

Tandridge District Council

Statement of Case

Town and Country Planning Act 1990 Appeal by Woolbro Group and Morris Investment Site Address: Land at the Old Cottage, Station Road, Lingfield.

PINS Appeal Ref No.: APP/M3645/W/22/3309334

LPA Ref No.: TA/2022/685

May 2023

Contents

1. The application
2. Appeal site and its surroundings
3. Planning history
4. Development plan policy & legislation
5. Emerging parts of the development plan
6. Material considerations
7. Five-year housing land supply
8. Key issues for consideration at this appeal
9. Other matters
10. Conclusions & the planning balance

1. The application

- 1.1 This appeal relates to the non-determination of planning application TA/2022/685 for the following development:

“Outline application with all matters reserved except for access and layout for a residential development of 99 dwellings (40% affordable) with associated access, formal open space, landscaping, car & cycle parking and refuse.”

- 1.2 Therefore, the application was for outline planning permission, with access and layout not reserved matters and this is a matter referred to later in this statement of case.

2. Appeal site and Its surroundings

- 2.1 The application site comprises a cluster of fallow agricultural fields to the East of Lingfield Village. The site is within the Metropolitan Green Belt with a total site area of approximately 6.3 ha. It is entirely outside of the defined settlement of Lingfield but immediately abuts its boundary to the south west. More than half of the site is within the Lingfield Conservation Area. A footpath is located in the northern half of the site, running east to west. There are no buildings within the site. There are very clear and open views of the site from the public highway in Station Road and at the bottom of Town Hill as well as from the footpath in the north. Clear views across the appeal site are also obtained from within the garden of The Star Inn which is considered a public viewpoint within the Conservation Area. The site can be seen in glimpsed views along Church Road behind the Star Inn.
- 2.2 The appeal site and its immediate surroundings will be described in more detail in the Council’s evidence with particular reference to those features of particular relevance in the determination of this appeal, including:
- Existing land use(s)
 - Trees and hedgerows
 - Adjoining development

- Adjoining highways
- Public footpath
- Topography

Within the site, the combination of some of these features enables three distinct character areas to be identified, being:

- A plateau area adjoined by development in Lingfield Village
- An outlier of land enclosed by dense vegetation north of the plateau and footpath
- Eastern and southern slopes down to Station Road and Town Hill

2.3 The appeal site lies on an inbound flight path to Gatwick Airport and low-level, over-flying aircraft occur every few minutes throughout the day and are a very noticeable characteristic of the area especially for local people outdoors.

3. Planning history

3.1 The planning history of the appeal site to date is:

- i) Application 2022/235/EIA – Outline planning permission for a residential development. The detailed design proposals seek to deliver a residential development of the site, in order to meet identified local need for housing including affordable housing (Environmental impact assessment) – EIA Screening Opinion issued 10 February 2022 – Not EIA Development
- ii) Application GOR/475/70 – Layout of estate street with the erection of 51 dwellings – approved 26 August 1970 (not implemented)
- iii) Application GOR/5712A – Residential development at a density not exceeding 8 dwellings per hectare, on 21.5 acres of land at New Place Farm, Lingfield – Refused by the LPA, then dismissed at appeal on 27 April 1966, then appeal dismissal upheld by the Ministry of Housing and Local Government 29 July 1966.

4 Development plan policy & legislation

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

- i) Tandridge District Core Strategy policies CSP1, CSP4, CSP7, CSP11, CSP12, CSP17, CSP18, CSP19 and CSP21; and
- ii) Tandridge Local Plan Part 2 – Detailed Policies – Policies DP1, DP5, DP7, DP10, DP11, DP19, DP20, DP21 and DP22.

The relevance of these policies to the determination of this appeal is set out in more detail below and will also be addressed in the Council's evidence.

4.2 The Council will maintain that, with the exception of the housing policy CSP 2, other policies of the development plan listed in paragraph 4.1 above remain relevant to the determination of the appeal. In accordance with paragraph 219 of the National Planning Policy Framework 2021, due weight should be given to these other policies in the determination of this appeal according to their degree of consistency with the Framework. The closer the policies are in the development plan to the policies in the Framework, the greater the weight that may be given to them. The Council will set out in evidence what weight should be given to each of the policies listed in paragraph 4.1 above.

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

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

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

4.5 The Council will refer in evidence to the duties imposed on any decision maker by legislation relating to heritage assets and conservation areas.

4.6 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a general duty on the Council with respect to listed buildings in exercising its planning functions. In considering whether to grant planning permission for a development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.7 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: 'In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

4.8 Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) require considerable importance and weight to be given to any harm that the proposed development would cause to listed buildings or their settings, or to conservation areas

5 Emerging parts of the development plan

5.1 In 2018, the Council submitted a new local plan (Our Local Plan 2033) for public examination. The new local plan allocated the appeal site for the development of 60 dwellings as proposed site allocation HSG12. The background to this allocation will be set out in the Council's evidence for this appeal.

5.2 Although, for reasons set out below, no weight will be afforded in the Council's evidence to the proposed site allocation (HSG12), the emerging local plan supporting statement refers to the potential for exceptional circumstances to justify the release of the site from the Green Belt and an expectation for the provision of 40% affordable housing. Other key headlines of the proposed Strategic Allocation were:

- The yield of housing estimated at circa 60 homes, within Use Class C3 (dwellinghouses);;

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

5.3 In examination document TD16 of 11 December 2020, the examining inspector raised a range of soundness issues which needed to be addressed before the emerging local plan could be considered for adoption. This included concerns about the appeal site. The Examiner stated:

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

These assessments have not been completed because the Council has subsequently suspended work on its emerging local plan pending clarification of central government policy on a range of matters set out in the Secretary of State for DLUHC’s letter and ministerial statement in December 2022, and also an

approach by the Council to the examining inspector proposing preparation of a 5-year local plan. A reply from the examining inspector on the Council's proposal is awaited.

5.4 The heritage assessment provided by the Historic Buildings Officer of Surrey County Council to Tandridge District Council when consulted upon the appeal application was that unacceptable harm would arise to the heritage assets of the Lingfield Conservation Area and its listed buildings from the appeal proposals. The Historic Buildings Officer will be giving evidence on behalf of the Council at the appeal. The consultation response from English Heritage when consulted by the Council raised similar concerns. Accordingly, the Council's case will be that the level of identified harm to heritage assets arising from the appeal proposals not only provides grounds for the dismissal of this appeal but must place a significant question mark over the continued allocation of the appeal site in the emerging local plan.

5.5 A Lingfield Neighbourhood Plan (LNP) is being prepared. This Plan began a 6-week Regulation 14 consultation on the 17 May, 2023. The emerging LNP does not allocate the appeal site for residential development. The Council will provide an update in its evidence on the progress of the LNP following the close of the Regulation 14 consultation on the 28 June, 2023. As matters stand at present, the Council's case will be that no weight can be afforded to the LNP in the determination of this appeal.

6 Material considerations

6.1 The National Planning Policy Framework 2021 (NPPF) is an important material consideration in the determination of this appeal. The Council will in presenting its evidence at this appeal refer particularly to the following chapters of the NPPF:

- Chapter 2: Achieving sustainable development, and particularly paragraph 11 and its footnote 7
- Chapter 5: Delivering a sufficient supply of homes
- Chapter 12: Achieving well-designed places
- Chapter 13: Protecting Green Belt land

- Chapter 15: Conserving and enhancing the natural environment
- Chapter 16; Conserving and enhancing the historic environment

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

6.3 TDC's Interim Policy Statement for Housing Delivery – September 2022 (IPSHD) is a material consideration and comprises an update to identify what additional measures the Council will take to improve housing delivery. This comprises sites that are coming forward on brownfield land and Green Belt sites from the emerging Local Plan which have been through two regulation 18 consultations and a regulation 19 consultation and have been rigorously assessed via the HELAA and Green Belt assessments. The IPSHD sets out criteria where applications will be invited on Appendix A and Appendix B sites.

6.4 Appendix A sites comprise:

“The emerging Local Plan process identified a number of large sites (75+ units) that could potentially be brought forward where the Examiner did not raise concerns. These sites have been rigorously assessed via the HELAA process and Green Belt assessments. They have also been through two Regulation 18 consultations, one Regulation 19 consultation as well as site specific Examination hearings.”

The examining inspector has raised concerns with respect to the appeal site and the Council's case will be that it does not constitute part of the expected housing delivery under the IPSHD.

7 Five-year housing land supply

7.1 The Council acknowledges that, in accordance with the Annual Monitoring Report 2021/22, it cannot demonstrate a 5-year housing land supply. Although permissions continue to be granted, either by the Council or on appeal, the position

is not expected to markedly change prior to the hearing of this appeal. The Council's case will be that absence of a 5-year housing land supply if argued as a very special circumstance to override Green Belt policy (paragraph 148 of the NPPF) is insufficient to override the substantial weight that must be afforded to the harm caused by inappropriate development in the Green Belt (paragraph 148 of NPPF) that this planning proposal represents, given the other harm it gives rise to. This other harm is that to the Lingfield Conservation Area and listed buildings and non-designated heritage assets, and harm to open countryside which is also a valued landscape.

- 7.2 The Council's Annual Monitoring Report for 2021/22 shows that assessed against the former MHCLG standard method for calculating housing land requirements, using 2014 household projections and applying a 5% buffer the Council had a 1.8 year housing land supply, and applying a 20% buffer the Council had a 1.57 housing land supply. The Council will provide an updated housing land supply figure for 2022/23 in its evidence for the appeal. The Council will also seek, if possible, to agree this part of its evidence with the appellant in order to reduce areas of disagreement between the parties.

8. Key issues for consideration at this appeal

- 8.1 This Statement of Case sets out on behalf of Tandridge District Council (the Council) the case why, if the application had been determined by the Council, it would have been refused.

Green Belt Policy

- 8.2 In summary, the Council acknowledges that the appeal site forms part of a proposed allocation (HSG12) put forward within the Council's emerging local plan "Our Local Plan 2033". The emerging plan remains at examination, albeit not being progressed at present, pending further consideration of a number of matters raised by both the examining inspector and the District Council. This allocation, if it had been adopted, would have removed the site from the Green Belt.

- 8.3 However, at the time of the submission of the application and consideration of this appeal the site remained, and still remains, within the Green Belt. Both the NPPF at paragraph 149 and the development plan policy DP10 regard the construction of the 99 dwellings and associated infrastructure proposed in the appeal application as inappropriate development in the Green Belt and thereby harmful to its primary purpose of retaining openness. Inappropriate development should not be approved except in very special circumstances. Paragraph 148 of the NPPF provides that when considering any planning application substantial weight should be given to harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 8.4 Furthermore, the appeal site is open countryside lying partly within the core area of Lingfield Village and forming a substantial part of the Lingfield Conservation Area. The proposed development would remove the open countryside character of both this core area and adjoining areas of open countryside along Station Road and Town Hill, Lingfield. In all these respects, the proposed development would not serve purpose (c) of the Green Belt in paragraph 138 of the NPPF 2021 because it would not safeguard the countryside from encroachment so causing additional planning harm. Neither would the development serve purpose (e) of paragraph 138 of the NPPF because allowing development in the open countryside does not provide any encouragement to the recycling of derelict and other urban land.
- 8.5 The Council's case will be that very special circumstances for overriding Green Belt policy do not exist in this case. The harm by reason of inappropriate development in the Green Belt and other harm (loss of open countryside which is a valued landscape, harm to the Lingfield Conservation Area and harm to the setting of designated and non-designated heritage assets) is not outweighed by other considerations as will be referred to below. The proposed development is, consequently, an inappropriate form of development within the Green Belt and no very special circumstances exist that would justify the appeal being allowed.

Designated and non-designated heritage assets

- 8.6 A large part of the northern area of the appeal site is within the Lingfield Conservation Area being open fields and manorial land associated with the historic core of Lingfield Village which includes Grade I, II* and II statutorily listed buildings and non-designated heritage assets. These fields contribute to the historic and architectural significance of the aforementioned heritage assets by revealing the isolated development of the village as a coherent medieval settlement, known historically as Church Town, which dates from the founding of Lingfield College in 1431. The application site provides an important separation between the village and surrounding modern development, being evident from views toward and from within Church Town. The infilling of the fields with modern housing will remove the last vestige of the conservation area's rural character from its surroundings, including New Place. and cause harm to its character and appearance. Further harm would also be evident from the loss of the rural surroundings to New Place Farm, which is an undesignated heritage asset located within the Conservation Area. It is considered this would result in a high degree of less than substantial harm.
- 8.7 While the scheme will not directly impact any other heritage assets, it will cause harm to the setting of several statutorily listed buildings adjoining or close to the appeal site. The Historic Building Officer has identified harm to the setting of the Church of St Peter and St Paul, a Grade I listed building. The church forms a prominent landmark when travelling along Station Road with views framed by the open rural fields. The scheme will see the loss of these rural views and the ability to understand its historic interest as an incredibly grand perpendicular Gothic church set amongst an isolated settlement built on a much smaller rural scale. Such harm would be considered a moderate degree of less than substantial harm.
- 8.8 The Historic Building Officer has also identified harm to the setting of the Grade I listed Pollard Cottage and Grade II* listed Church House, both of which are historically significant for forming part of the isolated rural settlement of Church Town. Both of these buildings have views of the application site which reinforces

this important part of their significance. The same is also the case for New Place, a small scale Jacobean country house developed separately from Church Town amongst rural fields. The proposed scheme would result in a low level of less than substantial harm to all of these heritage assets.

8.9 In addition to comments from the Historic Building Officer, concerns have been raised by Historic England who considered that the outline application would cause less than substantial harm to the significance and setting of Lingfield Conservation Area by markedly eroding its green space. They agreed the proposed scheme would also cause less than substantial harm to key views to the Grade I listed church and to the setting of listed buildings within the Conservation Area. Historic England recommended mitigating the scheme further by substantially reducing the density of the proposed housing and by expanding proposed buffer zones between New Place Farm and the churchyard.

8.10 This less than substantial harm to the Conservation Area and to other heritage assets needs to be considered against the provisions of the NPPF relating to conserving and enhancing the historic environment and development plan policy relating to heritage assets and the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.11 The NPPF at paragraph 202 provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage, this harm should be weighed against the public benefits of the proposal. At paragraph 203 the NPPF provides that the effect of an application on the significance of non-designated heritage assets should be taken into account in determining the application, requiring a balanced judgement of any harm and the significance of the heritage asset. Development plan policy DP20(1) provides that only when 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. The public benefits of the proposal do not outweigh the heritage harm here. This is addressed further below.

Appeal site as a valued landscape and open countryside

8.12 The Council will submit that the appeal site is a valued landscape because it has two demonstrable physical attributes:

- i) It provides an important part of the setting of the Lingfield Conservation Area; and
- ii) It provides an emblematic view of the church spire in the centre of Lingfield as seen on approaches to the village from the east.

The NPPF at paragraph 174 provides that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes in a manner commensurate with their identified quality in the development plan.

8.13 The Council will further submit that the appeal proposals fail to contribute to and enhance this valued landscape because its green, open character will be dominated by built development.

8.14 The appeal site is open countryside lying partly within the core area of Lingfield Village. As such, the proposed development would remove the open countryside character of both this core area and adjoining areas of open countryside along Station Road and Town Hill, Lingfield. The proposed development would replace views of open fields from these roads, and from publicly accessible viewpoints within Lingfield Village itself, with views of new housing development. The new housing development would also interdict viewpoints from the south and east of the appeal site of open countryside that forms part of the Lingfield Conservation Area and the emblematic church spire in the historic core of the Lingfield Conservation Area. In all these respects, the proposed development would not serve purpose (c) of the Green Belt in paragraph 138 of the NPPF 2021 because it would not safeguard the countryside from encroachment so causing additional planning harm (above).

8.15 The NPPF at paragraph 174(b) requires that planning decisions should recognise and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Policy CSP21 of the development plan

provides that development will be required to conserve and enhance landscape character. Policy DP7 of the development plan requires that development should integrate effectively with its surroundings, reinforcing local distinctiveness and landscape character. The Council's case will be that the proposed development is contrary to this national planning policy and development plan policies because it would replace open countryside with built development.

Character and appearance of the proposed development

- 8.16 The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments add to the overall quality of the area; respond to local character; reflect the identity of local surroundings and materials; are visually attractive as a result of good architecture and appropriate landscaping. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 8.17 Policy CSP18 of the Core Strategy requires that new development should be of a high standard of design that must reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness. Development must also have regard to the topography of the site, important trees or groups of trees and other important features that need to be retained.
- 8.18 Policy DP7 of the Local Plan Part 2: Detailed Policies requires development to, inter alia, respect and contribute to the distinctive character, appearance and amenity of the area in which it is located, have a complementary building design and not result in overdevelopment or unacceptable intensification by reason of scale, form, bulk, height, spacing, density and design.
- 8.19 Policy CSP21 of the Tandridge District Core Strategy 2008 advises that the character and distinctiveness of the District's landscapes and countryside will be protected for their own sake and that new development will be required to conserve and enhance landscape character.

8.20 Paragraph 40 of the National Design Guide stipulates that “well designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary.” Paragraph 49 also states that the “identity or character of a place comes from the way buildings, streets, spaces, landscape and infrastructure combine together and how people experience them. Furthermore, paragraph 51 advises that local identity is made up of typical characteristics such as the pattern of housing, and special feature that are distinct from their surroundings. Paragraph 52 articulates that this includes considering the composition of street scenes, individual buildings and their elements and the height, scale, massing and relationships between buildings.

8.21 This application has been submitted in outline with all details but access and layout reserved. Indicative drawings accompany the application which give an impression of how a development of this scale might be accommodated on the application site. It would not be appropriate to comment on the finer design elements of the proposal. However, given the impact of this proposed major housing major development in this location, the Council’s evidence will address wider impacts on character and appearance.

8.22 The application is accompanied by a Design and Access Statement (DAS), indicative drawings and a Landscape and Visual Impact Assessment.

8.23 The Council’s evidence on character and appearance will address the matters set out below.

8.24 The spread of built form across this site is generally even. Utilising much of the site, with development abutting New Place Farm. Open spaces do offer some relief from the built form. However, they are pushed to the edges, appearing in many instances as corridors or verges, which offer limited opportunities for meaningful amenity or recreation. Notably the more significant areas of open space are in the south east corner of the site and in the north, directly to the south of the Public Right of Way. The south east corner of the site is highly visible when viewed from the adjacent roads, with a relatively low and slender hedge, which

currently contains a number of gaps. While it may seem beneficial to provide more soft landscaping on this corner, there are concerns that this could have a dominating effect on the road and the openness and the countryside character currently enjoyed.

8.25 This site was assessed as part of the Examination of the emerging Local Plan through the Tandridge Landscape Capacity and Sensitivity Study (reference LIN 030). It is evident that the appellants rely on the draft Site Allocation, to justify the development. However, it ignores criteria which set out that development should be focused towards the areas adjacent to existing built form and the north of the site, in order to limit the impact on the wider landscape. There does not appear to be any adherence to these criteria. Instead, the design of the proposed indicative layout (albeit not a reserved matter), shows development spread much more evenly across the site. This is not desirable and conflicts with the principles that the Council applied when previously considering the proposed allocation.

8.26 The Public Right of Way (PROW) in the north of the site is heavily used by pedestrians coming to and from the railway station. Directly to the north of the PROW would be built form, which would impact the current unobstructed views currently enjoyed and it is also noted that this area would require some form of road access which would conflict with users of the PROW. It is unclear how safe vehicular access and egress across the PROW could be achieved without reducing a notable portion of vegetation (see below under highway safety).

8.27 The drawings are stated as being indicative (although layout is not a reserved matter). Nevertheless, they are helpful in giving the impression of what 99 units would look like within this space.

8.28 The Design and Access Statement indicates that heights across the site would be restricted to two storeys. This would appear to be in keeping, with much of the surrounding residential heights in the locality. However, given the heritage sensitivities and the spread of development, it is likely that the proposed built form would appear dominant. There are concerns that a hard urban edge could be formed, particularly impactful adjacent to the PROW and the public highways in the south east.

8.29 Of particular concern is the positioning of a block of flats pushed up to the boundary with New Place Farm. This relationship is considered to be inappropriate, taking away from the significance of this neighbouring, characterful site which makes a positive contribution to the Conservation Area. Under the indicative layout, it is evident that a significant area of the site would be taken up by roads, parking and circulation spaces which would be marked contrast to its present rural character.

8.30 Overall, the Council has concerns about the quantum of development, its layout and form, the impact on openness and on rural character and setting and, as such, the proposed development would fail to comply with Policies CSP18 and CSP21 of the Core Strategy, and Policy DP7 of the development plan and the provisions of the NPPF, paragraphs 130 and 134.

8.31 English Heritage express similar concerns to the Council in their consultation response, stating:

“Due to the nature of an outline application, proposals contain few details showing what the design, character and appearance of the proposed new dwellings would be. We therefore refrain from assessing their impact on designated heritage assets until further details about the design emerge, should the applicant proceed to a full planning application.

We advise that the degree of harm caused by proposals should be mitigated further by substantially reducing the density of proposed housing and by expanding proposed buffer zones, particularly between the proposed site adjacent to New Place Farm and the churchyard.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 195, 199, 200 and 202 of the NPPF. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.”

The Historic Buildings Officer of Surrey County Council has expressed similar concerns and would support the applicant withdrawing the application to provide more details of scale and appearance should they wish to demonstrate that the scheme can be achieved with a lesser degree of harm.

9. Other matters

9.1 The Council is aware of other considerations that may arise during the appeal proceedings or in the event the appeal is allowed, as follows:

- i. Ensuring an acceptable vehicular access to the site that meets the requirements of Surrey County Council as highway authority and is in compliance with development plan policy DP5; it is understood this can be achieved by way of a Grampian planning condition;
- ii. Designing an acceptable (in safety and landscape impact terms) vehicular crossing of the public footpath that separates the 'plateau' and 'outlier' parts of the appeal site in compliance with development plan policy DP5; it is understood that the appellant is in discussion with the Surrey County Council Public Rights of Way Officer;
- iii. Improvements to the public footpath by way of resurfacing and repair and ongoing maintenance of its street lighting given its expected increased useage following the development of the appeal site in accordance with the provisions of development plan policies CSP11 and DP5;
- iv. Designing a sustainable and adequate surface water drainage system in compliance with development plan policy DP21; it is understood that the appellant is in discussion with the Surrey County Council as Lead Local Flood Authority;
- v. The appellants' demonstrating that the appeal proposals would not have an unacceptable impact on reptiles by agreeing to provide an acceptable reptile mitigation strategy to address the concerns of the Surrey Wildlife Trust as the Council's consultee on biodiversity matters so complying with development plan policies CSP17 and DP19.

- vi. The appellants agreeing, through a Section 106 obligation, to provide an appropriate mix of affordable housing, so that the development would be compliant with development plan policy CSP7;
- vii. The Council, in accordance with paragraph 185 of the NPPF and policy DP22 of the development plan, further investigating the potential environmental consequences by way of increased aircraft noise of the proposed expansion of Gatwick Airport commercial flying operations by bringing into use the northern runway; and
- viii. The appellants entering into a Section 106 agreement providing for among other matters:
 - a. Mobility impaired persons bridge at Lingfield Station
 - b. Opportunities to improve Lingfield station car park
 - c. Rebuilding of Lingfield Surgery
 - d. On-site provision of open space

The Council will raise any concerns relating to these matters in evidence if they are not satisfactorily addressed by the appellants in discussion with the parties referred to above.

10. Conclusions and the planning balance

10.1 The case for the Council will be that the absence of a five year housing land supply, and the contribution to affordable housing needs in the Lingfield area that development of the appeal site would provide, together with any other public benefits of the proposed development, do not outweigh the harm to the Green Belt by reason of inappropriateness and the other harm identified above. As a result, there are not very special circumstances.

10.2 The Council's assessment is that within an overall planning balance, the harm to Green Belt openness and associated loss of open countryside attract substantial weight against the grant of planning permission. The harm to heritage assets, which is not outweighed by the public benefits of the development (NPPF paragraph 202), attracts great weight against the grant of planning permission. Harm to a valued landscape attracts considerable weight against the grant of planning permission.

10.3 The Council acknowledges that public benefits would arise from the proposed development. The provision of mainstream and affordable housing attracts considerable weight for the grant of planning permission. Short term employment would be created in the construction phase of the development. The increased local expenditure from those living in the proposed development might generate a modest number of new jobs locally. Overall, employment generation arising from the development should only be afforded limited weight.

10.4 The Council's case will be that in the overall planning balance the harm arising from the development significantly outweighs any benefits.

10.5 The proposed development does not comply with the policies of the adopted development plan overall, being contrary to Green Belt, countryside protection and heritage asset conservation policies,

10.6 The key material consideration in the determination of this appeal are the policies of the NPPF. Paragraph 11(d) of the NPPF is engaged. However, the policies in the NPPF that protect areas or assets of particular importance (in this case Green Belt and heritage assets) provide clear reasons for dismissing this appeal.

10.7 The Council position will be that, having regard to the considerations set out above, had it been the determining authority planning permission would have been refused on the following grounds:

- i) The proposed development would constitute inappropriate development in the Green Belt causing significant harm to the openness and visual amenities of the Green Belt. No very special circumstances exist to clearly outweigh the harm by reasons of inappropriateness and other identified harm. As such, the proposal is contrary to the provisions of Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies (2014), and Section 13 of the National Planning Policy Framework 2021 with respect to protection from built development of Green Belts.
- ii) The proposal would fail to preserve or enhance character and appearance of Lingfield Conservation Area and would be harmful to the setting and significance of designated and non-designated heritage assets. The

application fails to set out clear and convincing justification to outweigh the harm. Therefore, the proposal fails to accord with the above identified national, regional and local policies and legislation, in particular Policy DP20 of the Tandridge Local Plan Part 2: Detailed Policies (2014), and Section 16 of the National Planning Policy Framework (2021);

- iii) The site as open countryside falls largely within the Lingfield Conservation Area and is a valued landscape and the development proposals would fail to contribute to and enhance the natural and local environment as required by paragraph 174 of the NPPF 2021 and would be contrary to policies CSP21 and DP7 of the development plan;