuine choice of travel modes available to future residents.
 6. The Appeal Scheme accords with the requirements at paragraphs 110, 115 and 116 of the NPPF.
- 2.21 Mr Cranley's Transport evidence (**CD6.5**) expands upon the locational merits of the Appeal Site. Section 5 of his evidence explains the proximity of the Appeal Site to Oxted train station. The pedestrian and cycle connections between the Site and the train station are shown in his figure 5.1.
- 2.22. As Mr Cranley explains at paragraph 5.2.6 of his evidence, "The distance between the site and the station represents an approximate walking time of 6 minutes and an approximate cycle time of 2 minutes. The terrain between the site and the station is flat and appropriately surfaced to enable both walking and cycling (given the proposed condition to upgrade the short section of Bridleway 97). On this, the site benefits from excellent access to the existing station."
- 2.23. In the circumstances, I conclude that the Appeal Site represents an inherently sustainable location in seeking to meet identified housing needs at one of the most sustainable settlements in the District.

3.0. THE DEVELOPMENT PLAN

GENERAL

- 3.1. This section of my evidence summarises the Development Plan position, against which the acceptability of the Appeal Scheme falls to be determined.
- 3.2. It should be read alongside the agreement reached with TDC at section 6 of the Planning SoCG (**CD10.1**) which confirms the development plan policies for the supply of housing are out of date; and the agreement that paragraph 11(d) of the NPPF is engaged.

THE SECTION 38(6) TEST

- 3.3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out a requirement that planning applications are to be determined in accordance with the Development Plan unless other material considerations indicate otherwise. This represents the s.38(6) 'balance'.

THE DEVELOPMENT PLAN

General

- 3.4. For the purposes of s38(6), the Development Plan comprises the following adopted plans.
- Tandridge District Core Strategy 2008 (**CD4.1**);
 - Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (2014) (**CD4.2**).
- 3.5. 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.

3.6. The applicable development plan policies from the CS and the Local Plan Part 2 are listed below.

3.7. My policy schedule adopts the following ‘rules’:

1. The policies referenced in the Council’s Decision Notice are underlined.
2. Those which are considered to be ‘most important’ (for the purpose of paragraph 11(d) of the NPPF) are highlighted in bold.
3. The policies marked with an asterisk comprise those that I consider the Appeal Scheme conflicts with.

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**
- **DP13 – Buildings in the Green Belt**
- **DP19 - Biodiversity, Geological Conservation and Green Infrastructure**
- **DP20 - Heritage Assets**
- DP21 - Sustainable Water Management
- DP22 - Minimising Contamination, Hazards and Pollution

Development Plan Compliance

Location of Development

- 3.8. The Appeal Site is located adjoining, but ultimately beyond the settlement policy boundary as defined on the Local Plan Proposals Map. Accordingly, it is located in the Green Belt. In addition, the Site is not allocated for housing development. As such, **the Appeal Scheme is contrary to Policy CSP1 as it is located outside the defined settlement boundary for Oxted.**
- 3.9. However, the settlement boundaries were defined in the CS that was adopted 17 years ago, and they do not purport to (nor could they) meet current housing needs.
- 3.10. Accordingly, the settlement boundaries serve to frustrate attempts to meet identified housing needs. In the circumstances, it is clear that the spatial strategy and the associated settlement boundaries are inconsistent with the NPPF's objectives of seeking to significantly boost housing supply. Accordingly, I attach only limited weight to this conflict.

Green Belt

- 3.11. The Appeal Scheme would **conflict with Green Belt Policies DP10 and DP13** of the Local Plan Part 2 which seek to protect the Green Belt from inappropriate development. However, those policies are out-of-date because they pre-date the changes to National policy on Green Belt. I therefore attach limited weight to this conflict.

Landscape

- 3.12. Policy CSP20 relates to development within the National Landscapes ("NL") (Surrey Hills and High Weald AONB). Although the Appeal Site is not within a designated NL, it is within its setting. As such, Part (b) of the Policy applies to the

consideration of the Appeal Scheme. For the reasons Mrs Bryant explains in her evidence, the Appeal Scheme satisfies the policy assessment.

- 3.13. Policy CSP21 states that the character and distinctiveness of the District's landscapes and countryside will be protected for their own sake, with new development required to conserve and enhance landscape character.
- 3.14. As Mrs Bryant's Landscape Evidence explains, the Appeal Scheme would have a major adverse effect on the landscape character of the Site itself. Mrs Bryant goes on to explain that the effects would be localised due to the visual containment of the Site, with the Scheme parameters demonstrating how the Scheme design could respond to the landscape context at the reserved matters stage.
- 3.15. There would be major adverse visual effects for users of Bridleway 97. These visual effects would be limited to the immediate vicinity of the Site, with lower levels of effect elsewhere.
- 3.16. However, and in so far as the Appeal Scheme results in the development of a greenfield site, there will inevitably be change. As such, **the Appeal Scheme would conflict with Landscape and Countryside Policy CSP21** which seeks to conserve and enhance landscape character.
- 3.17. However, I attach limited weight to this conflict because the policy is not consistent with the Framework.
- 3.18. Paragraph 187 of the NPPF recognises the intrinsic character and beauty of the countryside. This contrasts with the requirement in Policy CSP21 to "conserve and enhance."
- 3.19. As Lord Carnwath said in *Hopkins Homes Ltd v SSCLG* [2017] UKSC 37 Lord [63] (CD19.3) "the Inspector was "clearly entitled" to reduce the weight to be attached to restrictive policies, such as countryside and landscape policies, where they are derived from settlement boundaries that in turn reflect out of date housing requirements." There are obvious parallels with Tandridge District.

Heritage

- 3.20. Policy DP20 requires development proposals to protect and preserve and wherever possible enhance the historic interest, cultural value, architectural character, visual appearance and setting of the District's heritage assets and historic environment.
- 3.21. The Policy adds that "Only where the public benefits of a proposal significantly outweigh the harm to, or loss of a designated heritage asset or its setting, will exceptional planning consent be granted."
- 3.22. This "exceptionality" test is not consistent with the approach at paragraph 215 of the NPPF. It is a more onerous test than required under the NPPF.
- 3.23. However, and notwithstanding, I nevertheless conclude that the public benefits outweigh the heritage harm that has been identified such that the exceptionality clause is passed in any event.
- 3.24. As such, on account of the heritage balance I have undertaken (section 4 below refers), I conclude that the public benefits outweigh the less than substantial harm Mr Copp has identified will be occasioned by the Appeal Scheme to the setting of the St Mary's Church (Grade I Listed). I also acknowledge that the Council considers the Appeal Scheme would also adversely impact the setting of Court Farm House (Grade II listed). Mr Copp for the Appellant disagrees. He finds no harm.
- 3.25. In the circumstance, I find no conflict between the Appeal Scheme and Policy DP20 (regardless of its inconsistency with the NPPF).

Drainage

- 3.26. For the reasons explained in the evidence prepared by Mr Cafferkey (**CD6.8**) and Mr Jaques (**CD6.4**), the Appeal Scheme satisfies the drainage requirements at Policy CSP11 (Infrastructure and Services) CSP15 (relating to Sustainable Drainage Systems) and DP21 (Sustainable Water Management).

Ecology

- 3.27. As Ms Tamblyn explains in her evidence (**CD6.6**), the Appeal Scheme satisfies the requirements at Policy CSP17 (Biodiversity) and DP19 (Biodiversity, Geological Conservation & Green Infrastructure).

Other and Planning Obligations

- 3.28. The Appeal Scheme accords with the remaining development management policies from the Development Plan, including in relation to the provision of housing, affordable housing, infrastructure and services, sustainable construction, character and design, density and highway safety.
- 3.29. The legal agreement that is in preparation between the appeal parties (Appellant, TDC and SCC), will secure the necessary planning obligations to address the infrastructure policies including the test that paragraph 58 of the NPPF.

Summary of Development Plan Compliance

- 3.30. In summarising my position in relation to the **conflict I have identified between the Appeal Scheme and the Development Plan**, I consider that the settlement boundary and landscape policies are not meeting current housing needs based on the definition of built-up areas as defined in the development plan.
- 3.31. In concluding on my Development Plan analysis, I adopt the findings of the Smallfield Inspector (**CD9.14**), where paragraph 91 of the decision states as follows (My emphasis underlined):

“Although the proposal would accord with a number of policies, it would conflict with policies on Green Belt and landscape and countryside. As these policies relate to the spatial strategy of the plan, I conclude that the proposal is contrary to the development plan as a whole. That said, I attach limited weight to the conflicts with policies DP10, DP13 and CSP 21 because these policies are not consistent with the Framework for the reasons given above.”

- 3.32. Section 4 of my evidence considers the **material considerations that justify the grant of planning permission otherwise than in accordance with the Development Plan.**

4.0. MATERIAL CONSIDERATIONS

General

- 4.1. Notwithstanding my conclusion in Section 3 above, that the Appeal Scheme is in conflict with the Development Plan (as a whole), I consider that there are a number of material considerations that justify the grant of planning permission.
- 4.2. Save for the location of the Appeal Site beyond the out of date adopted settlement boundary for Oxted, the Appeal Scheme accords with the spatial (providing for development in sustainable locations) and development management policies of the development plan.
- 4.3. However, and in so far as the settlement/development boundary relates to an out of date housing need, the weight to be attached to this policy conflict is significantly reduced.
- 4.4. I have identified that the Development Plan conflicts are (i) the location of the Appeal Site adjacent to but beyond the settlement boundary for Oxted (conflicting with Policy CSP1), (ii) in the Green Belt (conflicting with Policies P10 and DP13); and (iii) the development cannot be said to conserve and enhance the landscape (thus conflicting with Policy CSP21). However, this must be seen in the context of the Council's inability to demonstrate a five-year supply of deliverable housing land, such that the most important policies for determining the Appeal Scheme are out of date.
- 4.5. Even on the Council's case, they are only able to show a 2.17 year supply of deliverable housing land. This represents a shortfall of 2,806 dwellings. I consider the Council is only able to show a 1.23 year supply of deliverable housing land, representing a shortfall of 3,741 dwellings.
- 4.6. In the circumstances, and irrespective of the position taken (Appellant or TDC), the Council and Appellant agree there is a significant undersupply of market and affordable housing (**CD10.2**, paragraph 2.3 refers).

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- 4.7. As I now go on to explain, the material considerations clearly tilt the balance in support of the grant of planning permission, including, but not limited to, the Site's grey belt status, the Council's acceptance that they cannot demonstrate a five year supply of deliverable housing land, the significant need for housing, the grant of planning permission by the Council, along with the grant of planning permission at appeal for housing on land beyond the settlement boundaries as defined in the Development Plan, the proposed review of the settlement boundaries in the emerging Local Plan Review; and the content of the NPPF.
- 4.8. As paragraph 4.4 of the Planning SoCG (**CD10.1**) explains, it is agreed by TDC that the housing need identified under the standard method cannot currently be met without breaching identified Settlement boundaries.
- 4.9. In the circumstances, it is my evidence that the adverse impacts of granting permission cannot be said to demonstrably, let alone significantly, outweigh the many benefits. In the circumstances, planning permission should be granted.

The Consultation National Planning Policy Framework (Dec 2025)

- 4.10. The Government published a draft NPPF for consultation earlier this month (Dec 2025) (**CD5.4**). It reaffirms the Government's commitment to addressing the National housing crisis. It also sets out continued support for the development of suitably located sites in the Green Belt that are in within reasonable walking distance of a railway station (as is the case with the Appeal Site).
- 4.11. As the Ministerial Statement published alongside the consultation draft NPPF states (**CD11.6**) *"England remains in the grip of a housing crisis that is both acute and entrenched. The detrimental consequences of this disastrous state of affairs are now all pervasive: a generation locked out of homeownership; 1.3 million people languishing on social housing waiting lists; millions of low-income households forced into unaffordable private rented housing; and more than 170,000 homeless children living in temporary accommodation."*

The National Planning Policy Framework (Dec 2024)

- 4.12. The current NPPF, the accompanying Planning Practice Guidance (“PPG”) and recent Ministerial Statements are material considerations of particular standing in the determination of the Appeal Scheme.
- 4.13. I do not seek to repeat the content here, save to add that the documents set the Government’s clear and unambiguous direction to boost the supply of housing in sustainable locations. However, I do make reference to relevant paragraphs from these documents where relevant to my assessment.
- 4.14. I assess the material considerations under the following sub-headings:
1. Locational Sustainability
 2. Five Year Housing Land Supply
 3. Affordable Housing
 4. Care Home Need
 5. Economic Growth
 6. The Emerging Local Plan
 7. Drainage
 8. Ecology
 9. Heritage
 10. Landscape
 11. Agricultural Land
 12. Planning Obligations
 13. Green Belt, including an Assessment of Grey Belt

(1) Locational Sustainability

- 4.15. Section 9 of the NPPF requires significant development to be focused on locations which are or can be made sustainable, including through limiting the need to travel and offering a genuine choice of transport modes. This is expanded upon at paragraphs 110 and 115.
- 4.16. As I have summarised in section two above, the locational merits of the Appeal Site have been agreed with County Highways. In addition, it forms no part of the Council's case that the site is in an unsustainable location. Nor could that rationally be said to be the case given the Appeal Site is within walking and cycling distance from the town centre and its associated facilities and amenities, which is one of

the largest and most sustainable settlements in the District. Moreover, the Appeal Site is located approximately 500 metres from Oxted train station (Figure 5.1 in Mr Cranley’s transport evidence refers (**CD6.5**)).

- 4.17. Based on the ‘Guidelines for Providing For Journeys on Foot’ (IHT) (2000) (**CD14.3**), the average walking speed guidelines for planning purposes is approximately 1.4 meters per second. That equates to a circa 6 minute walk from the Appeal Site to the Train Station.
- 4.18. That distance is demonstrably within a ‘reasonable’ walking distance of a railway station (which is the terminology used in the consultation draft NPPF).

(2) Five Year Housing Land Supply

The NPPF

- 4.19. Paragraph 61 of the NPPF sets out the Government’s objective of significantly boosting the supply of homes, explaining the importance of ensuring a sufficient supply of housing land.
- 4.20. As paragraph 62 explains, the standard method is to be used to calculate the minimum number of homes needed.
- 4.21. Paragraph 78 sets out a requirement LPAs to identify a five year supply of deliverable housing land against their local housing need (derived from the standard method) where the strategic policies are more than five years old (as is the case in TDC).
- 4.22. Paragraph 79(b) requires the imposition of a 20% buffer where there has been significant under delivery of housing over the previous three years, measured against the Housing Delivery Test (“HDT”).

Housing Delivery Test Results

- 4.23. As I have already explained in section 2 above, the most recent Housing Delivery Test (“HDT”) results (published in Dec 2024), rank Tandridge as the 13th worst performing Council in England, with a HDT score of 42%. Not only does this result in the imposition of a 20% buffer to the five year housing requirement, it also means that the presumption at paragraph 11(d) is engaged.
- 4.24. Table 1 below shows the record of housing delivery in TDC in the assessment periods for which HDT figures are available (source: Government HDT results).

Table 1: Dwellings Completions

| Housing Delivery Test assessment period | Dwellings required | Dwellings delivered | Proportion of delivery achieved |
|-----------------------------------------|--------------------|---------------------|---------------------------------|
| 2015-2018 | 1,317 | 856 | 65% |
| 2016-2019 | 1,541 | 776 | 50% |
| 2017-2020 | 1,706 | 849 | 50% |
| 2018-2021 | 1,672 | 634 | 38% |
| 2019-2022 | 1,667 | 631 | 38% |
| 2020-2023 | 1,716 | 716 | 42% |

- 4.25. The dire HDT results have resulted in the imposition of the 20% buffer in each of the assessments of five year supply alongside the imposition of the presumption in favour of sustainable development.

Past Performance

- 4.26. Table 2 below compares annualised net completions against the housing requirement applicable for the relevant monitoring year from 2018/19. This excludes the application of any buffer (resulting in an even greater shortfall).
- 4.27. I have used the 2018/19 as the base date for my assessment as it is the first year the standard method was applied to calculating the housing requirement.
- 4.28. The completions data is taken from Table 4 of the Council’s Housing Delivery Test Action Plan 2025 (June 2025) (CD4.23).

Table 2: Dwellings Completions

| Monitoring Year | Housing Requirement | Net Completions | Difference |
|-----------------|---------------------|-----------------|---------------|
| 2018/19 | 649 | 244 | -405 |
| 2019/20 | 648 | 262 | -386 |
| 2020/21 | 646 | 117 | -529 |
| 2021/22 | 644 | 238 | -406 |
| 2022/23 | 642 | 303 | -339 |
| 2023/24 | 638 | 238 | -400 |
| 2024/25 | 827 | 183 | -644 |
| Total | 4,694 | 1,585 | -3,109 |

- 4.29. Table 2 shows there has been a substantial shortfall in the number of net completions achieved in each monitoring year since 2018/19 when compared with the applicable housing requirement (excluding any buffer).
- 4.30. As the table shows, there has been a cumulative shortfall of 3,109 dwellings in the 7 year period since 2018/19.
- 4.31. The figures in Table 2 clearly demonstrate a persistent under delivery of housing.

The Current Five Year Housing Land Supply Position

- 4.32. The CS sets out a requirement to plan for 125 dwellings annually, equating to 2,500 dwellings over the plan period.
- 4.33. This compares to the 827dpa derived from the application of the Standard Method in so far as the Core Strategy is now more than five years old². To which there is then added a 20% buffer. This establishes a requirement to plan for 992 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.

² See paragraph 78 and footnote 39 of the NPPF

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- 4.34. As set out in the Five Year Housing Land Supply SoCG (**CD10.2**), it is common ground that the Council is not able to demonstrate a five year supply of deliverable housing land against the minimum five year requirement for the period 1st October 2025 to 30th September 2030.
- 4.35. It is agreed that there is a significant under supply of market housing.
- 4.36. In so far as the strategic policies from the Core Strategy are more than five years old, it is agreed, by operation of paragraph 78 and footnote 39 of the NPPF, that the housing requirement falls to be measured against the local housing need figure calculated using the standard method. A 20% buffer is then applied.
- 4.37. The agreed requirement for the five year period 1 October 2025 to 30th September 2030 is 4,964 dwellings.
- 4.38. As recorded in **CD10.2**, the Council purports to be able to demonstrate a 2.17 year supply of deliverable housing land, representing a shortfall of 2,806 dwellings. The Appellant identifies a supply of only 1.23 years, which represents a shortfall of 3,741 dwellings.
- 4.39. Regardless of where the position sits across this ‘range’, I am of the opinion that the position is acute and there is a need to increase the number of planning permissions in seeking to address the shortfall.
- 4.40. TDC’s Interim Policy Statement for Housing Delivery (“IPSHD”) (2022) (**CD4.15**) sets out criteria for assessing housing proposals on unallocated sites. In the Chichele Road Appeal Decision (**CD9.1**) the Inspector treated this document as a material consideration (as it sets out a mechanism for addressing housing need) but limited the weight given to it, on the basis that the IPSHD does not form part of the Development Plan (paragraph 9 of the decision refers) and on its own is “unlikely to be sufficient to address the scale of the shortfall.” (paragraph 76 of that decision).
- 4.41. The tightly drawn Green Belt boundaries in the Development Plan mean that market and affordable housing needs cannot be met in Tandridge without

breaching current (identified) settlement boundaries (paragraph 4.4 of the Planning SoCG refers (**CD10.1**)). I am of the view that this will necessitate the development of Green Belt land.

- 4.42. 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”.”

Summary

- 4.43. The Council is not able to demonstrate a five year supply of deliverable housing land. The presumption is engaged, including on account of the dire HDT results. Moreover, there has been a persistent under delivery of housing in TDC since 2018/19.
- 4.44. 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).
- 4.45. 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.
- 4.46. The critically acute shortfall in the supply of deliverable housing land is an important material consideration in assessing the merits of the Appeal Scheme.

- 4.47. Indeed, as Lord Gill observed in *Hopkins Homes Ltd v SSCLG* [2017] UKSC 37 (CD19.3) at [83]:

“If a planning authority that was in default of the requirement of a five-years supply were to continue to apply its environmental and amenity policies with full rigour, the objective of the Framework could be frustrated”

- 4.48. I consider this conclusion is applicable in the Tandridge context.
- 4.49. The clear failure of the Council to maintain the minimum of a five year supply of housing land together with the consistent record of poor performance is a clear indication that the current strategy for housing delivery in TDC is not working.
- 4.50. It is only through the approval of schemes like that advanced through the Appeal will there be any chance that the consistently dire performance of the Council will be addressed. It is for this reason that very substantial weight is to be attributed to the benefits of housing on the Appeal Site.

(3) Affordable Housing

- 4.51. Paragraph 61 of the NPPF sets out the Government’s objective of seeking to ensure a sufficient supply of housing land to meet the need of groups with specific housing requirements.
- 4.52. Paragraph 67 requires at least 50% of the housing to be affordable as part of the Golden Rules for Green Belt development, which matter I address under sub-heading (13) below.
- 4.53. Mr Stacey addresses affordable housing need and supply in his evidence (CD6.3). I repeat some of his findings for context:
- i. The 2015 Affordable Housing Needs Assessment (“AHNA”) (CD4.12) identified a need for 456 affordable homes per annum over the period between 2015/16 and 2019/20, or a total need for the period of 2,280 affordable homes. Over the same period, just 313 affordable homes, net of the Right to Buy were delivered. This represents **a shortfall in delivery of -1,967 affordable homes** against identified needs.

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- ii. The 2018 AHNA identifies a need for 2,575 affordable homes between 2018/19 and 2024/25, 391 dwellings per annum over the first five years falling to 310 per annum from 2023/24. Between 2018/19 and 2024/25 just 424 affordable homes, net of the Right to Buy, were delivered; **this equates to a shortfall of -2,151 affordable homes** over the period.
 - iii. This is in this context that the shortfalls in affordable housing delivery against identified needs should be understood. For this reason, it is my opinion that the identified shortfalls should be considered as conservative figures and that were there to be an up-to-date and NPPF compliant assessment of affordable housing need against which delivery could be measured there is a real prospect that the shortfall would be greater.
 - iv. The ratio of median house prices to median incomes in Tandridge now stands at **12.98**, an 11% increase since the start of the Core Strategy period in 2008 where it stood at 11.65. A ratio of 12.98 in 2024 stands substantially above the national median of 7.71 (+68%) and significantly above the South East median of 9.61 (+35%).
 - v. Notably the median house price to income ratio in Tandridge increased (+4%) in 2023/24 in stark contrast to the declines observed in England (-8%) and the South East (-9%). The national trend has been for falling ratio's both locally and nationally, demonstrating a more acute problem in Tandridge.
 - vi. Only 30 of the 318 local planning authorities in England and Wales have seen an increase (worsening) in the lower quartile affordability ratio in the last 12 months, **Tandridge saw the largest increase – i.e. Tandridge was top of the list of authorities where the affordability of housing has worsened.** This again demonstrates an acute problem for those households at the lower end of the house price ladder.
 - vii. The acute level of affordable housing need in Tandridge, coupled with a persistent lack of delivery and worsening affordability, will detrimentally affect the ability of people to lead the best lives they can
- 4.54. As Mr Stacey records, the consequences of failing to provide enough affordable homes were recognised by the Inspector in a recent decision in Mole Valley where he provided the affordable housing evidence. Inspector McGlone (**CD9.3**) was clear at paragraph 88 of his decision that:

“The consequences of not providing enough affordable homes affect people. Being able to access good housing has a bearing upon everyday life and there are socio-economic effects such as financial security and stability, physical and mental health, decreased social mobility and adverse effects on children’s education and development. In Mole Valley, the number of

people on the housing register has risen, there are increasing affordability ratios and people are paying significantly over 30% of their income on rent”.

- 4.55. This conclusion lays bare, the very real consequences of failing to provide enough affordable housing.
- 4.56. In his conclusion, Mr Stacey identifies an acute need for affordable housing within TDC. He considers that very substantial weight should be attributed to the delivery of up to 95 affordable homes through the Appeal Scheme. I adopt his findings.

(4) Care Home Need

- 4.57. Paragraph 63 of the NPPF sets out a requirement to establish the need, size, type and tenure of housing needed for different groups in the community, including for older persons' accommodation.
- 4.58. The Appeal Scheme proposes an 80-bed care home (C2 use).
- 4.59. Mr Warner addresses the need for older persons' accommodation in his evidence **(CD6.9)**.
- 4.60. Mr Warner identifies that Tandridge is forecast to have a faster growing older population aged 75 and over by 2029 compared to either the regional or national average.
- 4.61. Mr Warner also refers to an Inspector's findings in a Tandridge appeal decision relating to a 63 bed care home (APP/M3645/W/25/3359711) (2025) Warner Appendix IW3), where the Inspector noted at paragraph 40 that:

“The need to provide housing for older people nationally is critical as set out in the National Planning Practice Guidance (PPG). There is no doubt that there is a clear need for this type of development in Tandridge. Consequently, the cumulative benefits associated with the provision of a care home providing general needs and dementia care are afforded substantial weight.”

4.62. As Mr Warner records, that appeal was dismissed such that the scheme does not contribute towards a pipeline supply to meet the future need that was clearly established.

4.63. My Warner concludes that the provision of 80 additional care beds from the Appeal Scheme will make a meaningful contribution to addressing identified needs for older persons accommodation. He considers that this element of the Appeal Scheme should be afforded substantial weight. I adopt his findings.

(5) Economic Growth

4.64. Section 6 of the NPPF States that significant weight should be placed on the need to support economic growth.

4.65. 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.

4.66. 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 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.
- (iii) Based upon a multiplier of 3.4 jobs per new home³, up to 190 dwellings are estimated to create approximately 646 new jobs.

³ 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

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- (iv) Increased expenditure in the local area will support local FTE jobs.
 - (v) Helping to deliver a significant boost to the local economy through ‘first occupation’ expenditure of £1,381,547⁴. This is expenditure on new furniture and other household goods that residents spend as ‘one-offs’ when moving into a new home.
 - (vi) In terms of household expenditure, data from the ONS Family Expenditure Survey 2022-23⁵ 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 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).⁶ Given the current economic challenges facing the UK these are significant economic benefits.
- 4.67. 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 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.

(6) The Emerging Local Plan

- 4.68. TDC has resolved to commence work on a new Local Plan.
- 4.69. A Local Development Scheme (“LDS”) published in June 2024 (**CD4.25**) which set out the timescales for the preparation and adoption of a new spatial strategy and plan. It was anticipated that the plan would be submitted for examination by Q3

⁴ Research carried out by OnePoll on behalf of Barratt Homes (August 2014; <https://www.barratthomes.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.

⁵ Family spending workbook 3: expenditure by region - Office for National Statistics (ons.gov.uk).

⁶ Figures based upon SE Regional data in Table A33

2026/27. However, in the Chichele Road Appeal Decision (**CD9.1**), the Inspector notes 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.”* The position remains the same for this inquiry.

- 4.70. An updated LDS was published in February 2025 (**CD4.26**), suggesting Regulation 18 consultation from April 2026. Adoption is not envisaged until 2028. In so far as a draft Local Plan has yet to be published for consultation and the evidence base to that Plan has yet to be informed by consideration of the Government’s planning policies as set out in the NPPF, I logically consider that only very limited, if any, weight can be attributed to the emerging Local Plan process.

(7) Drainage and Hydrology

Drainage

- 4.71. Section 14 of the NPPF sets out the approach to assessing flood risk.
- 4.72. Mr Jaques addresses drainage matters in his evidence (**CD6.4**). Section 6 of his evidence summarises his findings as follows:
- (i) The proposed measures within the drainage strategy will ensure there will be only negligible impact on flows, such that the hydrological regime within The Bog will remain unaffected by the development. Consequently, objections concerning potential hydrological impacts are without foundation.
 - (ii) The groundwater will not be impacted by the proposed development. Any measures required to ensure groundwater is not adversely affected by the development’s below-ground structures can be dealt with at the detailed design stage, as agreed with the LLFA.
 - (iii) The proposed SuDS detailed in the surface water drainage strategy will manage and control the runoff from the site, as well as ensuring that the water quality leaving the site will not impact The Bogs.

(iv) The outfalls into the stream will be designed to not adversely impact the bed or banks of the stream.

- 4.73. I adopt Mr Jaques’s findings, whilst also noting that 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(s).

Hydrology

- 4.74. Mr Cafferkey’s evidence addresses the hydrological conditions at the Appeal Site. **(CD6.8).**
- 4.75. As Mr Cafferkey records, his evidence addresses (1) the necessity for any further conceptual hydrological modelling beyond that already undertaken; and (2) whether the proposed development would interrupt or diminish the continuity of an adequate water supply to The Bogs ancient woodland and pSNCI.
- 4.76. Mr Cafferkey explains that the conceptual hydrological approach adopted is robust, appropriate, compliant with best practice, and satisfies the requirement identified by the Council. The hydrological assessments undertaken are robust, proportionate, and consistent with national and industry standards.
- 4.77. Mr Cafferkey considers that the post-development hydrological regime has been demonstrated to preserve the continuity of an adequate water supply to The Bogs.
- 4.78. Mr Cafferkey concludes that there is no hydrological reason to refuse the Appeal Scheme. I adopt his findings.

(8) Ecology

- 4.79. 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.

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- 4.80. This matter is comprehensively addressed in the evidence prepared by Ms Tamblyn (ecology) (**CD6.6**), Mr Jaques (drainage) (**CD6.4**) and Mr Cafferkey (hydrology) (**CD6.8**).
- 4.81. As shown on Plan EP1 in Ms Tamblyn’s evidence, a small section in the south western corner of the Appeal Site supports wet woodland, The Bogs, which is designated as a pSNCI.
- 4.82. Ancient Semi Natural Woodland (“ASNW”) is also present along the southern edge of the red line boundary. Ancient woodland is not present on site. The Bogs pSNCI covers the area of ancient woodland which is off site.
- 4.83. The ancient woodland which is located off site is to be buffered by 15m (as per Natural England’s standing advice).
- 4.84. The Appeal Scheme includes the retention and enhancement of woodland within the red line boundary. The Scheme will also include the creation of mixed scrub (native species managed for wildlife), wildflower grassland (neutral grassland in both moderate and poor condition) and the provision of attenuation basins of which species rich wet grassland is to be created. Approximately 235 new trees are proposed within the landscape plans.
- 4.85. As shown on the Illustrative Landscape Strategy Plan (**CD1.12**) and Plan EP2 in Ms Tamblyn’s evidence, 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).
- 4.86. Informed by the evidence prepared by Ms Tamblyn (ecology), Mr Jaques (drainage) and Mr Cafferkey (hydrology), the hydrological impacts from the development have been fully assessed. No adverse impacts are predicted on the water course, the spring and the over land water flows are predicted. As such, no impacts on the

integrity of The Bogs (which is identified as a potential Site of Nature Conservation (“pSNCI”) and ancient woodland are to occur.

- 4.87. The Appeal Scheme is also predicted to secure an overall biodiversity net gain (“BNG”) score of +21%.
- 4.88. Based upon the assessment undertaken by Ms Tamblyn, which has been informed by the drainage and hydrological evidence prepared by Mr Jaques and Mr Cafferkey, I do not consider that the biodiversity considerations at footnote 7 of the NPPF provide a strong reason for refusing the Appeal Scheme. Rather, the Appeal Scheme will result in a benefit in biodiversity terms.

(9) Heritage

- 4.89. 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.
- 4.90. 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.
- 4.91. 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.
- 4.92. As set out in **CD6.7**, It is Mr Copp’s evidence for the Appellant 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.

- 4.93. I acknowledge that the Council considers the Appeal Scheme would also adversely impact the setting of Court Farm House (Grade II listed). Mr Copp for the Appellant disagrees. He finds no harm.
- 4.94. I have undertaken my NPPF paragraph 215 balance in both scenarios (should TDC be correct; and, separately, if Mr Copp is correct). I find the paragraph 215 balance is passed in either scenario; notwithstanding the great weight I attach to the harm that has been identified.
- 4.95. My judgment is made based upon the public benefits that arise from the Appeal scheme, which matters I expand upon in section 5 below.
- 4.96. In this regard, I do not consider that the heritage considerations at footnote 7 of the NPPF provide a strong reason for refusing the Appeal Scheme.

(10) Landscape

Landscape Assessment

- 4.97. Section 15 of the NPPF sets out the approach to conserving and enhancing the natural environment.
- 4.98. Paragraph 187(a) of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (in a manner commensurate with their statutory status or identified quality in the development plan).
- 4.99. As Mrs Bryant explains in her evidence (**CD6.10**), the Appeal Site is not identified in the development plan for its landscape quality. Moreover, Mrs Bryant does not consider the Appeal Site to comprise a valued landscape. However, Mrs Bryant accepts that it does form part of the setting of the Surrey Hills National Landscape due to its proximity and visual relationship with it.

4.100. Paragraph 189 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in national landscapes. As currently defined, the Appeal Site is not within a national landscape. However, it is within the setting of the Surrey Hills NL.

4.101. As Mrs Bryant explains in her evidence (**CD6.10**), the scale and extent of development proposed with the Appeal Scheme minimises adverse impacts on the landscape and scenic beauty of the designated area. Accordingly, I adopt Mrs Bryant’s analysis, concluding that the Appeal Scheme accords with the approach set out at paragraph 189 of the NPPF.

Amending the Surrey Hills National Landscape Boundary

4.102. As Mrs Bryant explains in section 9 of her evidence (**CD6.10**), Natural England (“NE”) is proposing to extend the boundary of the Surrey Hills National Landscape (“SHNL”). The proposed boundary change is subject to a boundary variation consultation until 14 January 2026. As Ms Bryant explains, a designation variation order will then be submitted for confirmation to the Secretary of State.

4.103. Mrs Bryant explains that it not possible to predict how long the Secretary of State’s decision on the extended boundary will take following submission of the designation variation order, or whether a Public Inquiry will be called.

4.104. Section 9 of Mrs Bryant’s evidence highlights the following key principles relating to National Landscapes:

- (i) There is no presumption against development in a designation, and it is for the relevant local authorities to ensure that planning decisions weigh the purposes of designation against other priorities in their area in making their decisions⁷;
- (ii) Land should not be included merely to seek to protect it from specific development proposals⁸;
- (iii) Where major development is likely to happen within the body of an area of qualifying land, a decision has to be made as to whether the development

⁷ CD15.5; page 20

⁸ CD15.5; page 23

would fragment the land to such an extent that it affects the ability of the area as a whole to meet the technical criteria (Paragraph 5.3 bullet 7 of Natural England Guidance)⁹;

- (iv) There is no presumption against development in AONBs, and appropriate development can be permitted within AONBs, although the National Planning Policy Framework requires the highest level of protection in relation to conserving and enhancing the landscape and scenic beauty of AONBs in relation to plans and planning decisions¹⁰

4.105. As Mrs Bryant explains at paragraph 9.12 of her evidence, NE’s advice/position in relation to the development of sites within land being considered for inclusion in the boundary variation project is as follows (**CD5.15**, page 24).

“If, during the designation process, land becomes allocated for development or receives planning permission, or is allowed at appeal, then NE will review this decision and alter its proposals to exclude relevant land where necessary.”

4.106. Based on Mrs Bryant’s analysis, I find no reason to believe that the variation project as a whole would be compromised whether or not the Site is granted planning permission and subsequently developed. I note that the Inspector in the Chichele Road Appeal (**CD9.1**) came to the same conclusion in relation to that Site (paragraph 30 of the Appeal Decision refers (which proposal was for up to 166 dwellings).

4.107. As Mrs Bryant goes on to explain, the Appeal Site is located within the eastern-most extent of one of the areas recommended for inclusion within an extended SHNL and development of it would not therefore leave isolated pockets of land, nor would it fragment an extended NL.

4.108. Whilst any future decision to include the Appeal Site as part of the Surrey Hills NL Boundary Variation would be a material consideration in the determination of the Appeal, the current position is that the Appeal Site is not within the NL.

⁹ CD15.5; page 24

¹⁰ CD15.5; page 20

Applying Paragraph 190 of the NPPF

- 4.109. As I have explained, the Appeal Site is within the setting of the NL.
- 4.110. Informed by the analysis undertaken by Mrs Bryant, the Appeal Scheme is appropriate in relation to the test to be applied at paragraph 189 of the NPPF (which matter I have addressed above).
- 4.111. In the circumstances, paragraph 190 is not engaged in the determination of the Appeal.
- 4.112. Rather, we are in a situation where the boundary review is expected to reflect the outcome of the Appeal. Accordingly, it would be wrong to use the boundary review to prejudice the outcome of the Appeal.
- 4.113. However, if, by the time a decision is to be issued on the Appeal, the Appeal Site is confirmed through the National Landscape review as falling within the extended SHNL, then the Inspector would only be granting planning permission if the Appeal Scheme was found to satisfy the paragraph 190 test.
- 4.114. Although that scenario is not currently applicable in the determination of the Appeal and there are no known timescales for when the Boundary Variation might be confirmed, for completeness, were paragraph 190 to be applied, this is how I would address the matters arising.
- 4.115. Paragraph 190 of the NPPF relates to the consideration of applications for development within national landscapes. This adds that permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.
- 4.116. Paragraph 190 adds that consideration of such applications should include an assessment of (a) 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, (b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and (c) any detrimental effect on the

environment, their landscape and recreation opportunities, and the extent to which that could be moderated.

- 4.117. As explained at paragraph 80 of an appeal decision granting planning permission at appeal for up to 77 dwellings at Copthorne Road, Brixham (Torbay Council) (**CD9.18**), which site was within the South Devon National Landscape, the Inspector in paragraph 80 of the decision identified that “whether there are exceptional circumstances to justify the development in the National Landscape and whether the development is in the public interest under paragraph 190 of the Framework requires consideration of a range of factors.”
- 4.118. The Inspector went on to consider the factors evidencing the need for the development, and the impact of permitting it, or refusing it, upon the local economy. There are many parallels with Tandridge, including the uplift in the housing requirement as a result of the NPPF, and the failure to adopt a replacement Local Plan.
- 4.119. Much as was the case in the Brixham appeal, the Council does not dispute that it has consistently failed to demonstrate a minimum five year supply of housing. As I have identified, this has endured since 2018/19. There has been a cumulative shortfall of at least 3,109 dwellings during this period. This shortfall is even greater when a 5% or 29% buffer is applied to the annualised requirements.
- 4.120. The latest HDT results also place the Council as one of the worst performing Authorities in England.
- 4.121. The Council also has an acute need for affordable housing and an unmet need for older persons accommodation.
- 4.122. Informed by the evidence of which I have availed myself for the inquiry, the market, affordable and older persons' accommodation to be provided as part of the Appeal Scheme are very clearly needed. The market housing attracts very substantial weight, as does the affordable housing. The older persons' accommodation attracts substantial weight.

- 4.123. I also find that the grant of planning permission would result in a positive impact on the local economy. This includes on account of the many economic benefits I have identified in main issue (5) above.
- 4.124. Although the economic benefits would be at the expense of grade 3a BMV agricultural land, the benefits of this scheme in meeting wider social objectives, whilst also contributing to sustainable patterns of growth are manifest.
- 4.125. Paragraph 190(b) of the NPPF requires an assessment of the cost of, and scope for developing outside their designated area, or meeting the need for it in some other way.
- 4.126. As evidenced by the significant increase in housing to be met on account of the standard method, the ongoing lack of a five year supply of deliverable housing land, and the limited opportunities in meeting needs at sustainable locations, it is clear that options to meet identified needs are limited.
- 4.127. As I explained in section 2 of my evidence, there are two NLs in the District. The extent of the HWNL and the SHNL, as well as the proposed extension to the SHNL are shown in Figure 9.1 of Mrs Bryant's evidence.
- 4.128. Evident from Figure 9.1 is the limited opportunities to provide for growth at sustainable locations beyond the NL designations (or the proposed boundary variation to the SHNL).
- 4.129. Paragraph 190(c) requires a consideration of the detrimental effects on the environment, the landscape and recreational opportunities, and the extent to which they could be moderated.
- 4.130. Mrs Bryant has identified the detrimental landscape effects that would be occasioned by the Appeal Scheme. However, the Appeal Scheme parameters provide for a development in landscaped setting, this detail of which is a matter for the reserved matters stage.

-
- 4.131. Finally, the Appeal Site is sustainably located, within walking distance from Oxted town centre, helping to minimise the need to travel by means other than walking and cycling.
- 4.132. As the supporting evidence prepared by the various witnesses for the Appellant demonstrates, there would be no unmitigated ecological harms arising from the proposal. Moreover, the Appeal Scheme will actually secure biodiversity benefits, including an uplift in BNG area and hedgerow units, to be secured through the legal agreement.
- 4.133. For the reasons I have explained, should the inspector need to carry out a future paragraph 190 assessment, I conclude that there would be exceptional circumstances to justify the development, and the proposal would also be in the public interest.

Landscape Conclusion

- 4.134. 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.
- 4.135. 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.
- 4.136. 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.
- 4.137. In that scenario, the test at paragraph 190 of the NPPF would be engaged. I have already concluded that exceptional circumstances exist to allow the development and that it would be in the public interest.

4.138. Overall, I adopt Mrs Bryant's findings and in so doing, I do not consider that the National Landscape considerations at footnote 7 of the NPPF provide a strong reason for refusing the Appeal Scheme.

(11) Agricultural Land

4.139. The Appeal Site comprises Subgrade 3a BMV agricultural land.

4.140. Mr Tony Kernon has undertaken an assessment of agricultural land considerations. His findings are appending to my evidence at **SB1**.

4.141. The assessment and findings in Mr Kernon's Statement may be summarised as follows:

- It is important to recognise that the Council has not relied upon paragraph 188 and footnote 65 of the NPPF in the decision. The Council is not, despite the wording of RfR7, alleging that this is "significant development" in the context of footnote 65, because that is not part of RfR7.
- If this is not "significant" development of agricultural land in footnote 65 terms, it is difficult to follow how it can be ascribed more than limited weight, unless there are particular local economic considerations of importance. The NPPF requires that the economic and other benefits of BMV be recognised. They were recognised in the application assessment and we provided a detailed report. Policy in NPPF 187 b) is complied with.
- The economic benefits of use of this Site for such purpose are limited at £2,200 per annum over the BMV land. Accordingly, in terms of the NPPF, this is not considered to represent a significant development of agricultural land.
- The Council's conclusion that the harm results in a significant economic harm, worthy of moderate weight in the planning balance, is flawed.

4.142. Based upon the assessment undertaken by Mr Kernon, I attach only limited weight to the loss of agricultural land from the Appeal Site.

(12) Planning Obligations

4.143. Matters of detail, including in relation to the likely financial contributions are to be agreed as part of the preparation of a legal agreement.

4.144. Subject to meeting the necessary tests at paragraph 58 of the NPPF, it is considered that the following (which list is not exhaustive as the S106 remains in progress at the time of settling my evidence) will be provided for in a legal agreement:

- i. Affordable Housing (50%) (up to 95 dwellings)
- ii. Off- site highway improvement works
- iii. On-site public open space provision
- iv. Sustainable Transport/Travel Plan

4.145. Tandridge District is a CIL Charging Authority and financial contributions will also be secured at the reserved matters stage once the amount of proposed floorspace is fixed.

(13) Green Belt

Assessing whether the Appeal Scheme represents inappropriate development

General

4.146. 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.

4.147. '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.

4.148. I have already carried out the footnote 7 analysis in the preceding paragraphs of my evidence, where I conclude that habitats sites, National Landscapes, irreplaceable habitats, designated heritage assets and areas at risk of flooding do not represent footnote 7 strong reasons for refusal.

- 4.149. As set out in section 9 of the Council's Statement of Case (**CD7.1**), the Council's position for this Appeal is that the Appeal Site strongly contributes to purposes (a) and (c) at paragraph 143 of the NPPF.
- 4.150. The Council is also suggesting that the Appeal Site contributes to purposes (d) and (e). However, the Council is not suggesting that the Site makes a strong contribution to these purposes.
- 4.151. As purpose (c) is not a grey belt issue, and on the basis that the Council is not suggesting the Appeal Site makes a strong contribution to purpose (d), the only 'live' issue between the Appellant and TDC is whether the Appeal Site makes a 'strong' contribution to purpose (a).
- 4.152. Nevertheless, and to give the Inspector a full picture of my position, I set out my analysis of the Appeal Site in relation to all of three of purposes (a), (b) and (d) in relation to assessing whether the Site is grey belt.

[My Grey Belt Assessment](#)

- 4.153. The first stage in assessing whether the Appeal Site comprises grey belt land is to assess whether the Appeal Site strongly contributes to purposes (a), (b) and (d) at paragraph 143 of the NPPF.
- 4.154. The second stage is to assess whether the application of the policies relating to the areas or assets in footnote 7 to the NPPF (other than Green Belt) would provide a strong reason for refusing or restricting development.
- 4.155. If the Appeal Site makes a strong contribution to any of the three purposes, or if the policies relating to the areas or assets in footnote 7 of the NPPF would provide a strong reason for refusing or restricting development, the Appeal Site will not satisfy the definition of grey belt land.
- 4.156. In carrying out my assessment I have considered the findings of the Council's Green Belt Assessment (**CD4.17**), the Officer Report upon the Appeal Application (**CD3.1**), as well as the Council's Statement of Case (**CD7.1**). I have also applied the approach

in the MHCLG's Green Belt Guidance (Feb 2025) (including at paragraph 64-003-20250225).

- 4.157. An important observation I make here is that the Council's Green Belt studies pre-date the PPG on Green Belt. The content of the PPG is of particular importance because it provides, for the first time, guidance on the approach to be undertaken when assessing the contribution a site makes to purposes (a), (b) and (d).
- 4.158. I am cognisant of the Council's assessment of the Site as part of wider land parcel GBA017 in the Part 1 Green Belt Assessment published in Dec 2015 (**CD.417A** and **CD4.17B**). However, Paragraph 1.4 of the document confirms that their study does not assess the suitability of land for development or make recommendations as to whether the Green Belt boundaries should be altered.
- 4.159. The Council's Part 2 Green Belt Assessment published in 2016 (**CD417.C** and **CD4.17D**), assesses the Site as part of Area 053 (page 168 of the Assessment refers). It was not taken forward to the Part 3 assessment on account of serving a role in relation to preventing sprawl. However, it is not suggested that the Site performs a 'strong' role.
- 4.160. The Council's Part 3 Study, published in June 2018 (**CD4.17E** and **CD4.17F**), was prepared in the context of the exceptional circumstances test. That is no longer the test to be applied under the NPPF. The Site was assessed under Site Ref: OXT007. The assessment confirms the suitability of the Site in terms of its proximity to services and facilities. It is further added that the Site is considered suitable, in principle, for development from a landscape and ecology perspective; subject to mitigation measures. However, it was found that development of the Site would impact on Green Belt purposes (a) and (c).
- 4.161. I now go on to assess the contribution the Site makes in relation to the three purposes, as part of assessing whether the Site is grey belt. I have undertaken my analysis in the context of the PPG guidance which was not available to the Council at the time of their formative Greenbelt studies.

Stage 1: Assessing whether the Site strongly contributes to purposes (a), (b) and (d) at paragraph 143 of the NPPF

Purpose (a)

4.162. For the reasons I explain, I consider that the Appeal Site makes a **‘moderate’ contribution to purpose (a)** (sprawl).

4.163. The purpose (a) test in the PPG is as follows:

Purpose A – to check the unrestricted sprawl of large built up areas

This purpose relates to the sprawl of large built up areas. Villages should not be considered large built up areas.

| Contribution | Illustrative features |
|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Strong | <p>Assessment areas that contribute strongly are likely to be free of existing development, and lack physical feature(s) in reasonable proximity that could restrict and contain development.</p> <p>They are also likely to include all of the following features:</p> <ul style="list-style-type: none"> - be adjacent or near to a large built up area - if developed, result in an incongruous pattern of development (such as an extended “finger” of development into the Green Belt) |
| Moderate | <p>Assessment areas that contribute moderately are likely to be adjacent or near to a large built up area, but include one or more features that weaken the land's contribution to this purpose a, such as (but not limited to):</p> <ul style="list-style-type: none"> - having physical feature(s) in reasonable proximity that could restrict and contain development - be partially enclosed by existing development, such that new development would not result in an incongruous pattern of development - contain existing development - being subject to other urbanising influences |
| Weak or None | <p>Assessment areas that make only a weak or no contribution are likely to include those that:</p> <ul style="list-style-type: none"> - are not adjacent to or near to a large built up area - are adjacent to or near to a large built up area, but containing or being largely enclosed by significant existing development |

4.164. The Appeal Site is located adjacent to the settlement of Oxted, and is agreed as providing a sustainable location for development. This includes on the basis of the Appeal Site being within walking distance to local services and facilities, including, education, employment, health services, recreation, retail, and transport.

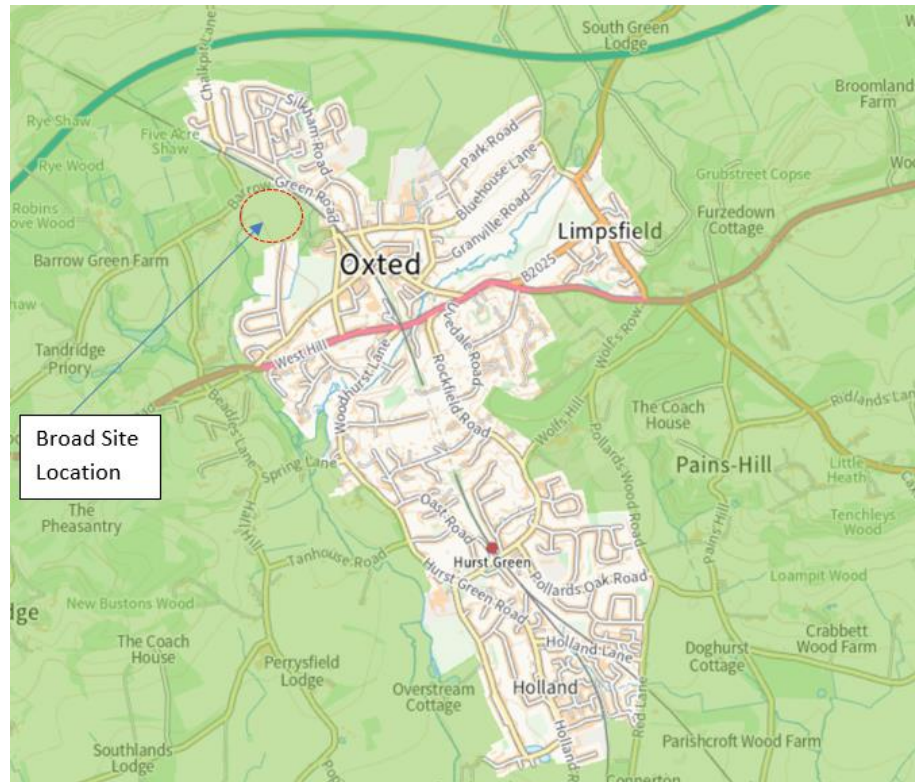
- 4.165. Influences that weaken the Appeal Site's contribution to purpose (a) include the presence of Barrow Green Road to the north, along with an existing tree belt to the west. Additional influences include development in Wheeler Avenue to the south and the railway line to the north-east.
- 4.166. The Appeal Site's context is such that it is partially enclosed by existing development. New development would not result in an incongruous pattern of development. That much is clear based upon the morphology of Oxted, with built form extending much further to the north, beyond Barrow Green Road. Figure 2 (below) is an aerial image of Oxted, on which I have marked the broad extent of the Appeal Site in red. It shows how well the Appeal Site relates to the pattern of development in Oxted.

Figure 2: Aerial Image of Oxted



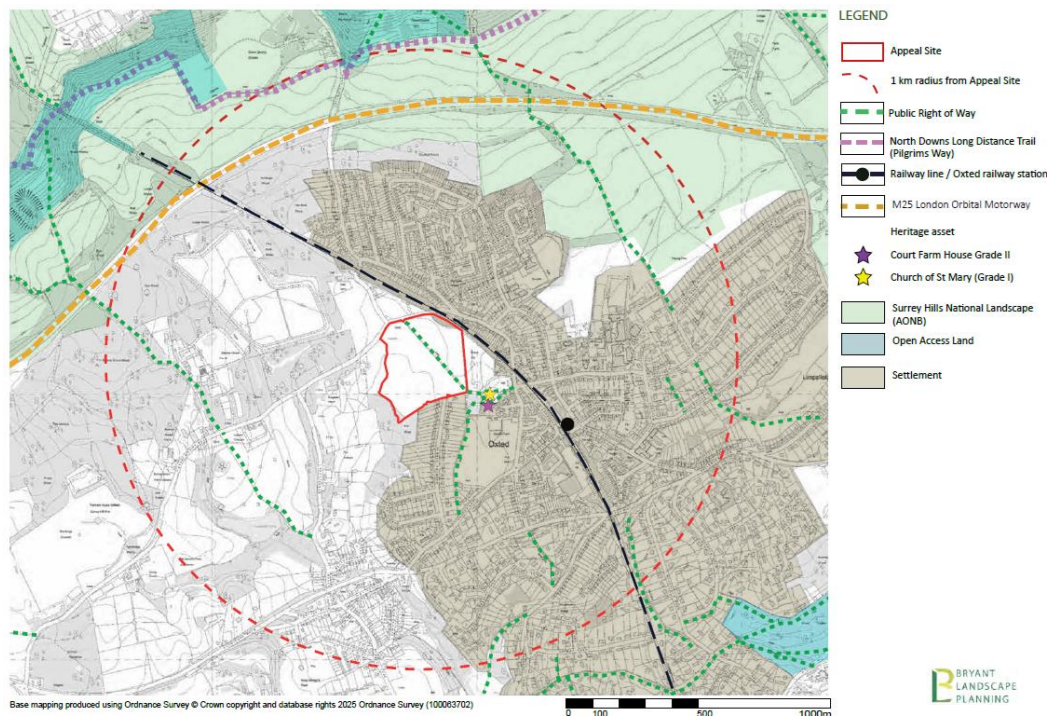
- 4.167. In my opinion, development of the Appeal Site would take the form of a logical rounding-off of Oxted, as the Site is encompassed by built form to the north, east and south. Figure 3 below illustrates this point.

Figure 3: Appeal Site location relative to the Built-up Area



4.168. The Appeal Site's relationship to the existing settlement of Oxted is also evidenced in Appendix EB1 to Mrs Bryant's Landscape Evidence (**CD6.10**). Figure 4 below refers.

Figure 4: Extract from Appendix EB1 to Liz Bryant's Evidence



4.169. To further support my assessment of the Appeal Site's 'moderate' contribution to purpose (a), I include an aerial image of the Site in Figure 5 below, extracted from Mr Copp's Evidence (**CD6.7**) (his Figure C.11) which shows the Appeal Site's relationship to Oxted and its containment by planting to the north along Barrow Green Road, with the railway line to the north east, beyond which lies the extended built up area of Oxted.

Figure 5: Aerial Photo (c.2005)



4.170. When assessed against the purpose (a) assessment criteria at paragraph 5 of the PPG (Paragraph: 005 Reference ID: 64-005-20250225), accepting Oxted, in the Tandridge context as a large built-up area, I am of the view that **development of the Appeal Site would result in logical and sensible pattern of development that would be well related to the settlement-edge.**

4.171. As such, and when properly considered, the development of the Appeal Site is consistent with and congruent with the pattern of development in Oxted. Accordingly, the Appeal Scheme would not result in an incongruous pattern of development, such as an extended 'finger' of development into the Green Belt.

4.172. Moreover, Tandridge does not benefit from a plethora of sites that are readily accessible to a town centre and train station by walking and cycling. The merits of the Appeal Site, adjoining one of the most sustainable settlements in the District is a rare opportunity (in the Tandridge context) and one that, in my judgment, must be realised through this Appeal process.

4.173. To conclude, **I consider that the Appeal Site makes a ‘moderate’ contribution to purpose (a) (sprawl).**

Purpose (b)

4.174. The purpose (b) test in the PPG is as follows:

Purpose B – to prevent neighbouring towns merging into one another

This purpose relates to the merging of towns, not villages.

| Contribution | Illustrative Features |
|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Strong | Assessment areas that contribute strongly are likely to be free of existing development and include all of the following features: <ul style="list-style-type: none">- forming a substantial part of a gap between towns- the development of which would be likely to result in the loss of visual separation of towns |
| Moderate | Assessment areas that contribute moderately are likely to be located in a gap between towns, but include one or more features that weaken their contribution to this purpose, such as (but not limited to): <ul style="list-style-type: none">- forming a small part of the gap between towns- being able to be developed without the loss of visual separation between towns. This could be (but is not limited to) due to the presence or the close proximity of structures, natural landscape elements or topography that preserve visual separation |
| Weak or None | Assessment areas that contribute weakly are likely to include those that: <ul style="list-style-type: none">- do not form part of a gap between towns, or- form part of a gap between towns, but only a very small part of this gap, without making a contribution to visual separation |

- 4.175. The Appeal Site does not form a substantial part of a gap between towns. As such, development of the Appeal Site would not result in the visual separation of towns. Accordingly, **the Site does not make any contribution to purpose (b).**

Purpose (d)

- 4.176. Purpose (d) relates to historic towns.
- 4.177. The assessment criteria in the PPG is as follows:

Purpose D – to preserve the setting and special character of historic towns

This purpose relates to historic towns, not villages. Where there are no historic towns in the plan area, it may not be necessary to provide detailed assessments against this purpose.

| Contribution | Illustrative Features |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Strong | Assessment areas that contribute strongly are likely to be free of existing development and to include all of the following features: <ul style="list-style-type: none">- form part of the setting of the historic town- make a considerable contribution to the special character of a historic town. This could be (but is not limited to) as a result of being within, adjacent to, or of significant visual importance to the historic aspects of the town |
| Moderate | Assessment areas that perform moderately are likely to form part of the setting and/or contribute to the special character of a historic town but include one or more features that weaken their contribution to this purpose, such as (but not limited to): <ul style="list-style-type: none">- being separated to some extent from historic aspects of the town by existing development or topography- containing existing development- not having an important visual, physical, or experiential relationship to historic aspects of the town |
| Weak or None | Assessment areas that make no or only a weak contribution are likely to include those that: <ul style="list-style-type: none">- do not form part of the setting of a historic town- have no visual, physical, or experiential connection to the historic aspects of the town |

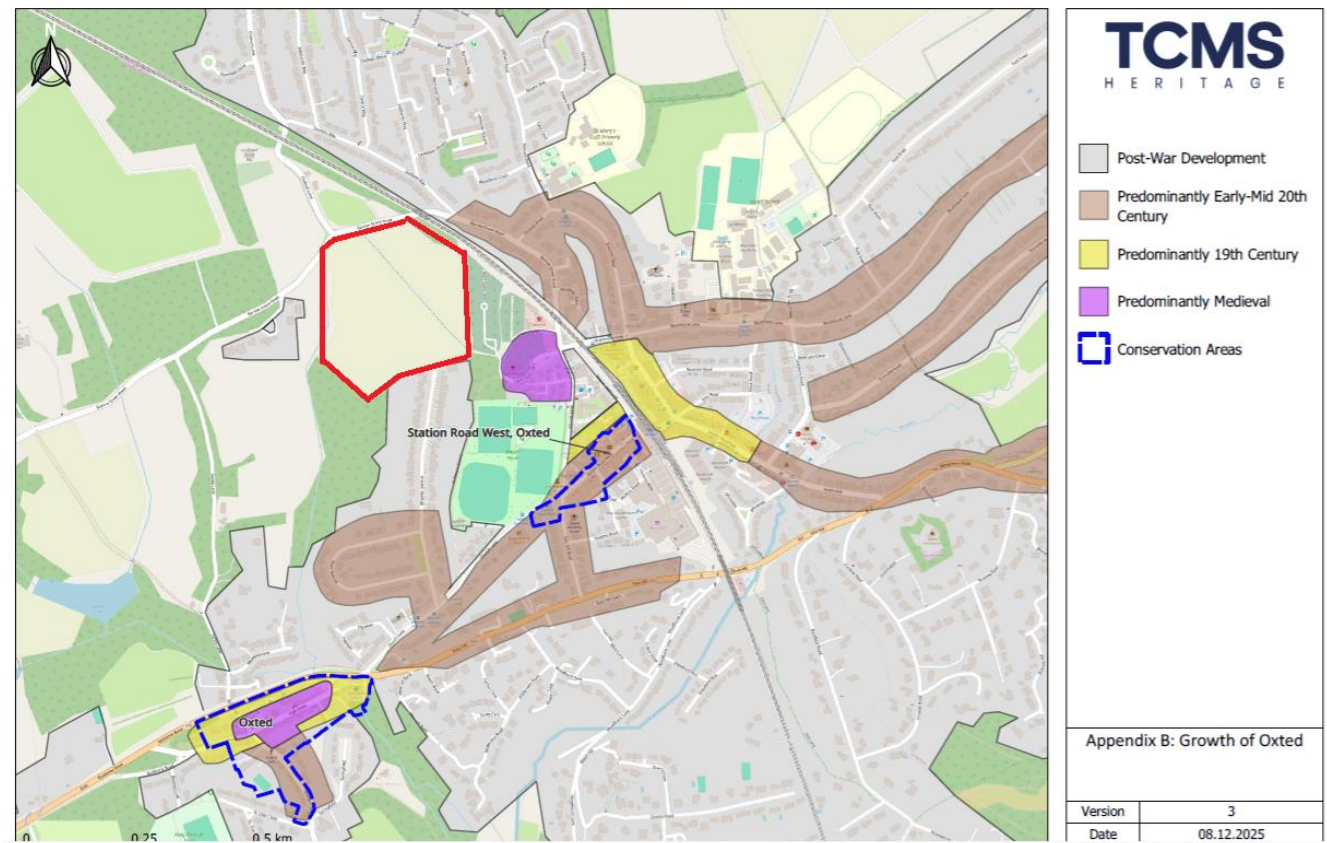
- 4.178. Paragraph 9.1 of the Council's Statement of Case (**CD7.1**) suggests that "*the urban area of Oxted/Limpsfield/Hurst Green is an historic town and the appeal site forms part of the setting of that historic town.*"

4.179. However, and as Mr Copp explains in his evidence (**CD6.7**, section 4.0 refers), Oxted, Limpsfield and Hurst Green do not comprise a historic town.

4.180. Rather, they evolved as a series of nucleated settlements which were conjoined in the 20th Century, firstly by development in the early 20th century around Oxted Train Station; and latterly by post-war development along Church Lane and West Street. As Mr Copp goes on to explain, it is only with this post-war expansion that the historically distinct areas began to be seen as a single urban area.

4.181. Figure 6 (below) is an extract from Appendix B to Mr Copp’s evidence which consists of a Plan showing the growth of Oxted, on which I have edged the broad extent of the Appeal Site in red.

Figure 6: Growth of Oxted



4.182. Mr Copp adds at paragraph 4.6 of his evidence that *“this expansion also led to the amalgamation with Hurst Green to the south and Limpsfield to the east, with Limpsfield comprising a historically distinct settlement, located within a neighbouring parish. These areas all have different characteristics, with parts of them designated as separate conservation areas. They do not represent a “historic town” as defined by the NPPF for green belt purposes, with the green belt provisions originally designated to check London’s urban sprawl (which is the reason that much of Tandridge is included within the green belt) or to protect historic towns with distinct characteristics, such as Oxford.”* I adopt his assessment.

4.183. Mr Copp’s analysis at paragraph 4.7 of his evidence is that *“even if the combined urban areas were considered to form a single historic town, (which he disputes), the Site does not preserve the special character of the area.”* Rather, the Appeal Site is bordered by 20th Century housing at Wheeler Avenue and Mr Copp adds that in this context, the Appeal Site does not relate to the historic character of Oxted.

4.184. Mr Copp’s paragraph 4.8 concludes in relation to the contribution the Appeal Site makes to purpose (d) as follows:

“This wider development has also had the effect of conjoining the historically distinct settlements of Limpsfield to the east with Hurst Green to the south, along with New and Old Oxted. These historically distinct settlements now form a single urban form, but developed as individual, historic settlements and do not constitute a single historic town, as defined by paragraph 143 of the NPPF.”

4.185. I adopt Mr Copp’s findings in relation to purpose (d). Oxted is not a historic town. Accordingly, **purpose (d) is not engaged. The Appeal Site makes no contribution to this purpose.**

My Conclusions on Purposes (a), (b) and (d)

4.186. Based on the foregoing, my position in relation to the contribution the Appeal Site makes to green belt purposes (a), (b) and (d) at paragraph 143 of the NPPF is as follows:

- Purpose (a) – Moderate contribution
- Purpose (b) – No contribution
- Purpose (d) – No contribution

4.187. Based on my assessment, I **conclude that the Appeal Site does not make a strong contribution to any one of purposes (a), (b) or (d).**

Stage 2: Assessing whether the policies relating to the areas or assets in footnote 7 to the NPPF (other than Green Belt) would provide a strong reason for refusing or restricting development

4.188. As the PPG records, any assessment area that is not judged to strongly contribute to any one of purposes a, b, or d can be identified as grey belt land, subject to the exclusion of land where the application of the policies relating to the areas or assets in footnote 7 to the NPPF (other than Green Belt) would provide a strong reason for refusing or restricting development.

4.189. As I have considered in my assessment of the footnote 7 issues under topic headings (5) to (8) above, informed by the evidence of the witnesses for the Appellant, which findings I adopt, **I have concluded that there are no areas or assets in footnote 7 to the NPPF that would provide a strong reason for refusal.** This includes in relation to habitats sites, The Surrey Hills National Landscape, irreplaceable habitats, designated heritage assets and areas at risk of flooding.

Grey Belt Summary

4.190. For the reasons I have explained, **I conclude that the Appeal Site comprises grey belt land.**

Stage 3: Carrying out the NPPF Paragraph 155 Test and Meeting the Golden Rules

- 4.191. The third (and final) stage in my assessment as to whether the Appeal Scheme should not be regarded as inappropriate development in the Green Belt is to assess the Scheme in the context of paragraphs 155, 156 and 157 of the NPPF.
- 4.192. In order for the Appeal Scheme not to be regarded as inappropriate development, it needs to satisfy all of the assessment criteria at paragraph 155 of the NPPF.
- 4.193. 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.
- 4.194. In relation to the test at paragraph 155(a), I have already concluded that the Appeal Scheme would utilise grey belt land.
- 4.195. The PPG provides helpful guidance in assessing how the impact of development on the remaining Green Belt in the plan area can be assessed. The PPG explains that in reaching a judgement, Authorities should consider whether, or the extent to which, the release or development of Green Belt land would affect the ability of all (my emphasis) the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way.
- 4.196. The Appeal Site extends to approximately 9.7ha. It forms a very small part of the Green Belt that extends across almost 94% of the District. It is unsurprising to note therefore, that it is no part of the case being advanced by the Council or the Rule 6 Party that the Appeal Scheme would, in some way or other, affect the ability of

all the remaining Green Belt across the area of the Plan from serving all five of the Green Belt purposes in any meaningful way.

- 4.197. Based on the assessment I have undertaken, I consider that the Appeal Scheme accords with the test at paragraph 155(a) of the NPPF.
- 4.198. As set out in the Five Year Housing Land Supply SoCG (**CD10.2**), and as I explain in main issue (2) above, it is agreed that there is a demonstrable unmet need for the Appeal Scheme (due to the lack of a five year supply of deliverable housing land, affordable housing need and need for care provision). Accordingly, the Appeal Scheme accords with the test at paragraph 155(b) of the NPPF.
- 4.199. It is also agreed that the Appeal Scheme is in a sustainable location, with particular reference to paragraphs 110 and 15 of the NPPF; thus satisfying the test at paragraph 155(c) of the NPPF.
- 4.200. I also consider that the Appeal scheme meets the Golden Rules at paragraph 155(d) of the NPPF, on account of the Appeal Scheme satisfying the requirements at paragraphs 156 and 167 of the NPPF. This is because 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
- 4.201. In the circumstances, the Appeal Scheme satisfies the 'Golden Rules' at paragraphs 156 and 157 of the NPPF.
- 4.202. 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.

Conclusion on Green Belt Inappropriateness

- 4.203. For the reasons I have explained, I consider that the appeal site would utilise grey belt land. There is also a demonstrable unmet need for the type of development proposed stop in addition, the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the NPPF. Furthermore, the development proposed also meets the Golden Rules.
- 4.204. In these circumstances, **I consider that the Appeal Scheme should not be regarded as inappropriate development in the Green Belt.**

The Alternative Scenario: If the Appeal Scheme is found to be Inappropriate Development

General

- 4.205. This scenario is engaged if the Inspector disagrees with my assessment, such that the Appeal Site is found not to comprise grey about land.
- 4.206. This requires an assessment of the Appeal Scheme in the context of the approach set out at paragraph 153 of the NPPF. That assessment requires substantial weight to be given to any harm to the Green Belt.
- 4.207. In this scenario, the test to be applied is whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.
- 4.208. As paragraph 153 of the NPPF explains, substantial weight should be given to any harm to the Green Belt, including harm to openness.

Definitional Harm

- 4.209. If the Appeal Site is found not to satisfy the tests at paragraph 155 of the NPPF, the Appeal Scheme would amount to inappropriate development. This is, by definition, harmful to the Green Belt.

Assessing Openness

- 4.210. The impact of the Appeal Scheme on the openness of the Green Belt has been assessed by Mrs Bryant (**CD6.10**). Section 10 of her evidence refers.
- 4.211. As Mrs Bryant explains in her evidence, “if development proposals are found to be not inappropriate development on previously developed land or grey belt, an assessment of the impact of the proposals on openness is not required, however, if development proposals are found to be inappropriate development within the Green Belt, then an assessment of the effect of the proposals on openness is required.”
- 4.212. Case law at **CD19.5** has established that there are two critical limbs to take into account in an assessment of openness:
- the spatial dimension: i.e. how built-up the Green Belt is now and how built-up it would become; and
 - the visual dimension: i.e. the visual impact of a proposed development.
- 4.213. The Appeal Scheme would introduce residential development to a substantial proportion of the Appeal Site, along with the paraphernalia generally associated with residential development, such as garages, cycle and bin storage, boundary treatments etc.
- 4.214. As Mrs Bryant concludes, the change from an open field to residential development would have an impact on the spatial dimension of the openness of the Appeal Site.
- 4.215. With regard to the visual aspect of openness, built form associated with the Appeal Scheme would be introduced to existing open views across the Appeal Site from locations within the Appeal Site and on its boundaries. The quantum of intervening visual barriers such as trees and woodland on the boundaries and built form in the settlement would screen the Appeal Scheme in views from many

locations, limiting the impact on the visual dimension of the openness of the Green Belt in the area.

4.216. I adopt Mrs Bryant's finding on the impact of the Appeal Scheme upon the openness of the Green Belt, namely:

- There would be a significant impact on the spatial dimension of openness due to the introduction of built form to a currently undeveloped site; and
- There would be a localised impact on the visual dimension of openness.

The Green Belt Purposes

4.217. In a scenario where the Appeal Scheme is found to amount to inappropriate development in the Green Belt, it is necessary to factor in the contribution the Appeal Site makes to the five purposes at paragraph 143 of the NPPF.

4.218. I have already concluded that the Appeal Site makes a moderate contribution to purpose (a), and no contribution to purposes (b) or (d).

4.219. The Appeal Scheme would also conflict with purpose (c) as it would encroach into the countryside. However, this would apply to the development of any greenfield site in the Green Belt.

4.220. I find no conflict with purpose (e) as the Council is unable to demonstrate a sufficient supply of derelict and other urban land in meeting its identified housing need.

Summary of the Harms in this Scenario

Green Belt Harms

4.221. Contrary to my conclusion that the Appeal Scheme would not constitute inappropriate development in the Green Belt, should the Inspector conclude

otherwise, the Green Belt harms that would need to be weighed in the balance to be undertaken at paragraph 153 of the NPPF would be as follows:

- Definitional harm
- Harm to openness (spatial and visual)
- Impacts in respect of purposes (a) and (c)

4.222. In accordance with the approach set out at paragraph 153 of the NPPF, I attach substantial weight to the green belt harms I have identified under this scenario.

4.223. As set out at section 9 of the Council's Statement of Case (**CD7.1**), the Council's position for this Appeal is that the Appeal Site also contributes to purposes (d) and (e). I factor that into my overall balance under this scenario.

Other Harms

4.224. The other harms to be weighed in the balance include (i) the conflict with the development plan (limited weight), (ii) localised change in landscape character (limited weight), (iii) loss of Grade 3a agricultural land (limited weight); and (iv) the low level of less than substantial heritage harm to a designated heritage asset (great weight).

Summary

4.225. This section of my evidence has considered the 'alternative scenario' should the Inspector find against my judgment that consider the Appeal Scheme to represent inappropriate development.

4.226. This requires an assessment of the Appeal Scheme in the context of the approach set out at paragraph 153 of the NPPF.

4.227. Based on the many benefits secured by the Appeal Scheme, **I consider that the harms I have identified are clearly outweighed by other considerations, amounting to the very Special circumstances to justify the grant or planning permission.**

5.0. PLANNING BALANCE AND CONCLUSION

The Appeal Scheme

- 5.1. The Appeal Scheme proposes an outline application for up to 190 residential dwellings (with 50% affordable housing), a care home for up to 80-beds (class C2), together with the formation of vehicle access, landscaping, parking, open space, green and blue infrastructure (all matters reserved except for access).

Development Plan

- 5.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out a requirement for planning applications to be determined in accordance with the development plan unless other material considerations indicate otherwise.
- 5.3. In this instance, the location of the Appeal Site beyond the settlement boundary for Oxted as defined in the Local Plan, means the Appeal Scheme is in conflict with the development plan as a whole on account of its conflict with Core Strategy Policies CSP1, CSP21, DP10 and DP13.
- 5.4. However, I attach limited weight to the conflicts with these policies because, for the reason I have explained, they are not consistent with the Framework.

Material Considerations

- 5.5. 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.
- 5.6. The Council and Appellant agree there is a chronic under supply of market and affordable housing.

-
- 5.7. As such, it is common ground between the Council and Appellant that the Council is not meeting the requirements at paragraphs 61 or 78 of the NPPF.
- 5.8. In the circumstances, the presumption at 11(d) of the NPPF is engaged.
- 5.9. As I have explained, it is my position that the Appeal Scheme falls to be determined under paragraph 11(d)(ii) of the NPPF. This is based on my assessment that the Site comprises grey belt land on account of the Site not making a strong contribution to Green Belt purposes (a), (b) and (d); and because I conclude there are no NPPF footnote 7 strong reasons for refusal.
- 5.10. 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, I conclude that the Appeal Scheme is not inappropriate development in the Green Belt as it would utilise grey belt land. It would also satisfy all of the criteria at paragraphs 155, 167 and 157 of the NPPF. In so far as the Appeal Scheme complies with the Golden Rules, this attracts significant weight in favour of the grant of planning permission.
- 5.11. Accordingly, I conclude that that planning permission should be granted under 11(d)(ii).
- 5.12. This is because the adverse impacts of granting planning permission ((i) localised landscape change, (ii) low level of less than substantial harm to St Mary’s Church (through a change to the appreciation of its setting), (iii) the loss of grade 3a BMV agricultural land; and (iv) impacts to users of Bridleway 97)) 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.

- 5.13. The benefits from the Appeal Scheme are many and manifest, not least the provision of housing and affordable housing when the Country and the District faces a housing crisis, which government policy is seeking to address.
- 5.14. The Appeal Site is sustainably located, within a reasonable walking distance from Oxted train station, and the Appeal Scheme will contribute to meeting the substantial need for market and affordable housing in the current five year period.
- 5.15. Informed by my considerations in section 4 above, the weighting I give to the adverse impacts and benefits arising from the Appeal Scheme are summarised in Table 3 below.

Table 3: Harms and Benefits

| Harms | Weight |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|
| Harms to the Green Belt ¹¹ | Substantial |
| Harms Conflict with Development Plan settlement boundaries. | Limited |
| Localised change in landscape character/ visual impact. | Limited |
| Loss of BMV agricultural land resource | Limited |
| Low level of less than substantial heritage harm | Great weight |
| Users of Bridleway 97 | Moderate |
| Benefits | Weight |
| Provision of up to 95 market homes | Very Substantial |
| Provision of up to 95 affordable homes | Very Substantial |
| Provision of a Care Home | Substantial |
| Development which complies with the Golden Rules of paragraph 156 NPPF | Significant (as directed by paragraph 158 NPPF) |
| Provision of development in a sustainable location, which supports healthy walkable lifestyles | Moderate |
| Provision of in excess of 10% biodiversity net gain | Moderate |
| Economic benefits – Creation of jobs during the construction phase, and operational phase (C2 Use), as well as increased spend during the operational phase | Moderate |

¹¹ Only in a scenario where the Inspector were to conclude that the Appeal Scheme constitutes inappropriate development in the Green Belt.

- 5.16. When carrying out my planning balance in the context of the presumption in favour of sustainable development at paragraph 11(d)(ii) of the NPPF, I conclude that the **adverse impacts are not significantly and demonstrably, outweighed by these benefits.**
- 5.17. In the alternative, were the Inspector to find that the Appeal Scheme amounted to inappropriate development in the Green Belt, I conclude that they Green Belt harm, and any 'other' harm I have identified is clearly outweighed by other considerations to amount to the very special circumstances to justify the grant planning permission.
- 5.18. For the reasons set out above, it is my evidence to this inquiry that the Appeal should be allowed.

SB1

**LAND SOUTH OF
BARRON GREEN ROAD,
OXTED**

**AGRICULTURAL EVIDENCE
ON BEHALF OF
THE APPELLANT
BY**

TONY KERNON BSc(Hons), MRICS, FBIAC

LPA Reference: TA/2025/245

PINS Reference: APP/M3645/W/25/3372747

December 2025





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*Greenacres Barn, Stoke Common Lane, Purton Stoke, Swindon SN5 4LL
T: 01793 771333 Email: info@kernon.co.uk Website: www.kernon.co.uk*

*Directors - **Tony Kernon** BSc(Hons) MRAC MRICS FBIAC **Sarah Kernon**
Consultants - **Ellie Clark** BSc(Hons) MBIAC **Dan Miller** BSc(Hons)*

CONTENTS

- 1 Introduction to the Witness
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- 4 Planning Policy of Relevance
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- 6 Economic and Other Considerations
- 7 Other Land Availability
- 8 Conclusions

Appendices

KCC1 Curriculum Vitae

KCC2 Extracts from the Nix Farm Management Pocketbook

1 INTRODUCTION TO THE WITNESS

- 1.1 This evidence has been prepared by Tony Kernon. I am a Chartered Surveyor and a Fellow of the British Institute of Agricultural Consultants. I have specialised in assessing the effects of development proposals on agricultural land for over 35 years, and act nationwide for local planning authorities and applicants alike across England and Wales.
- 1.2 My Curriculum Vitae is at **Appendix KCC1**. As a Chartered Surveyor giving evidence, I am bound by the RICS Practice Statement "Surveyors Acting as Expert Witnesses", 4th Edition (February 2023). A declaration is provided below.
- 1.3 In accordance with the requirements of the Royal Institution of Chartered Surveyors Practice Statement, "Surveyors acting as expert witnesses" (4th edition, amended 2023):
- (i) I confirm that my report has drawn attention to all material facts which are relevant and have affected my professional opinion.
 - (ii) I confirm that I understand and have complied with my duty to this Appeal as an expert witness overrides any duty to those instructing or paying me, that I have understood this duty and complied with it in giving my evidence impartially and objectively, and that I will continue to comply with that duty as required.
 - (iii) I confirm that I am not instructed under any conditional or other success-based fee arrangement.
 - (iv) I confirm that I have no conflicts of interest.
 - (v) I confirm that my report complies with the requirements of the Royal Institution of Chartered Surveyors (RICS), as set down in "*Surveyors acting as expert witnesses*": RICS practice statement (2023).

Signed:



(Tony Kernon)

Dated: 22nd December 2025

2 INTRODUCTION TO THE EVIDENCE

The Proposals

- 2.1 It is proposed to develop a parcel of agricultural land for residential and associated landscape uses. These will include water features and open land, but from a land-use perspective this can be considered as the permanent loss of agricultural land.
- 2.2 The parcel is shown edged red on the plan below. It can be seen that the site is an arable field divided by a path. Land uses around the site are non-agricultural, being railway, graveyard, residential and woodland.

Insert 1: The Appeal Site (edge red)



The Reason for Refusal

- 2.3 Reason for Refusal 7 states:
- “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)”.**

The Council's Reasoning

- 2.4 The Council's reasoning, as set out in the officer's report and repeated in the Council's Statement of Case (under Key issue 11) is reviewed in section 4 of my Statement. Essentially the Council considers that in a local context this is “significant development” of

agricultural land, but not in the context of footnote 65 of the National Planning Policy Framework (NPPF) (December 2024). The Council's Statement of Case at paragraph 18.11 states, in conclusion on this topic:

"The LPA's conclusion is that the loss of this 9.7ha site consisting of Grade 3a land is significant both in economic terms and sustaining the health and well-being of the countryside and supporting biodiversity. This is a consideration that attracts moderate weight against the development proposals in the overall planning balance".

This Evidence

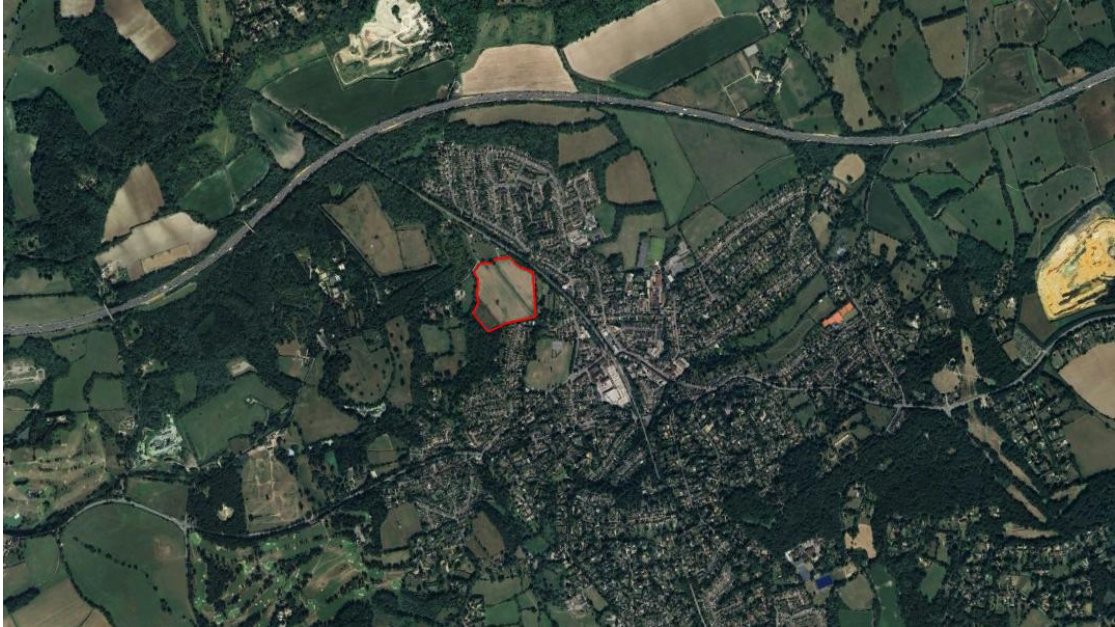
- 2.5 Ultimately the matter will be one for the planning balance. Reference is made in the Environmental Statement to the loss of 0.3 FTE jobs associated with the site, and in the officer's report to economic use of the land, with the Council ultimately (as quoted above) concluding that the loss of this land is **"significant ... in economic terms"**. My evidence reviews the information provided and sets out an expanded economic assessment, to provide an accurate basis for the planning balance.
- 2.6 My evidence:
- (i) describes the Site, its land quality and use in **section 3**;
 - (ii) summarises key policy of relevance in **section 4**;
 - (iii) assesses whether or not this is "significant development" of agricultural land in **section 5**, noting that the Council is not relying upon paragraph 188 and footnote 65 of the NPPF, as they are not identified in the Reason for Refusal;
 - (iv) assesses the economic and other benefits of the Site in **section 6**, with particular relevance to the NPPF paragraph 187 b), as referenced in Reason for Refusal 7 (RfR7);
 - (v) assesses the availability of other land in **section 7**;
 - (vi) ending with a summary of the relevant considerations and conclusions to put into the planning balance in **section 8**.
- 2.7 We provided an Agricultural Land Classification and Considerations report for the planning application (July 2025).

3 THE SITE, LAND QUALITY AND LAND USE

The Site

- 3.1 The Site lies on the northern edge of Oxted and as can be seen from Google Earth (2025 image).

Insert 2: The Site in a Wider Land-use Context



- 3.2 The Site is used for arable cropping. It is apparent from studying historic Google Earth images that the land is usually used for cereal cropping or maize. Google Street View, April 2023, shows winter stubbles following what looks like maize (2023 image).

Insert 3: Google Street View (2023)



Land Quality

- 3.3 As set out on Insert 3 of our Agricultural Land Classification and Considerations (ALCC) report of July 2025, the Site is washed over with an “urban” classification on the

1:250,000 ALC maps from the 1970s, with surrounding land shown as undifferentiated Grade 3.

- 3.4 As set out on Insert 4 of our ALCC, the Site is shown as lying in a 20 – 60% likelihood of BMV on 2017 “Likelihood of BMV” maps. Land around the settlement is shown as a mix of low, moderate and high likelihood of BMV.
- 3.5 To determine the land quality, a detailed Agricultural Land Classification (ALC) survey was completed by James Fulton and colleagues of Amet Property Ltd and is appended to our Agricultural Land Classification and Considerations report of July 2025. As identified in that survey, all the topsoils across the Site are medium sandy loams to 25 – 30cm depth, overlying a medium sandy loam upper subsoil to 65 – 70cm depth, with either a sandy lower subsoil or augering was stopped by stone. The three profiles are shown below, taken from Appendix 4 b) of the ALC.

Insert 4: Profiles, Sample Point 5



- 3.6 Sandy soils do not hold moisture well, and under the ALC the primary limitation to grade was the droughtiness calculation, limiting the land quality to ALC subgrade 3a “good quality”.
- 3.7 The ALC Guidelines were updated in December 2025 (Defra publication 069), but the amendments have not amended the grading criteria or climate data, and so not alter the ALC results previously reported.

Land Use

- 3.8 The land comprises arable land let on a non-secure arrangement to a farmer in the area. He crops the land for cereals and arable break crops. There is no irrigation available for

the land and accordingly water-demanding crops such as potatoes and other root crops cannot be grown. Wheat crops are poor on this sandy soil, and usually the land is used for growing maize for silage, or occasionally barley.

- 3.9 The land forms a small part (4%) of the occupying farmer's farmed area, and (as noted) it is a non-secure arrangement. The land is detached from the main landholding and farm buildings, and consequently forms an off-lying parcel of arable land. The farm has a 100 cow sucker herd, rearing up to about 300 animals. Cattle do not graze the Site, but manure is periodically spread on the land.

4 PLANNING POLICY OF RELEVANCE

National Planning Policy Framework

- 4.1 The National Planning Policy Framework (NPPF) (2024) is referenced in RfR7. Paragraph 187 notes that planning policies and decisions should contribute to enhance the natural and local environment by, inter alia, recognising **“b) the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land”**.
- 4.2 Paragraph 188 of the NPPF discusses plan making and is not referenced in RfR7. Paragraph 188 requires plans to, inter alia, allocate land with the least environmental or amenity value, where consistent with other policies in the Framework. Footnote 65 of the NPPF identifies that **“where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality”**.

Guidance

- 4.3 There is no definition in the NPPF of what constitutes “significant” development. However, the “Guide to assessing development proposals on agricultural land” (Natural England, February 2021) advises local planning authorities to **“take account of smaller losses (under 20 ha) if they’re significant when making your decision”**, suggesting that 20ha is a suitable threshold for defining “significant” in many cases. This document is referred to in the officer’s report.

Consultation Revision to the NPPF

- 4.4 The consultation proposed changes to the NPPF issued in December 2025 propose to amend the policy, but not in a way which significantly changes the approach. Consultation policy (section 19) N2 sets out that to contribute positively to the natural environment, proposals should **“b) use areas of poorer quality agricultural land in preference to that of higher quality, where significant development of agricultural land is demonstrated to be necessary (taking into consideration land which is classified as best and most versatile agricultural land, and its grade)”**.

5 WHETHER THIS IS SIGNIFICANT DEVELOPMENT OF AGRICULTURAL LAND

5.1 In this section I review:

- (i) the policy relevance;
- (ii) the Council's decision and the relevance of "significant" to the decision;
- (iii) comments made in the officer report/Statement of Case;
- (iv) and an analysis.

Policy Relevance

5.2 The NPPF refers to **"significant development of agricultural land"** in footnote 65. Footnote 65 is referenced in paragraph 188, which is a plan-making policy (it starts **"plans should"**). It is not a decision-taking paragraph.

5.3 Paragraph 188 and, in particular, footnote 65 do however provide a sense of scale for decision taking and are referenced in Natural England's "Guide to assessing development proposals on agricultural land", as identified in our ALCC report at section 4.11.

Relevance to the Decision

5.4 The Council reviewed footnote 65 in the officer's report. The Council has not, however, referred to paragraph 188 or footnote 65 in RfR7. Accordingly it must be concluded that the Council is, correctly in my opinion, not seeking to argue that the development is "significant" in the context of paragraph 188/footnote 65.

Comments Made in the Officer Report

5.5 Given that this is not part of the Council's reason for refusal, my analysis is brief. The officer's report at 137 sets out the officer's interpretation that smaller losses of under 20 ha should be taken into account if they are significant. What the report goes on to conclude is that in this instance the loss of 9.7 ha is significant. The explanation is provided in paragraph 142:

"Your officer's conclusion is that the loss of this BMV site consisting of Grade 3 land is significant both in economic terms and sustaining the health and well-being of the countryside and supporting biodiversity".

Analysis

5.6 The Council's conclusion that this is significant is not related to the scale of the development, relative to (for example) the consultation threshold with Natural England.

- 5.7 The Council's conclusion that this is significant is not related to the availability of land of poorer quality in the area. Footnote 65 refers to the availability of poorer quality land and, whilst in paragraph 139 officers conclude that it has not been shown that there is not poorer quality land available, there is no review of the analysis in the ALCC report and no suggestion by the Council that poorer quality land is available, nor is that part of RfR7.
- 5.8 I discount the comments made about this being significant development because of the health and well-being of the countryside or biodiversity. Both of these factors can be applied equally to non-BMV land. They are not BMV land use considerations and are irrelevant to NPPF paragraphs 187 and 188.
- 5.9 Accordingly the Council's RfR7 case hinges upon their conclusion that the loss of this Site is significant in economic terms. That explains why only NPPF paragraph 187 b) is referred to in RfR7, notwithstanding the commentary around the issue of "significant development".

6 ECONOMIC AND OTHER CONSIDERATIONS

6.1 In this section I review:

- (i) the planning policy;
- (ii) the information available to the Council;
- (iii) the Council's analysis;
- (iv) a detailed review and my opinion.

Planning Policy

6.2 NPPF (2024) paragraph 187 states that planning decisions should contribute to and enhance the natural and local environment by, inter alia, “**recognising the economic and other benefits of the best and most versatile agricultural land**”.

Information Available

6.3 I refer first to the analysis set out in the ALCC report. Section 4.2 sets out an analysis of the economic and other benefits by comparing the average economic and crop performance of wheat and oilseed rape to those farms achieving high performance.

6.4 This is not an absolute performance analysis, because policy seeks to prefer non-BMV land to BMV land. The reason is the “**economic and other benefits of BMV**” and accordingly this can only be interpreted as the incremental economic benefits, not the absolute performance.

6.5 The incremental economic benefits were quantified as around £2,200 per annum from the field (see ALCC paragraph 4.6. The 2025 figures are in **Appendix KCC2**, page 8). The benefit is slightly less on 2026 budgets.

6.6 As can be seen in Table 2 of the ALCC report, the crop production uplift of wheat would be 1.2t/ha, so from the Site the uplift would be of the order of 11.6t/annum (9.7 ha x 1.2t).

Analysis of Significance

6.7 Neither of these figures are significant. The output of the UK farm sector is estimated at £35,429,000,000 before subsidy income (see page 337 in **Appendix KCC2**). Wheat alone accounts for £2,161,000,000. The incremental difference is not significant to the industry.

6.8 This non-secure field forms a small part, less than 4%, of the farm that runs the enterprise. That is not significant locally to the farm business.

- 6.9 An uplift of 11.6t/year of wheat is not significant in the context of UK cereals production in 2024 of around 19 million tonnes per annum (Cereal and Oilseed Production in the United Kingdom in 2024, Defra (updated 9 October 2025)).
- 6.10 Nor is the employment impact significant. The ES refers to the arable field sustaining 0.3 FTE, but it does not explain how this is calculated. It is, in my opinion, not realistic. As set out in the labour records on pages 194 and 207 in **Appendix KCC2**, the hours per hectare to produce winter cereals are between 6.9 and 9.2 hours per year per hectare, rising to 9.4 to 12.5 hours/ha/year if straw is baled. Taking the upper figure (12.5 hours/ha), 9.7 ha would give rise to a maximum of 121 hours per year. That is just 7% of a standard worker's 1,755 hours before overtime (page 190, **Appendix KCC2**). That is not significant in a local or national context.

Conclusion

- 6.11 The Council concludes that the loss of this land from farming use is significant in a local context, and should be accorded moderate weight in the planning balance.
- 6.12 The Council does not explain or quantify its analysis. In my opinion the implications, economically and in terms of food production, are negligible locally and nationally.

7 OTHER LAND AVAILABILITY

7.1 The Council's RfR7 does not allege that poorer quality land is available. Nor does the officer's report suggest that poorer quality land is available. The Council's reason for refusal does not refer to NPPF paragraph 188 or footnote 65.

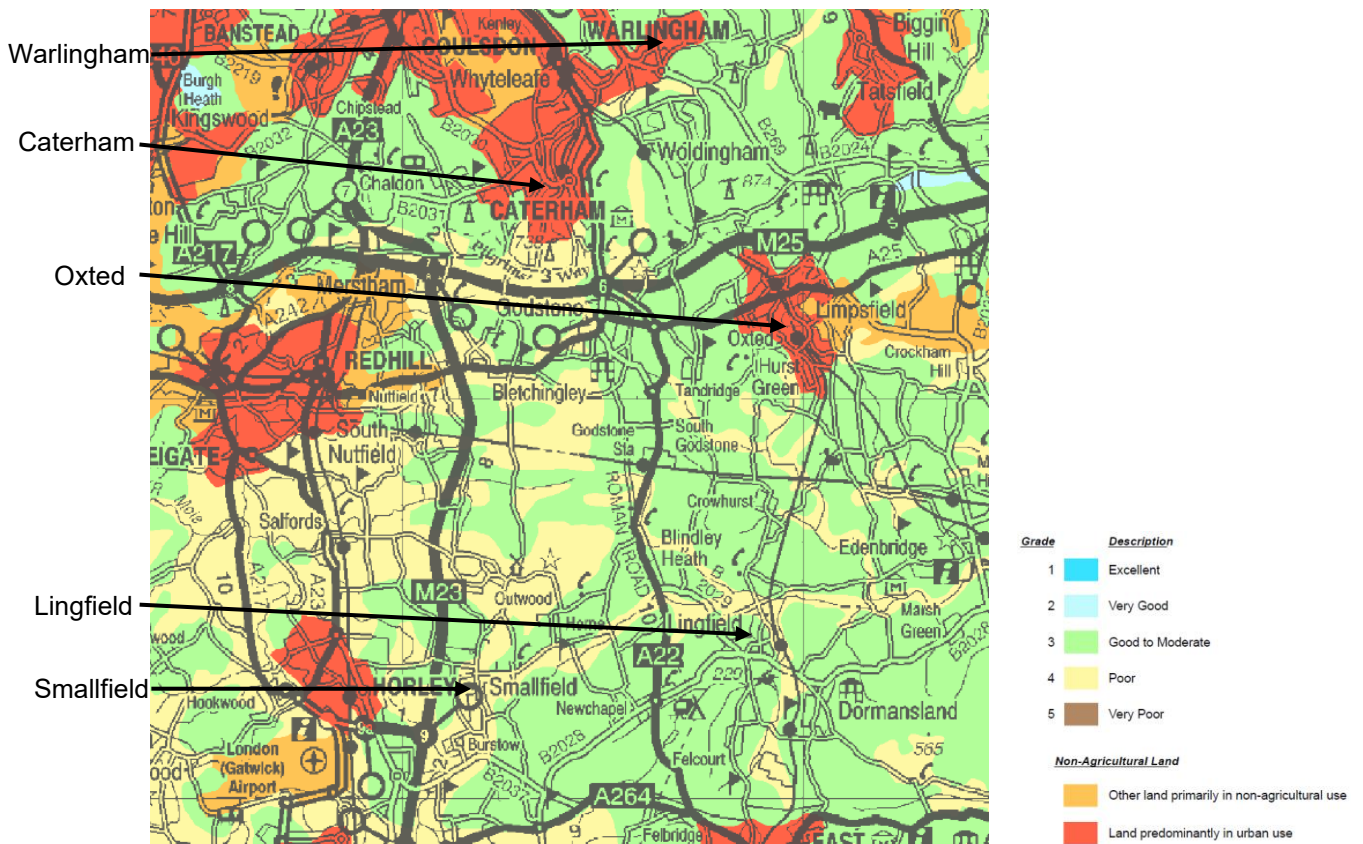
7.2 Nevertheless, for completeness, I review this settlement and other settlements in the District. I review:

- Caterham;
- Oxted;
- Warlingham and Whyteleafe;
- Lingfield;
- Smallfield.

Provisional Maps

7.3 The provisional ALC maps show land around all five settlements to be a mix of undifferentiated Grade 3 and Grade 4, as identified below (settlements identified).

Insert 5: Provisional ALC (settlements identified)

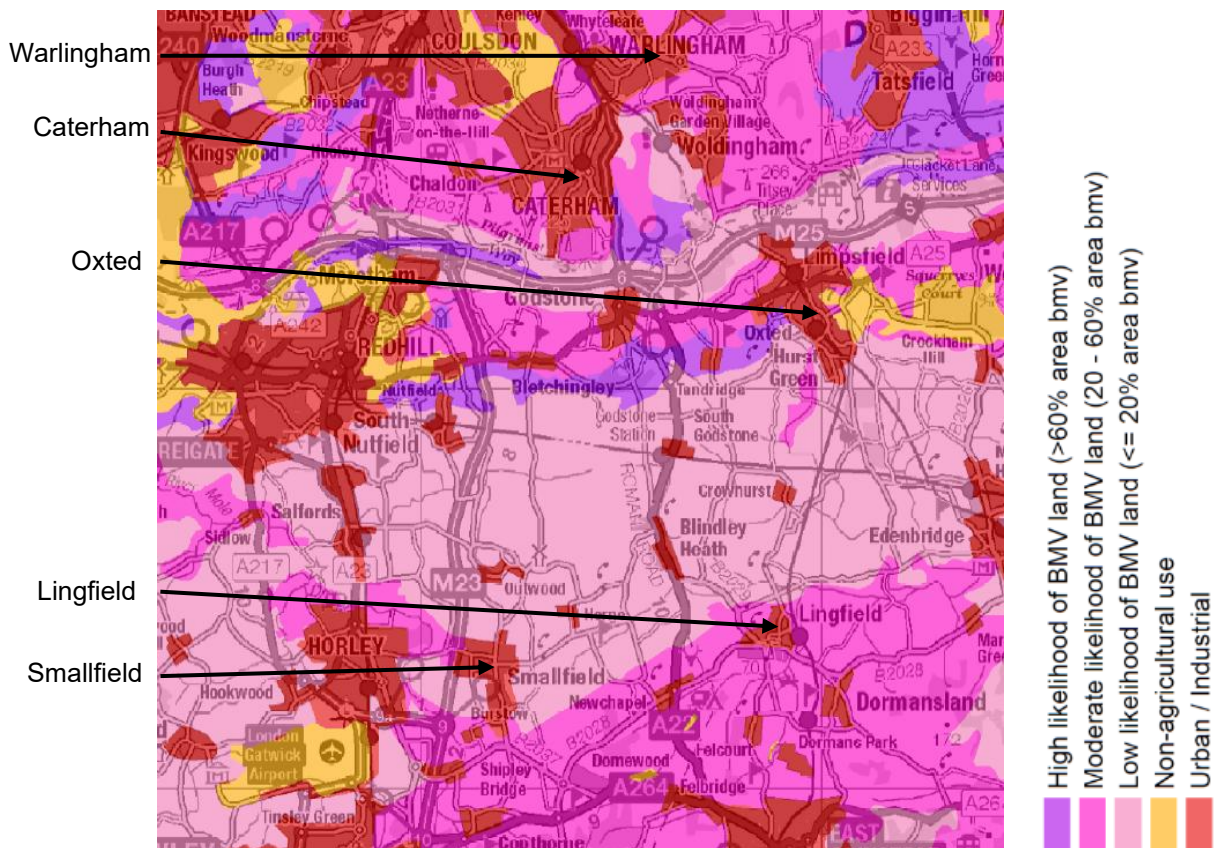


Likelihood of BMV Maps

7.4 The likelihood of BMV maps show the following:

- (i) Caterham mostly surrounded by land of 20 – 60% likelihood of BMV;
- (ii) Oxted surrounded by land mostly of 20 – 60% BMV to the north, <20% BMV to the south;
- (iii) Warlingham surrounded by land of 20 – 60% BMV;
- (iv) Lingfield surrounded by land of 20 – 60% BMV;
- (v) Smallfield mostly bordered by land of <20% BMV.

Insert 6: Extract Likelihood of BMV Map

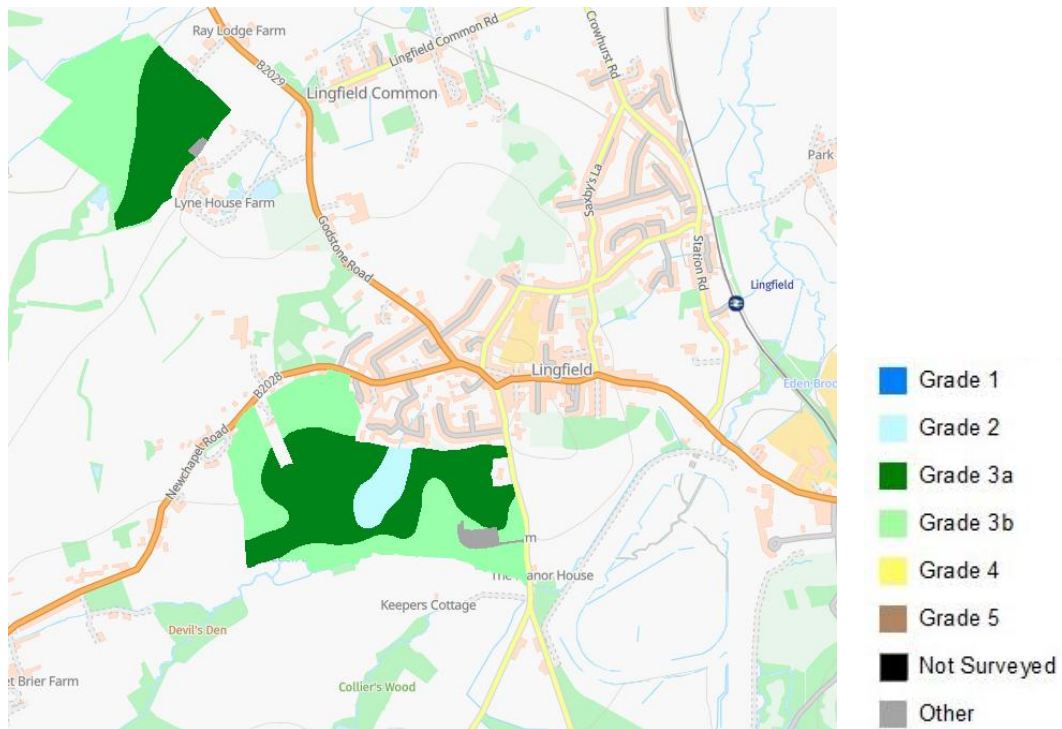


Available ALC Data

7.5 Where MAFF historically undertook surveys the results are available on www.magic.gov.uk.

7.6 There is no ALC survey data available near Caterham, Oxted, Warlingham or Smallfield. There is some data available near to Lingfield, showing a mix of Grades 2, 3a and 3b.

Insert 7: Extract from magic.gov.uk data



Conclusion on This Subject

- 7.7 The Council has not suggested that there is land of poorer quality available.
- 7.8 As the development does not involve “significant development of agricultural land”, footnote 65 of the NPPF is not engaged.

8 CONCLUSIONS

- 8.1 The Council's RfR7 concludes that the development will result in the loss of a significant area of BMV land, contrary to NPPF 187 b).
- 8.2 The analysis leading to RfR7 is not clear: the analysis that the loss is significant is not based on a quantum analysis, but on a judgement analysis that the loss is significant in a local economic context and in terms of well-being of the countryside and of biodiversity.
- 8.3 The latter two matters are not related to BMV, so I do not assess them further.
- 8.4 It is important to recognise that the Council has not relied upon paragraph 188 and footnote 65 of the NPPF in the decision. The Council is not, despite the wording of RfR7, alleging that this is "significant development" in the context of footnote 65, because that is not part of RfR7.
- 8.5 If this is not "significant" development of agricultural land in footnote 65 terms, it is difficult to follow how it can be ascribed more than limited weight, unless there are particular local economic considerations of importance.
- 8.6 The Council's case seems to rely upon particular local economic impact considerations. Unfortunately the Council does not identify them, or quantify them. My analysis concludes that:
- (i) there is a negligible or non-significant economic impact nationally or locally, including to the occupying farm business;
 - (ii) there is a negligible impact in terms of food production;
 - (iii) there is a minor impact in terms of agricultural labour displaced.
- 8.7 For completeness, and recognising that this is not the Council's case, I have reviewed the land quality in the wider area. The evidence does not indicate that areas of lower quality are likely to exist widely around other settlements. There are likely to be some areas on poorer quality, and in plan making terms the Council may in future wish to commission surveys in accordance with footnote 65, but the locations are not readily identifiable from current data.

Conclusion

- 8.8 The NPPF requires that the economic and other benefits of BMV be recognised. They were recognised in the application assessment and we provided a detailed report. Policy in NPPF 187 b) is complied with.
- 8.9 The Council's conclusion that the harm results in a significant economic harm, worthy of moderate weight in the planning balance, is flawed.

APPENDIX KCC1
Curriculum Vitae



CURRICULUM VITAE

ANTHONY PAUL KERNON

SPECIALISMS

- Assessing the impacts of development proposals on agricultural land and rural businesses
- Agricultural building and dwelling assessments
- Equestrian building and dwelling assessments (racing, sports, rehabilitation, recreational enterprises)
- Farm and estate diversification and development
- Inputs to Environmental Impact Assessment
- Expert witness work



SYNOPSIS

Tony is a rural surveyor with 35 years experience in assessing agricultural land issues, farm and equestrian businesses and farm diversification proposals, and the effects of development proposals on them. Brought up in rural Lincolnshire and now living on a small holding in Wiltshire, he has worked widely across the UK and beyond. He is recognised as a leading expert nationally in this subject area. Married with two children. Horse owner.

Tony's specialism is particularly in the following key areas:

- assessing the need for agricultural and equestrian development, acting widely across the UK for applicants and local planning authorities alike;
- farm development and diversification planning work, including building reuse and leisure development, Class Q, camping etc;
- assessing development impacts, including agricultural land quality and the policy implications of losses of farmland due to residential, commercial, solar or transport development, and inputs to Environmental Assessment;
- and providing expert evidence on these matters to Planning Inquiries and Hearings, court or arbitrations.

QUALIFICATIONS

Bachelor of Science Honours degree in Rural Land Management, University of Reading (BSc(Hons)). 1987. Awarded 2:1.

Diploma of Membership of the Royal Agricultural College (MRAC).

Professional Member of the Royal Institution of Chartered Surveyors (MRICS) (No. 81582). (1989).

OTHER PROFESSIONAL ACTIVITIES

Co-opted member of the Rural Practice Divisional Council of the Royal Institution of Chartered Surveyors. (1994 - 2000)

Member of the RICS Planning Practice Skills Panel (1992-1994)

Member of the RICS Environmental Law and Appraisals Practice Panel (1994 - 1997).

Fellow of the British Institute of Agricultural Consultants (FBIAC) (1998 onwards, Fellow since 2004).

Secretary of the Rural Planning Division of the British Institute of Agricultural Consultants (BIAC) (1999 – 2017).

Vice-Chairman of the British Institute of Agricultural Consultants (2019 – 2020)

Chairman of the British Institute of Agricultural Consultants (2020 – 2022)

*Greenacres Barn, Stoke Common Lane,
Purton Stoke, Swindon SN5 4LL
T: 01793 771333 Email: info@kernon.co.uk
Website: www.kernon.co.uk*



EXPERIENCE AND APPOINTMENTS

- 1997 -----> **Kernon Countryside Consultants.** Principal for the last 27 years of agricultural and rural planning consultancy specialising in research and development related work. Specialisms include essential dwelling and building assessments, assessing the effects of development on land and land-based businesses, assessing the effects of road and infrastructure proposals on land and land-based businesses, and related expert opinion work. Tony specialises in development impact assessments, evaluating the effects of development (residential, solar, road etc) on agricultural land, agricultural land quality, farm and other rural businesses.
- 1987 - 1996 **Countryside Planning and Management,** Cirencester. In nearly ten years with CPM Tony was involved in land use change and environmental assessment studies across the UK and in Europe. From 1995 a partner in the business.
- 1983 - 1984 **Dickinson Davy and Markham,** Brigg. Assistant to the Senior Partner covering valuation and marketing work, compulsory purchase and compensation, and livestock market duties at Brigg and Louth.

RECENT RELEVANT EXPERIENCE

TRAINING COURSES

Landspreading of Non Farm Wastes. Fieldfare training course, 24 – 25 November 2009
Foaling Course. Twemlows Hall Stud Farm, 28 February 2010
Working with Soil: Agricultural Land Classification. 1 – 2 November 2017

TRANSPORT ENVIRONMENTAL ASSESSMENT CONTRIBUTIONS

Tony has provided EIA input, and Public Inquiry evidence as required, on around 40 major road projects across England and Wales.

NSIP/DCO SOLAR INPUTS

Heckington Fen Solar Park
Mallard Pass Solar Project
Penpergwm
Parc Solar Traffwll
Alaw Môn Solar Farm
Parc Solar Caenewydd
Tween Bridge Solar Farm
Gate Burton Energy Park
Great North Road Solar
Helios Renewable Energy Project
Dean Moor Solar Farm
Oaklands Farm Solar Park

Maen Hir Solar and Energy Project
The Droves Solar Farm
Bodelwyddan
East Pye Solar
Alleston Solar Farm
Steeple Renewables Project
Green Hil Solar Farm

EXPERT EVIDENCE GIVEN AT PUBLIC INQUIRIES AND HEARINGS

- | | | |
|------|-----------------------------------------------------------|--------------------------------------------------|
| 1992 | Brooklands Farm: Buildings reuse | Bonehill Mill Farm: New farm building |
| | Chase Farm, Maldon: Removal of condition | |
| 1993 | Haden House: Removal of condition | Manor Farm: New farm dwelling |
| 1994 | Brooklands Farm: 2 nd Inquiry (housing) | Cameron Farm: Mobile home |
| | Barr Pound Farm: Enforcement appeal | Land at Harrietsham: Enforcement appeal |
| | Fortunes Farm Golf Course: Agric effects | |
| 1995 | Village Farm: New farm dwelling | Attlefield Farm: Size of farm dwelling |
| | Claverdon Lodge: Building reuse | Bromsgrove Local Plan: Housing allocation |

| | | |
|------|----------------------------------------------------------|-----------------------------------------------------|
| | Harelands Farm: Barn conversion | Lichfield Local Plan: Against MAFF objection |
| | Castle Nurseries: Alternative site presentation | Hyde Colt: Mobile home / glasshouses |
| 1996 | Church View Farm: Enforcement appeal | Highmoor Farm: New farm dwelling |
| | Flecknoe Farm: Second farm dwelling | Gwenfa Fields: Removal of restriction |
| 1997 | Basing Home Farm: Grain storage issue | Yatton: Horse grazing on small farm |
| | Viscar Farm: Need for farm building / viability | Newbury Local Plan: Effects of development |
| | Lane End Mushroom Farm: Need for dwelling | |
| 1998 | Moorfields Farm: New farm dwelling | Two Burrows Nursery: Building retention |
| | Maidstone Borough LPI: Effects of dev'tment | Dunball Drove: Need for cattle incinerator |
| | Glenfield Cottage Poultry Farm: Bldg reuse | |
| 1999 | Holland Park Farm: Farm dwelling / calf unit | Lambriggan Deer Farm: Farm dwelling |
| | Northington Farm: Existing farm dwelling | |
| 2000 | Twin Oaks Poultry Unit: Traffic levels | Coldharbour Farm: Buildings reuse |
| | Meadows Poultry Farm: Farm dwelling | Heathay Farm: Mobile home |
| | Hazelwood Farm: Beef unit and farm dwelling | Wheal-an-Wens: Second dwelling |
| | Shardeloes Farm: Farm buildings | Apsley Farm: Buildings reuse |
| | Aylesbury Vale Local Plan: Site issues | Home Farm: Size of grainstore |
| | Deptford Farm: Buildings reuse | A34/M4 Interchange: Agricultural evidence |
| 2001 | Lambriggan Deer Farm: Farm dwelling | Weyhill Nursery: Second dwelling |
| | Blueys Farm: Mobile home | Mannings Farm: Farm dwelling |
| 2002 | A419 Calcutt Access: Effect on farms | Land Adj White Swan: Access alteration |
| | Cobweb Farm: Buildings reuse / diversification | Happy Bank Farm: Lack of need for building |
| | Philips Farm: Farm dwelling | Lower Park Farm: Building reuse / traffic |
| | West Wilts Local Plan Inquiry: Dev site | Stourton Hill Farm: Diversification |
| | Manor Farm: Building reuse | |
| 2003 | Fairtrough Farm: Equine dev and hay barn | Darren Farm: Impact of housing on farm |
| | Hollies Farm: Manager's dwelling | Greenways Farm: Farm diversification |
| | Land at Springhill: Certificate of lawfulness | Land at Four Marks: Dev site implications |
| | Oak Tree Farm: Mobile home | |
| 2004 | Chytane Farm: Objector to farm dwelling | Oldberrow Lane Farm: Relocation of buildings |
| | Crown East: Visitor facility and manager's flat | Forestry Building, Wythall: Forestry issues |
| | Swallow Cottage: Widening of holiday use | Lower Dadkin Farm: Mobile home |
| | Etchden Court Farm: New enterprise viability | Villa Vista: Viability of horticultural unit |
| | Attleborough Bypass: On behalf of Highways Agency | |
| 2005 | Howells School: Use of land for horses | Newton Lane: Enforcement appeal |
| | Otter Hollow: Mobile home | Manor Farm: Change of use class |
| | Springfield Barn: Barn conversion | South Hatch Stables: RTE refurbishment |
| | Ashley Wood Farm: Swimming pool | Trevaskis Fruit Farm: Farm dwelling |
| | The Hatchery: Mobile home | Tregased: Enforcement appeal |
| | Stockfields Farm: Building reuse | |
| 2006 | Manor Farm: Replacement farmhouse | Bhaktivedanta Manor: Farm buildings |
| | Sough Lane: Farm dwelling | Military Vehicles: Loss of BMV land |
| | Whitewebbs Farm: Enforcement appeal | Ermine Street Stables: Enforcement appeal |
| | Land at Condicote: Farm dwelling | Featherstone Farm: Replacement buildings |
| | Rye Park Farm: Enforcement appeal | Flambards: Mobile home and poultry unit |
| | Woodrow Farm: Buildings reuse | Manor Farm: Effect of housing on farm |
| | Rectory Farm: Retention of unlawful bldg | Goblin Farm: Arbitration re notice to quit |
| | Walltree Farm: Retention of structures | Terrys Wood Farm: Farm dwelling |
| | Weeford Island: Land quality issues | Etchden Court Farm: Mobile home |
| | College Farm: Relocation of farmyard | Hollowshot Lane: Farm dwelling and buildings |
| 2007 | Woolly Park Farm: Manager's dwelling | Barcroft Hall: Removal of condition |
| | Park Gate Nursery: Second dwelling | Kent Access Road: Effect on farms |
| | Penyrheol Ias: Retention of bund | Greys Green Farm: Enforcement appeal |
| | Hucksholt Farm: New beef unit in AONB | A40 Robeston Wathen bypass: Underpass |
| | The Green, Shrewley: Mobile home | Woodland Wild Boar: Mobile homes |
| | Brook Farm: Retention of polytunnels | |

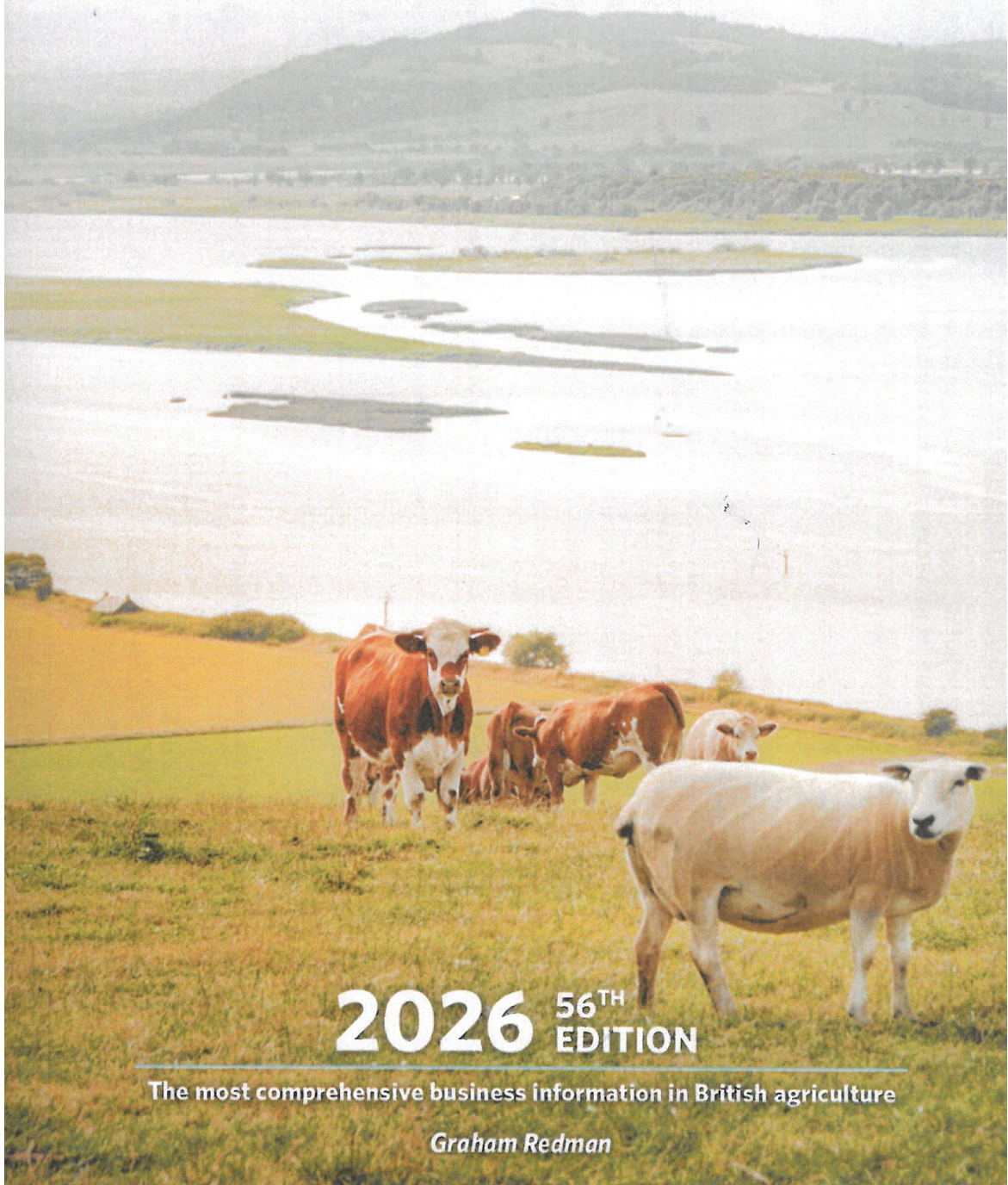
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|------|---------------------------------------------------------------------|---------------------------------------------------------------|
| 2008 | Weights Farm: Second dwelling | Whitegables: Stud manager's dwelling |
| | Hill Farm: Mobile home | Balaton Place: Loss of paddock land |
| | Relocaton of Thame Market: Urgency issues | Point to Point Farm: Buildings / farm dwelling |
| | Spinney Bank Farm: Dwelling / viability issues | Norman Court Stud: Size of dwelling |
| | Higham Manor: Staff accommodation | High Moor: Temporary dwelling |
| 2009 | Robeston Watham bypass: Procedures Hearing | Land at St Euny: Bldg in World Heritage Area |
| | Monks Hall: Covered sand school | Baydon Meadow: Wind turbine |
| | Porthmadog bypass: Road scheme inquiry | Meadow Farm: Building conversion |
| | Claverton Down Stables: New stables | Bishop's Castle Biomass Power Station: Planning issues |
| | Hailsham Market: Closure issues | Foxhills Fishery: Manager's dwelling |
| 2010 | Gambledown Farm: Staff dwelling | Bryn Gollen Newydd: Nuisance court case |
| | Oak Tree Farm: Farm dwelling | Swithland Barn: Enforcement appeal |
| | A470 Builth Wells: Off line road scheme | Woodrow Farm: Retention of building |
| | Hill Top Farm: Second dwelling | Stubwood Tankers: Enforcement appeal |
| | Sterts Farm: Suitability / availability of dwelling | Meridian Farm: Retention of building |
| 2011 | Poultry Farm, Christmas Common: Harm to AONB | Swithland Barn: Retention of building |
| | Wellsprings: Rention of mobile home | A477 Red Roses to St Clears: Public Inquiry |
| | Redhouse Farm: Manager's dwelling | Upper Bearfield Farm: Additional dwelling |
| | Lobbington Fields Farm: Financial test | North Bishops Cleeve: Land quality issues |
| | Fairtrough Farm: Enforcement appeal | Langborrow Farm: Staff dwellings |
| 2012 | Etchden Court Farm: Farm dwelling | Heads of the Valley S3: Improvements |
| | Trottiscliffe Nursery: Mobile home | Seafeld Pedigrees: Second dwelling |
| | Tickbridge Farm: Farm dwelling | Beedon Common: Permanent dwelling |
| | Blaenanthir Farm: Stables and sandschool | Upper Youngs Farm: Stables / log cabin |
| | Land at Stonehill: Eq dentistry / mobile home | Tithe Barn Farm: Enforcement appeal |
| 2013 | Cwmcoedlan Stud: Farm dwelling with B&B | Lower Fox Farm: Mobile home / building |
| | Barnwood Farm: Farm dwelling | Tewinbury Farm: Storage barn |
| | Spring Farm Barn: Building conversion | Church Farm: Solar park construction |
| | Baydon Road: Agricultural worker's dwelling | Land at Elsfield: Retention of hardstanding |
| | Stapleford Farm: Building reuse | Queensbury Lodge: Potential development |
| 2014 | Meddler Stud: Residential development | Kellygreen Farm: Solar park development |
| | Deer Barn Farm: Agricultural worker's dwelling | Spring Farm Barn: Building conversion |
| | Land at Stow on the Wold: Housing site | Land at Willaston: Residential development |
| | Allspheres Farm: Cottage restoration | Bluebell Cottage: Enforcement appeal |
| | Land at Stonehill: Equine dentistry practice | Clemmit Farm: Mobile home |
| 2015 | Spring Farm Yard: Permanent dwelling | Honeycrock Farm: Farmhouse retention |
| | Land at Valley Farm: Solar park | The Mulberry Bush: Farm dwelling |
| | Land at Haslington: Residential development | Redland Farm: Residential dev issues |
| | Manor Farm: Solar farm on Grade 2 land | Emlagh Wind Farm: Effect on equines |
| | Penland Farm: Residential development | Fox Farm: Building conversion to 2 dwellings |
| 2016 | Sandyways Nursery: Retention of 23 caravans | Wadborough Park Farm: Farm buildings |
| | The Lawns: Agricultural building / hardstanding | Delamere Stables: Restricted use |
| | Harefield Stud: Stud farm / ag worker's dwelling | Meddler Stud: RTE and up to 63 dwellings |
| | Newtown Bypass: Compulsory purchase orders | Land off Craythorne Road: Housing dev |
| | Barn Farm: Solar farm | Berkshire Polo Club: Stables / accomm |
| 2017 | Hollybank Farm: Temporary dwelling renewal | Harcourt Stud: Temporary dwelling |
| | Five Oaks Farm: Change of use of land and temporary dwelling | Clemmit Farm: Second redetermination |
| | Clemmit Farm: Redetermination | Stonehouse Waters: Change of use of lake |
| | The Lawns: Replacement building | |
| | Land at the Lawns: Cattle building | |

| | | |
|------|------------------------------------------------------|------------------------------------------------------------------------|
| 2018 | Land at Felsted: Residential development | Watlington Road: Outline app residential |
| | Thorney Lee Stables: Temporary dwelling | A465 Heads of the Valley 5/6: Agric effects |
| | Benson Lane: Outline app residential | The Old Quarry: Permanent dwelling |
| | Park Road, Didcot: Outline app residential | Chilaway Farm: Removal of condition |
| 2019 | Coalpit Heath: Residential development | Leahurst Nursery: Temporary dwelling |
| | Mutton Hall Farm: Agric worker's dwelling | Icomb Cow Pastures: Temp mobile home |
| | Clemmit Farm: Third redetermination | Forest Faconry: Construction of hack pens |
| | Ten Acre Farm: Enforcement appeal | |
| 2020 | Harrold: 94 Residential dwellings | Hazeldens Nursery: Up to 84 extra care units |
| | Stan Hill: Temp dwelling/agric. buildings | Leahurst Nursery: Agricultural storage bldg |
| 2021 | Allspheres Farm: Enlargement of farm dwelling | Sketchley Lane, Burbage: Industrial and residential development |
| | Ruins: Dwelling for tree nursery | Park Solar Traffwl: Solar Hearing |
| 2022 | Thornbury: Local BMV | |
| 2023 | Penpergwym: Solar Farm Hearing | Scruton Solar Farm: Effects on BMV and food |
| | Mudds Bank: Equestrian workers dwelling | Land at East Burnham: Equestrian facilities |
| | Mallard Pass NSIP: Issue specific hearing | Fladbury: Housing on BMV land |
| | Bramford Solar: Loss of BMV / food | Pound Road, Axminster: BESS and BMV |
| | Gate Burton NSIP: BMV and Food | Wymondley Solar: Use of BMV |
| | Heckington Fen NSIP: Issue Hearing | Little Acorn Farm, St Keyne: Worker's dwelling |
| | Cutlers Green Solar: Use of BMV | |
| | Twigworth, Glos: Use of BMV land | Longhedge Solar: BMV and food security |
| | Sheepwash Solar, Kent: Use of BMV land | Oaklands Solar NSIP: Topic Hearing |
| | Wasdyke Solar, Grantham: Use of BMV | Old Malton Solar: Impacts on local agriculture |
| 2024 | Copper Bottom Solar, Camborne: Use of BMV | Knapthorne Solar: BMV |
| | East End Solar, Harlow: Use of BMV | Helios Renewables NSIP: Topic Hearing |
| | Sittingbourne, Kent: Housing on BMV | |
| | Murrells End Solar, Gloucester: BMV | Alaw Môn Solar Farm: BMV policy Wales |
| | Woolpots Solar: BMV | Fillongley Solar: BMV |
| | Chimmens Solar Farm: BMV | Glebe Solar: BMV |
| | Saxham Industrial: BMV and Industry | |
| | New Hall Farm Solar: BMV | |
| | | |
| | | |

APPENDIX KCC2
Extracts from the Nix Farm
Management Pocketbook



NIX FARM MANAGEMENT POCKETBOOK



2026 56TH
EDITION

The most comprehensive business information in British agriculture

Graham Redman

WHEAT

Feed Winter Wheat

| Production level | Low | Average | High | |
|-------------------------------|--------------------|--------------------|--------------------|------------|
| Yield: t/ha (t/ac) | 7.0 (2.8) | 8.2 (3.3) | 9.4 (3.8) | |
| | £/ha (ac) | £/ha (ac) | £/ha (ac) | £/t |
| Grain at £185/t | 1,295 (524) | 1,517 (614) | 1,739 (704) | |
| Straw in Swath | 150 (61) | 150 (61) | 150 (61) | |
| Total Output | 1,445 (585) | 1,667 (675) | 1,889 (765) | 203 |
| Variable Costs £/ha (£/ac): | | | | |
| Seed..... | | 81 (33) | | 10 |
| Fertiliser..... | | 297 (120) | | 36 |
| Sprays..... | | 301 (122) | | 37 |
| Total Variable Costs | | 679 (275) | | 83 |
| Gross Margin £/ha (ac) | 766 (310) | 988 (400) | 1,210 (490) | 120 |

| Fertiliser Basis 8.2t/ha | | | | Seed: | Sprays £/ha: | |
|--------------------------|------|-------|------|---------|--------------|-----------------|
| Nutrient | Kg/t | Kg/Ha | £/Ha | £/t C2 | £510 | Herbicides £131 |
| N | 23 | 190 | £187 | Kg/Ha | 175 | Fungicides £115 |
| P | 7.0 | 57 | £60 | % HSS | 30% | Insecticides £4 |
| K | 10.5 | 86 | £49 | £/t HSS | £353 | PGRs £19 |
| | | | | | | Other £33 |

1. *Yields.* The average yield is for all winter feed wheat, i.e. all varieties and 1st and subsequent wheats. See over for First and Second Wheats. The whole wheat yield including feed and milling, winter and spring crops is 8.06t/ha (10-year average *Defra*).

The table below offers a weighted estimate of yield variations according to wheat type based on a national 10-year average yield of 8.06t/ha. Percentages compare yield categories with 'all wheat'. These yields are used in the gross margins.

Calculation of spread of 'average yields depending on wheat type –

| | Yield | | | | | |
|---------|------------|--------|--------|--------|--------|-------------|
| | Adjustment | Winter | 1st WW | 2nd WW | spring | Total |
| t/ha | | 101% | 102% | 93% | 85% | 100% |
| Total | 100% | 8.14 | 8.27 | 7.49 | | 8.06 |
| Feed | 101% | 8.22 | 8.35 | 7.57 | | 8.14 |
| Bread | 93% | 7.57 | 7.69 | 6.97 | 5.92 | 7.49 |
| Biscuit | 99% | 8.06 | 8.19 | 7.42 | | 7.98 |

2. *Straw* is sold in the swath. Assume half the baled value is swath value £70/tonne at 4.2t/Ha winter and 3.8t/ha spring wheat (rounded up).
3. *Seed* is costed with a single purpose dressing. Up to a third of growers require additional seed treatments, specifically to suppress BYDV. This can add £175/t of seed (£31/ha) or more. This has not been added in the gross margins.
4. This schedule does not account for severe *grass weed infestations* such as Black Grass or Sterile Brome. Costs associated with managing such problems can amount to up to £200/hectare additional agrochemical costs. Yield losses increase as infestation rises:

TYPICAL ANNUAL LABOUR COST

Estimated for 2025/26 (from 1st April 2025), based on a minimum wage (Standard) Worker and ASHE* Median labour costs.

| <i>Minimum Wage Labour Costs (1)</i> | | Hourly rate | Weekly (39 hours) | Annual (52 weeks) | Cost per hour worked (1755 hrs/yr) |
|--------------------------------------------------|-------|----------------|----------------------|----------------------|------------------------------------------|
| | | £ | £ | £ | £ |
| Standard worker Gross Basic Salary | | 12.21 | 476.19 | 24,847 | 14.16 |
| National Insurance Contribution (NI) | 15.0% | 1.46 | 57.05 | 2,977 | |
| Employers Liability Insurance (ELI) | 1.0% | 0.12 | 4.76 | 248 | |
| Workplace Pension Employers Contribution | 3.0% | 0.37 | 14.29 | 745 | |
| Minimum Cost to Employer | | 14.16 | 552.29 | 28,818 | 16.42 |
| Overtime | | | | | |
| Typical additional hours/working week | 4 | | | | (180 hrs/yr) |
| Number of weeks overtime worked | 45 | | | | |
| Standard Overtime Rate | | 18.32 | 73.26 | 3,297 | |
| NI & ELI | | 2.93 | 11.72 | 527 | |
| Workplace Pension Employers Contribution | | 0.55 | 2.20 | 99 | |
| Total Cost to employer for overtime hours | | 21.79 | 87.18 | 3,923 | |
| Total Cost to employer for all hours | | 14.87 | 639.47 | 32,741 | 16.92 |
| Employees Gross Earnings | | | 549.45 | 28,144 | 14.54 |

| <i>Median Labour Costs (2)</i> | | Hourly rate | Weekly (40 hours) | Annual (52 weeks) | Cost per hour worked (1800 hrs/yr) |
|--------------------------------------------------|-------|----------------|----------------------|----------------------|------------------------------------------|
| | | £ | £ | £ | £ |
| Median worker Gross Basic Salary | | 12.98 | 519.29 | 27,096 | 15.05 |
| National Insurance Contribution | 15.0% | 1.95 | 77.89 | 3,314 | |
| Employers Liability Insurance | 1.0% | 0.13 | 5.19 | 271 | |
| Workplace Pension Employers Contribution | 3.0% | 0.39 | 15.58 | 813 | |
| Minimum Cost to Employer | | 15.45 | 617.96 | 31,494 | 17.50 |
| Overtime | | | | | |
| Typical additional hours/working week | 4 | | | | (180 hrs/yr) |
| Number of weeks overtime worked | 45 | | | | |
| Standard Overtime Rate | | 19.47 | 77.89 | 3,505 | |
| NI & ELI | | 3.12 | 12.46 | 561 | |
| Workplace Pension Employers Contribution | | 0.58 | 2.34 | 105 | |
| Total Cost to employer for overtime hours | | 23.17 | 92.69 | 4,171 | |
| Total Cost to employer for all hours | | | 710.65 | 35,665 | 18.01 |
| Employees Gross Earnings | | 15.46 | 597.19 | 30,601 | 15.46 |

1. **Standard Labour Costs** are based on the 'Standard Worker', as set by the UK Minimum Wage 2025 (and Welsh & Scottish Standard Agricultural Worker). This is the minimum cost of full-time qualified labour.
2. *Per Hours worked: Average basic hours per year* = 1,755 hours, i.e. statutory holidays (23 days), public holidays (8 days) and illness (3 days), have been deducted from 52 weeks x 39 hours.
3. **Median Labour Costs** are based on the average farm worker earnings and hours according to the Annual Survey of Hours and Earnings (*ASHE). This is the typical cost of full-time qualified employment.

WINTER CEREALS

Winter Cereals – Conventional Cultivations

| Operations | | Percent of task per month - Average | | | | | | | | | | | | | |
|-----------------------------------|---------|-------------------------------------|-----|---------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Passes | Average | Premium | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep |
| | Hrs/Ha | Hrs/Ha | | | | | | | | | | | | | |
| Plough (1) | 1 | 1.4 | 1.1 | 40% | 60% | | | | | | | | | | |
| Cultivate (often power harrow) | 1 | 1.0 | 0.8 | 50% | 50% | | | | | | | | | | |
| Drill with power harrow then roll | 1 | 1.1 | 0.8 | 50% | 50% | | | | | | | | | | |
| Fertiliser (2) | 3 | 1.2 | 0.9 | 33% | | | | | 33% | 34% | | | | | |
| Spray (2) | 6 | 1.3 | 1.0 | 17% | 17% | | | | 17% | 17% | 17% | 17% | | | |
| Combine, Cart Grain, load barn | 1 | 2.5 | 1.9 | | | | | | | | | | | | |
| Barn Work | | 0.7 | 0.5 | 10% | 10% | 10% | 10% | 5% | | | | | 75% | 25% | |
| Total hours excluding straw | | 9.2 | 6.9 | 1.6 | 2.6 | 0.3 | 0.1 | 0.1 | 0.0 | 0.6 | 0.2 | 0.2 | 0.0 | 1.9 | 1.0 |
| Straw: Bale | | 1.3 | 1.0 | | | | | | | | | | | | |
| Cart & Stack | | 2.0 | 1.5 | Hours/hectare/month | | | | | | | | | | | |
| Total hours including straw | | 12.5 | 9.4 | 1.6 | 2.6 | 0.3 | 0.1 | 0.1 | 0.0 | 0.6 | 0.2 | 0.2 | 0.0 | 3.0 | 3.2 |

1. Some cereal crops are direct drilled or drilled after reduced, or minimal, cultivations, i.e. without traditional ploughing. Direct drilling reduces man-hours per hectare by about 2.5 (average) or 1.8 (premium), and minimal cultivations by about 1.2 (average) and 0.9 (premium).
2. *This is for winter wheat*; winter barley will often have one less top dressing and spraying and oats two less.
3. *Later barn work* is excluded from monthly breakdown.

1. For grazing livestock, the SWDs exclude field work, e.g. grass production and silage making. The labour for these has to be added to give total labour for these enterprises.
2. Dairy Replacement Unit = calf + yearling + in-calf heifer
3. SWD is per production place.
4. The broiler figure on page 205 is increased 10% to account for catching and cleanout

| <i>Crops</i> | SWDs per hectare | | | |
|--------------------------------------------|--------------------|---------|---------------|---------|
| | Straw incorporated | | Straw baled | |
| | Average | Premium | Average | Premium |
| Winter Cereals - Conventional Cultivations | 1.15 | 0.87 | 1.56 | 1.18 |
| Winter Cereals - Minimum Tillage | 0.88 | 0.66 | 1.29 | 0.97 |
| Winter Cereals - Direct Drill | 0.86 | 0.65 | 1.28 | 0.96 |
| Spring Cereals | 1.02 | 0.77 | 1.43 | 1.08 |
| Winter Oilseed Rape - Desiccated | 0.96 | 0.72 | | |
| Winter Beans | 0.92 | 0.69 | | |
| Spring Beans | 0.97 | 0.73 | | |
| Dried Peas | 1.19 | 0.89 | | |
| Vining Peas | 1.07 | 0.66 | Inc. In store | |
| Maincrop Potatoes (1) | 3.64 | 2.73 | 9.24 | 6.93 |
| Early Potatoes (1) | 5.41 | 4.06 | | |
| Sugarbeet | 1.88 | 1.41 | | |
| Herbage Seed (1st year) | 0.65 | 0.49 | | |
| Grass Production (2) | 0.93 | 0.70 | | |
| Hay (7.5t/ha) (2) | 0.99 | 0.74 | | |
| Silage 1-cut (23t/ha) (2) | 1.19 | 0.89 | | |

1. Potato SMD exclude casual labour for harvesting.
2. Grass excludes reseeding – likely to be around 0.6 SWD/ha in the reseeding year.

TIFF Accounts - Inputs and Outputs (2024) £ Millions

| Inputs | £m | Outputs | £m | % |
|----------------------------|---------------|---------------------------|---------------|----------|
| Animal Feed | 7,133 | Wheat | 2,161 | 5.63% |
| Seeds | 975 | Barley | 1,158 | 3.02% |
| Fertilisers | 1,725 | Oats and other cereals | 191 | 0.50% |
| Plant Protection Products | 969 | Oilseed rape | 335 | 0.87% |
| Veterinary expenses | 561 | Proteins | 188 | 0.49% |
| Hired labour | 3,044 | Potatoes | 1,461 | 3.80% |
| Depreciation: equipment | 2,660 | Sugar beet | 365 | 0.95% |
| Depreciation: buildings | 1,295 | Fresh vegetables | 2,028 | 5.28% |
| Depreciation: livestock | 1,348 | Fruit | 1,084 | 2.82% |
| Maintenance: materials | 1,238 | Plants and flowers | 1,701 | 4.43% |
| Maintenance: buildings | 898 | Other crops | 985 | 2.56% |
| Fuels | 981 | Cattle | 4,873 | 12.69% |
| Electricity & heating fuel | 765 | Sheep | 1,991 | 5.18% |
| Agricultural services | 1,646 | Pigs | 1,846 | 4.81% |
| Net rent | 528 | Poultry | 3,607 | 9.39% |
| Interest and finance fees | 804 | Milk | 6,316 | 16.44% |
| Other goods and services | 4,149 | Eggs | 1,355 | 3.53% |
| | | Other products | 186 | 0.48% |
| | | Other agricultural | 1,646 | 4.29% |
| | | Non-ag income | 1,952 | 5.08% |
| | | Total Gross Output | 35,429 | |
| | | Single P.t./Subsidy | <u>2,978</u> | 7.75% |
| Total Inputs | 30,719 | Total Output | 38,407 | 100.00% |
| Total Income From Farming | 7,688 | Total crops | 11,657 | 32.90% |
| Balance | 38,407 | Of which hort. | 4,813 | 13.58% |
| | | Total livestock | 12,317 | 34.77% |
| | | Livestock products | 7,671 | 21.65% |
| | | Other | 3,784 | 10.68% |

TIFF is Defra's Total Income From Farming. It can be considered the profit of 'UK Farming Plc'. In technical terms, it is the return to all the farmers in UK agriculture and horticulture for their management, labour and capital.



Greenacres Barn, Stoke Common Lane, Purton Stoke, Swindon, Wiltshire SN5 4LL
Telephone: 01793 771333 • Email: info@kernon.co.uk • Website: www.kernon.co.uk

