

# **TANDRIDGE DISTRICT COUNCIL REBUTTAL PROOF ON PLANNING MATTERS**

## **1) TDC's Interim Policy Statement for Housing Delivery ("IPSHD") (2022) (CD4.15)**

- 1.1 The Planning Proof of Evidence of Steven Brown for the appellant at paragraph 4.40 refers to this policy statement and quotes from the decision of the Chichele Road appeal inspector (CD9.1), who concluded at paragraph 9 of her decision that the fact that the IPSHD "does not form part of the development plan [...]" limits the weight which can be afforded to this document". I note however that the inspector nevertheless went on to find at paragraph 76 of her decision that IPSHD sites "would make an important contribution to addressing need."
- 1.2 I also note that in the Station Road, Lingfield appeal decision (CD9.2), whilst the inspector gave limited weight to the IPSHD "because of its non-statutory status" (paragraph 15), he nevertheless took the view that whether a site was "positively identified" in the IPSHD was relevant to determining whether "very special circumstances" existed (paragraph 109).

## **2) Compliance with the adopted Tandridge development plan:**

2.1 In his Planning proof of evidence, paragraphs 3.8 to 3.31, Mr Brown gives his assessment of the compliance of the appeal proposals with Tandridge development plan policies. His assessment concludes with respect to specific policies that:

- i) the Appeal Scheme is contrary to Policy CSP1 as it is located outside the defined settlement boundary for Oxted ;
- ii) the appeal scheme is contrary to policies on the Green Belt, however, these policies are out-of-date because they pre-date the changes to National policy;
- iii) the Appeal Scheme would conflict with Landscape and Countryside Policy CSP21, however, the policy is not consistent with the Framework;
- iv) no conflict between the Appeal Scheme and Policy DP20 relating to heritage (regardless of its inconsistency with the NPPF).

Otherwise, Mr Brown finds no conflict between the appeal scheme and development plan policies relating to ecology, drainage, provision of housing, affordable housing, infrastructure and services, sustainable construction, character and design, density and highway safety.

2.2 Paragraph 232 of the NPPF states that existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them according to their degree of consistency with the Framework.

2.3 Mr Brown quotes the Plough Road, Smallfield inspector's decision, paragraph 91 (CD9.14) which stated, as follows:

*"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."*

2.4 Notwithstanding the finding of the Smallfield inspector above the inspectors in the Chichele Road (CD9.1), Lingfield (CD9.2) and Warlingham (CD9.33) appeal decisions did not find the development plan policies to be inconsistent with the NPPF.

For example, the Chichele Road inspector stated at paragraph 99 of her decision that:

*"Other than the Council's spatial strategy, the development plan policies are considered broadly consistent with the Framework. There are no material considerations, which indicate that the appeal should be determined, other than in accordance with the development plan."*

The Lingfield inspector stated at paragraph 122 of his decision that:

*"In conclusion the appeal proposal would be contrary to CS Policies CSP18 and CSP21 and TLLP2 Policies DP7, DP10, DP13 and DP20. It would also fail to accord with national planning policy at paragraphs 126, 130, 134, 137, 138, 147, 148, 174, 189, 199, 200, 202 and 203 of the NPPF, as set out above. The CS policies identified are reasonably consistent with the relevant parts of the NPPF and the conflict with them should be given significant weight notwithstanding their age. The TLLP2 policies are consistent with the NPPF and so carry full weight."*

The Warlingham inspector at paragraph 22 of his decision found that Policy DP10 accorded with the aims of the NPPF.

2.5 The NPPF has been amended since these three appeal decisions were made to introduce the concept of "Grey Belt" into Green Belt policy. The Council's evidence to this inquiry is that the site is not Grey Belt. If this part of the Council's evidence is accepted, this appeal is to be determined on the basis that the appeal site is Green Belt and there is no inconsistency between development

plan policy DP10 and paragraph 153 of the NPPF with respect to Green Belt policy.

### **3) Green Belt Purpose (d) – Setting of Historic Towns**

3.1 The Council's position is that Oxted is a historic town for the purposes of assessing the impact of development against NPPF Para.143 Purpose (d). The appellant has sought to challenge this in evidence prepared by their Heritage witness, which is then adopted by their Planning witness.

3.2 The identification of Oxted as a historic town for Green Belt purposes is well established. It was originally identified as a historic town in the Tandridge District Council Green Belt Assessment (GBA) prepared in 2015 for the since withdrawn Our Local Plan 2033. Oxted including Limpsfield and Hurst Green was identified as a historic town in the 2015 GBA due to the conservation areas and other heritage assets that exist (and still exist) and general history associated with the evolution of Oxted over the years.

3.3 Whilst that local plan was withdrawn for other reasons, the Local Plan Inspector did not find fault in the Council's Green Belt Assessment and methodology. This is confirmed by the Inspector's analysis set out in Paragraph's 96 to 101 of their report (Core Document CD4.25.) that concluded (in Para. 101) that the GBA has been "*undertaken on the basis of a clear methodology consistent with national planning policy...*".

3.4 In respect of the 2015 GBA and assessment of historic towns and application of purpose (d), the Inspector stated "*Whilst the GBA methodology acknowledges that the purpose to preserve the setting and special character of historic towns is unlikely to apply to Tandridge on the same scale as some historic towns, the District does have areas with special historic character, primarily those designated as conservation areas and this is a reasonable approach in the Part 1 assessment.*" To reiterate, at no point did the Local Plan Inspector challenge the GBA methodology and identification of Oxted including Limpsfield and Hurst Green as a historic town for Green Belt purposes. It is contended that the conclusions of the Local Plan Inspector have confirmed without any doubt that Oxted including Limpsfield and Hurst Green is a historic town for the purposes of Green Belt assessments.

3.5 More recently in October 2025, Sevenoaks District Council published its Green Belt Assessment methodology. This methodology prepared by Arup also identifies Oxted as a historic town (pages 31 to 33), again using the continued

rationale of the presence of conservation areas to justify this as well as its conclusions on other identified historic towns. The relevant extract from the Sevenoaks District Council Green Belt Assessment Methodology is **Appendix A**.

- 3.6 As there has been no change to national policy or guidance as to what constitutes a historic town, the Council's emerging Local Plan and updated Green Belt Assessment will continue to consider Oxted including Limpsfield and Hurst Green as a historic town for Green Belt purposes. This is entirely consistent with all published evidence on this matter to date.
- 3.7 The appellant seeks to undermine this long-established position by reviewing the historic evolution of the urban area, which has expanded beyond those historic cores covered by conservation areas over the years incorporating areas such as Limpsfield and Hurst Green over time that of themselves purportedly have less heritage value. However, the fact is the Oxted including Limpsfield and Hurst Green urban area that exists today is a single 'town', all of which has originated from or around historic areas, which still exist today. There is no distinction in the NPPF for only parts of towns to be considered historic; a settlement will either all be a historic town or it will not based on its heritage value. In any event, it can be noted that Mr Copp's Appendix B places the oldest, medieval part of Oxted nearest to the appeal site. This is an area that contains two buildings of special interest, and it is unquestionably historic, and of special interest, as well as being the most historic part of Oxted.
- 3.8 In the case of Oxted including Limpsfield and Hurst Green, the presence of a significant number of heritage assets across the town including conservation areas, listed buildings, locally listed buildings and areas of high archaeological potential all collectively combine to support Oxted's status as an 'historic town'. Its history and origins strongly informed the expansion and design of later buildings that the appellant seeks to diminish in heritage terms (there are examples in Oxted of 20<sup>th</sup> century developments that are designated conservation areas.). While there has been expansion over the years it appears today as a coherent and single urban area all of which stems from its historic origins that are well established as having special significance. Together the component parts of Oxted including Limpsfield and Hurst Green exist as a single town, and as such the extent to which the surrounding Green Belt plays a role in maintaining the setting of this historic town, together with its contribution to its special character, must be considered.
- 3.9 This is not to say that all parts of the town or land adjacent has the same effect on the special character and significance of the historic town of Oxted including

Limpsfield and Hurst Green. However, this does not change the starting point position that settlement extent of Oxted including Limpsfield and Hurst Green is a single homogenous developed entity that has long been established, and accepted at Local Plan examination, to be a historic town for the purposes of Para. 143 (d). Moreover, as has been noted above, the oldest, medieval part of Oxted is the closest to the appeal site. The appellant's witness statement does not provide any objective or evidenced reasons why Oxted should not continue to be a historic town for the purposes of Para. 143 (d) and is more aimed at assessing the development's impact on the designated heritage assets, which is a separate matter to the impact of the proposal on application of NPPF Para. 143 (d).

#### **4) Affordable Housing**

- 4.1 The data from the Council's published Annual Monitoring Report states that delivery of affordable housing in the period 2015/16 to 2019/20 was 370 units. Figure 6.1 at paragraph 6.2 of Mr Stacey's Affordable Housing Proof of Evidence gives delivery of affordable housing in this period as 369 units. This would reduce the shortfall against the Affordable Housing Needs Assessment 2015 to 1,910/1911 homes. For the following period, the AMR data states that 412 affordable homes were delivered, which is slightly lower than the appellant's 424 homes figure.
- 4.2 The Council has commissioned a Housing and Economic Needs Assessment (HEDNA) to provide an up to date and NPPF compliant affordable housing needs assessment. This work is ongoing, and the Council will update the appellant on its outcomes if it were to report before the close of the Inquiry.
- 4.3 Temporary Accommodation – The reference to the Housing Regulator's judgment has no relevance to the issue of affordable housing need at this Inquiry and should be retracted.
- 4.4 The Future Supply of Affordable Housing – The appellant's witness contends that the shortfall in housing delivery should be addressed in the next five years is consistent with the 'Sedgefield' approach for addressing backlogs. The Council accept that there is a need for more affordable housing but refute there being any specific basis in planning policy to require accelerated delivery over and above addressing the issue in a plan-led system. In the case of Tandridge, it is progressing a Local Plan that will set a housing requirement, inclusive of affordable housing needs and a strategy to deliver against this.

4.5 Overall, the appellant's fundamental point is that there is a shortfall of affordable housing that should be given, in their view, very substantial weight in this appeal. The Council does not dispute that there is an acute shortage of affordable housing and has given due weight to this in its decision on the application albeit maintains its position that there are other significant and strong reasons in this case why the appeal should be dismissed.

## **5.0) Care Home Provision**

5.1 Paragraph 1.17 of the older persons housing proof of evidence prepared by Iain Warner is no longer up to date as statements of common ground have been agreed for some of the matters listed in the preceding paragraph 1.16 of the proof of evidence.

5.2 The appellant questions the Council's reliance on the position of Surrey County Council (SCC) made to a separate planning application and appeal (Lingfield House). However, as the appellant's planning witness has done on various topic areas, the Council is legitimately also able to rely on relevant evidence that exists in the public domain. The evidence provided by SCC to the Lingfield House appeal is valid in this appeal as it is a statement of fact and used in the County Council profile work to assess need for older persons. The same issue applies at Lingfield House as it does here in that there is no substantive information presented on what type of care is proposed.

5.3 The appellant seeks to rely on its own evidence on care need that has not been agreed with SCC or the Council or endorsed (as far as the Council is aware) through any appeals or Local Plan examination. The Council's position is to rely upon the evidence provided by SCC on care needs. This is the appropriate basis for considering care needs given that SCC have the statutory responsibility for adult social care provision in the county. The weight to be attached to evidence prepared by SCC on needs should, therefore, be given the primary weight in this appeal as opposed to that prepared by the appellant's witness.

5.4 Consequently, the Council's fundamental point has not been addressed in the appellant's witness evidence on care needs. That is, it still has not been confirmed by the appellant what needs as identified by SCC the proposed care home (which has confusingly shifted from being extra care as originally applied for to now a care home) will meet. The SCC evidence sets out there are different requirements for residential and nursing care beds with the latter being less acute. Without details on the model and type of care home proposed the weight that should be attributed to this part of the proposal can only, at best, be limited. The Council also remains of

the view that the description of development should be changed from extra care to a care home.

## **6) Foul Drainage Capacity**

- 6.1 The LPA notes from the proof of Mr Jaques on behalf of the appellant that Southern Water has planned improvement works which will increase capacity in the local sewerage network, which start in 2028, and have a regulatory deadline of 2035. This is a period of nine years from today during which there may only be sewerage capacity for up to 54 houses on the appeal site. The outcome could also be that Southern Water may have to tanker sewage off the appeal site for some years which is by no means an ideal arrangement.
- 6.2 The restricted sewerage network capacity will require a Grampian condition on any permission granted to enable the LPA control over the quantum of development built and its occupation until adequate sewerage network capacity is provided to service the whole of the proposed development.

## Appendix A – Extract from Sevenoaks District Council Green Belt Methodology October 2025 and Purpose (d).

### 4.2.4 Purpose (d)

#### ***Purpose (d): To preserve the setting and special character of historic towns***

Purpose (d) considers the extent to which an assessment area protects land in the immediate and wider context of a historic town. National policy provides some guidance over what might constitute 'historic towns' by stating that *'this purpose relates to historic towns, not villages'* (Green Belt PPG, paragraph 005). Historic towns have therefore been identified from the list of places which are considered towns for purpose (b) and which have a historic significance.

Historic significance has been defined on the basis of a review of published studies and the professional judgement and local knowledge of Sevenoaks and neighbouring authority officers. Within Kent and Medway, historic towns were initially identified through the 2006 Archaeology in Historic Towns<sup>34</sup>. Although the study is dated, it is still considered a reasonable source given that historic assets typically tend to be enduring. Nevertheless, the conclusions of the study were cross-checked by considering whether a Conservation Area covering the settlement core was present today, as a proxy for historic value and also through discussion with Council officers.

A similar evidence study was not available for Surrey and the London authorities; thus, the presence of a Conservation Area for the settlement core within a town was used as a proxy to identify historic towns across Kent, Surrey and London. This evidence was combined with consideration of wider factors such as whether the town is known to have significant historical importance or has retained its historical identity and character. For example, New Ash Green was included in the assessment due to its unique historical identity (largely intact) as a prototype for a new way of living from the 1960s. The draft list of historic towns was sense checked with Council officers from Sevenoaks and the neighbouring authorities as part of the duty to cooperate consultation.

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<sup>34</sup> Kent and Medway Supplementary Planning Guidance 'Archaeology in Historic Towns' July 2006



Historic towns have been defined, both within Sevenoaks District and neighbouring authorities as follows (Table 8, Figure 6). For the purposes of the assessment consideration was given to the relationship between the assessment areas and the historic cores of the towns.

**Table 8 - Historic towns considered in purpose (d) Assessment**

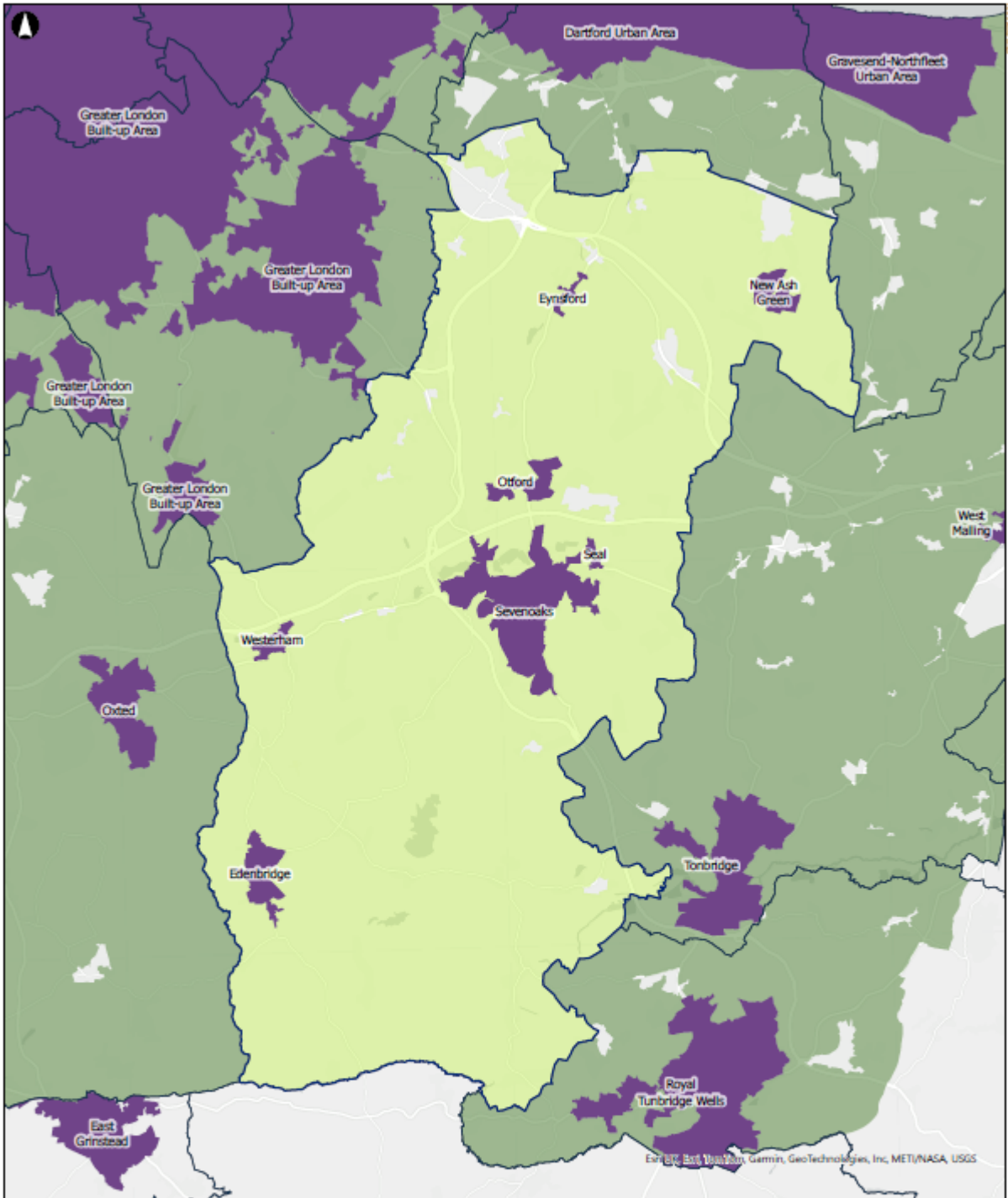
| Sevenoaks     | Neighbouring Local Authority  |
|---------------|---|
| Sevenoaks     | Oxted (Tandridge District Council)  |
| Edenbridge    | Tonbridge (Tonbridge and Malling Borough Council)                         |
| Westerham     | West Malling (Tonbridge & Malling Borough Council)                        |
| New Ash Green | Royal Tunbridge Wells (Tunbridge Wells Borough Council)                   |
| Otford        | East Grinstead (Mid Sussex District Council)                              |
| Eynsford      | Dartford Urban Area (Dartford Borough Council)                            |
| Seal          | Gravesend-Northfleet Urban Area (Gravesham Borough Council)               |
|               | Greater London Built-up Area (Bexley and Bromley London Borough Councils) |

The following aspects are of particular importance with regard to assessment of Green Belt against purpose (d):

- The role of the assessment area in providing a setting for the historic town, in particular the presence of the historic core within or adjacent to the assessment area itself.
- The extent of other existing development within the assessment area.
- The contribution of the assessment area to the special character of a historic town, as a result of the assessment area being within, adjacent to, or of significant visual importance to the historic core of the town.
- Consideration of the visual, physical and experiential relationship to historic core of the town, including views or vistas between the historic town and the surrounding countryside.
- Whether there is any separation from historic core of the town by existing development or topography.

**Table 9 - Purpose (d) Assessment Criterion**

| Criterion  | Score | Description   |
|--|-------|---|
| Protects land which provides immediate and wider context for a historic place, including views and vistas between the place and surrounding countryside. | 5     | Assessment area plays an important role in maintaining the setting of a historic town and/or makes a considerable contribution to the special character of a historic town. |
|  | 3     | Assessment area plays a role in maintaining the setting of a historic town and/or makes a contribution to the special character of a historic town.                         |
|  | 1     | Assessment area has a limited role in maintaining the setting of a historic town and/or makes little contribution to the special character of a historic town.              |
|  | 0     | Assessment area does not form part of the setting of a historic town and makes no contribution to the special character of a historic town.                                 |



**Legend**

- Historic Towns considered for Purpose (d) Assessment
- Sevenoaks Green Belt
- Neighbouring Green Belt
- Sevenoaks District Boundary
- Neighbouring Authorities Boundary

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Client:  
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Project Name:  
**Sevenoaks Green Belt Assessment**

Drawing Title:  
**Figure 8: Historic Towns considered for purpose (d) assessment**

Scale at A3:  
**1:120,000**

Revision table:

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| 1   | 04/01/2025 | WJ | JM    | GP   |       |

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Scale: 0 to 5,000 Metres

Coordinate System: British National Grid

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