

**Town and County Planning Act 1990
Section 78 (As Amended)**

STATEMENT OF COMMON GROUND

Prepared by:

**Woolf Bond Planning Ltd
for Croudace Homes Ltd**

and

Tandridge District Council



Land South of Barrow Green Road, Oxted

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

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1.0. INTRODUCTION

- 1.1. This Draft Statement of Common Ground (“SoCG”) relates to a Town and Country Planning Act 1990 Section 78 Planning Appeal lodged by Woolf Bond Planning Ltd on behalf of Croudace Homes Ltd against Tandridge District Council’s decision to refuse outline planning permission for up to 190 dwellings (including affordable homes), an extra care facility with up to 80 beds, together with the formation of vehicular access, landscaping, parking, open space, green and blue infrastructure and all other associated development works. All matters reserved except access (LPA Ref: TA/20250245).
- 1.2. The Statement records the matters upon which the parties have agreed, or disagreed, with the intention of leading to the preparation of more focused proofs of evidence.
- 1.3. Topic-based Statements of Common Ground were sent to the Council. A Five-Year Housing Land Supply SoCG has been agreed. As the Council indicated at the case management conference, it will consider whether additional SoCGs can be agreed once it has finished producing its evidence.

2.0. DESCRIPTION OF THE APPEAL SITE AND SURROUNDING AREA

Context

- 2.1. The Appeal Site is located within walking and cycling distance from the many services and facilities in Oxted (a Category 1 settlement)
- 2.2. It is agreed that Oxted is one of the most sustainable settlements in the District.
- 2.3. Within Oxted, there is a range of shops (including supermarkets), restaurants and employment areas. Oxted also has a range of community facilities, including a library, health centre, primary schools and secondary schools. It is also the location of the District Council's offices.
- 2.4. As identified in the adopted Core Strategy, Oxted/Hurst Green/Limpsfield is one of three main built up areas in Tandridge (paragraph 2.2 of the adopted Core Strategy refers). As Core Strategy Policy CSP1 identifies, to promote sustainable patterns of travel, development will “take place within the existing built up areas of the District (the Category 1 settlements listed below) and be located where there is a choice of mode of transport available and where the distance to travel to services is minimised.” The Appeal Site is not within the existing built up area of Oxted/Hurst Green/Limpsfield.
- 2.5. Oxted is described at paragraph 3.7 of the adopted Core Strategy as fulfilling an important role in providing key services and shopping for the District’s population.
- 2.6. About 94% of the District is Green Belt, including the appeal site. The boundaries were not reviewed as part of the adoption of the Core Strategy in 2008. The boundaries were reviewed as part of the work for Our Local Plan 2033 (now withdrawn) and this review remains a material consideration in the determination of planning applications and appeals. The Green Belt extends across all of the District beyond the defined settlement boundaries.
- 2.7. There are also two designated National Landscapes” (“NL”)), comprising the Surrey Hills NL in the north and the High Weald NL in the south-east.

2.8. The Appeal Site is currently within the setting of the Surrey Hills NL. Furthermore, the Appeal Site is currently being recommended by Natural England for inclusion in the proposed boundary extension of the Surrey Hills NL.

The Appeal Site

2.9. The Appeal Site is located to the northwest of the built-up area of Oxted and is a roughly square parcel of farming land with an area of 9.7 hectares (ha).

2.10. The site is predominantly grade 3a best and most versatile (BMV) agricultural land with an area of woodland in the southwest corner. It is bordered to the north by Barrow Green Road and the Oxted to London railway line. To the south there are residential properties on Wheeler Avenue, to the east is the burial ground of St Mary the Virgin Church and the Church itself (Grade I Listed) and Court Farm House (Grade II listed). To the south west of the Site is ancient wet woodland and a locally designated potential Site of Nature Conservation Importance (pNSCI), The Bogs. As ancient woodland, The Bogs is identified in national policy as an irreplaceable habitat. The Bogs and pNSCI extend into the Appeal Site as wet woodland, a Habitat of Principal Importance (HPI). The Bogs pNSCI within the Site is not ancient woodland.

2.11. There is an existing agricultural field access onto Barrow Green Road to the north. A public right of way ("PROW97") crosses the Site from the south-east corner to the northern boundary; in the south east the PROW is on land outside the Appeal Site boundary. As a public bridleway the PROW has broad range of users and provides pedestrians, cyclists and horse riders access and connectivity in either direction. The Site is within a walkable distance to a number of local services and facilities including:

- St Mary's Church of England Primary School
- Hazelwood Nursery and Pre-School
- Oxted Secondary School
- Oxted Health Centre
- Master Park recreation ground and pavilion
- Oxted Community Centre

2.12. In terms of accessibility, the Site is a short walk to Oxted train station provides regular services to London Bridge, London Victoria and East Grinstead. There is also a nearby bus stop , providing connectivity to bus routes 410, 410A, 594, 595 and 612 (to Redhill, Holland and Domewood).

2.12 A small stream flows from north to south along the western edge of the site. The western part of the site is shown to be at high risk of surface water flooding on the Environment Agency maps and there is a natural flow pathway of water, based on the topography, from the centre of the site to the south-west.

2.13 A Sequential Test has been undertaken by the Appellant.

2.14 The area of the Appeal Site where housing development is proposed is classified as falling within Flood Zone 1.

2.15 There are dense trees and hedgerows on parts of the Appeal Site boundaries. The exception is the boundary with the parish burial ground which is less vegetated and there are views from here into the Appeal Site. Some of the trees within the Appeal Site are subject to Tree Preservation Orders.

3.0 PARTICULARS OF THE PLANNING APPLICATION

3.1. The Appeal Scheme description on the planning application form is as follows:

“Outline application for a residential development of up to 190 dwellings (including affordable homes) (Use Class C3), 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. All matters reserved except access.”

3.2. Only the principle of developing the Site for up to 190 dwellings, along with the provision of an extra care facility with up to 80 beds (Use Class C2) and the means of access are to be determined as part of this outline application/appeal.

3.3. The Appeal Scheme includes an offer of 50% affordable housing to be secured through a Section 106 Agreement.

3.4. Appearance, landscaping, layout and scale are reserved for subsequent determination.

3.5. Plans forming part of the application when first submitted are:

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

3.6. It is agreed that the above plans comprise the application plans for the purpose of assessing the Appeal Scheme and determination of the appeal.

3.7. Plans included with the application for illustrative purposes comprise as follows:

- v) 3129-C-1005-PL-B Illustrative Masterplan
- vi) 3129-C-1006-PL-B Illustrative Masterplan in Context
- vii) 6514_100_A Illustrative Landscape Strategy
- viii) Building Height Parameter Plan 1202-PL-B

- ix) Access Parameter Plan 1201-PL-B
- x) Green Infrastructure Parameter Plan 1202-PL-B

3.8 The proposed land uses are summarised in the table below.

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

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

3.10 The planning application submitted to the LPA included a number of documents and technical reports as set out below.

- Covering Letter (Woolf Bond Planning) (27 February 2025)
- Application Form and CIL form
- Planning and Affordable Housing Statement (Woolf Bond Planning)
- Draft Heads of Terms (Woolf Bond Planning)
- Design and Access Statement and Design Commitment Statement (Omega Architects)
- Transport Assessment (Pell Frischmann)
- Framework Travel Plan (Pell Frischmann)
- Heritage Impact Assessment (RPS)
- Archaeological Desk Based Assessment (RPS)
- Flood Risk Assessment and Drainage Strategy (Motion)
- Energy Strategy (Energist)
- Preliminary Ecological Appraisal and Protected Species Survey Reports (Ecology Partnership)
- Biodiversity Net Gain Metric Calculation and Feasibility Assessment report (Ecology Partnership)
- Arboriculture Impact Assessment (Barton Hyett Associates)
- Older Persons Needs Assessment (Tetlow King Planning)
- Hydrological Sequential Test (RPS)

3.11 The supporting Environmental Statement (“ES”) has been prepared by Temple, and comprises the following volumes and technical information:

- ES Volume 1: Non-Technical Summary. This document provides a clear and concise summary of the proposed development, alternative designs that were considered, environmental impacts and mitigation measures;

- ES: Volume 2: Main Text. This section of the ES contains the main body and assessment contained within the EIA, with the various chapter headers addressing Socio-economics; Air Quality; Noise and Vibration; Traffic and Transport; Ecology; Built Heritage and Landscape and Visual Impacts and Effect Interactions.
- ES Volume 3: Technical Appendices. The Appendices provide supplementary details of the environmental studies conducted during the EIA including relevant data tables, figures and photographs.

3.12 Additional information, including amended illustrative plans and documents, was submitted to the LPA between March and July 2025, as follows:

- Arboriculture Impact Assessment Rev A (Barton Hyett Associates)
- Land Use Parameter Plan 1200-PL-D
- Building Height Parameter Plan 1202-PL-B
- Access Parameter Plan 1201-PL-B
- Green Infrastructure Parameter Plan 1202-PL-B
- Covering Letter (Woolf Bond Planning) (25 July 2025)
- 'Technical Note 2: Resolving LLFA Objection to Tandridge District Council Planning,' (Motion, 24 July 2025) – this technical note sets out a detailed response to the points raised by the LLFA in their 8 July 2025 consultant response.
- Updated Motion drawing number 2404081-0500-01 P06 [Drainage Strategy] is contained within Appendix B to that Technical Note. Note that this drawing shows the location of the attenuation basins and outfalls, as well as the position of the existing watercourse in relation to the site boundary and the 15m Ancient and Semi Natural Woodland (ASNW) buffer.
- Updated Illustrative Landscape Strategy Plan (Drawing Reference 6514_100 Rev B) which has been updated to show the position of the 15m ASNW buffer.
- Arboricultural Impact Assessment (Rev B) (Barton Hyett Associates, July 2025) which has been updated to assess the impact of the drainage outfall routes. (Refer in particular to paragraph 6.14 and Figure 2 of the report).
- Revised Design Commitment Statement (Omega) (July 2025)
- Agricultural Land Classification and Considerations Report (July 2025)

4.0 PLANNING POLICY

The Development Plan

- 4.1. 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.
- 4.2. The adopted Development Plan comprises the following:
 - Tandridge District Core Strategy 2008;
 - Tandridge Local Plan Part 2: Detailed Policies 2014-2029.
- 4.3. The settlement boundaries in the adopted Core Strategy were identified to provide for a net increase of 2,500 dwellings in the period 2006 to 2026 (125dpa). The Green Belt boundaries were not reviewed as part of the spatial strategy.
- 4.4. It is agreed that the Council is not able to demonstrate a five year supply of deliverable housing land. The separate Five Year Housing Land Supply SoCG refers. Paragraph 11(d) of the NPPF is engaged as a result. It is also agreed that the housing need identified under the standard method cannot currently be met without breaching identified Settlement boundaries.
- 4.5. Applicable Core Strategy policies comprise as follows:
 - 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

4.6 Applicable Local Plan Part 2 policies comprise as follows:

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

Green Belt

The Five Green Belt Purposes

4.7 Paragraph 143 of the NPPF sets out the five Green Belt purposes.

4.8 The parties disagree as to whether the Appeal Site makes a strong contribution to purposes (a) and (c) and also whether it contributes to purposes (d) and (e).

4.9 However, it is agreed that the Appeal Site does not strongly contribute to purpose (b).

Inappropriate Development

4.10 Paragraph 153 of the NPPF explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It adds that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

4.11 The parties agree that none of the exceptions at paragraph 154 of the NPPF are engaged by the Appeal Scheme.

4.12 If the Appeal Site is not found to comprise grey belt land, the merits of the proposal fall to be determined under the approach at paragraph 153 of the NPPF.

4.13 In that scenario, the Appeal Scheme would constitute definitional harm to the Green Belt. It would also result in spatial and visual harm to the openness of the Green Belt and conflict with purpose (c) (protecting the countryside from encroachment, paragraph 143 of the NPPF).

4.14 Whether the Green Belt harm and any other harm resulting from the proposal is clearly outweighed by other considerations is a matter to be addressed in evidence.

Grey Belt

4.15 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 all specified conditions are met.

4.16 '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.

4.17 The specific conditions at paragraph 155 of the NPPF that would all 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.

4.18 The parties disagree on whether the Site meets the grey belt definition at point (a) in paragraph 4.17 above.

4.19 However, it is agreed that with respect to (b) in paragraph 4.17 above there is a demonstrable unmet need for housing due to the lack of a five year supply of deliverable housing land, and with respect to (c) in paragraph 4.17 above that the Appeal Site is in a sustainable location.

4.20 In accordance with paragraph 156 of the NPPF, the following contributions will be secured through the S106 agreement:

- Affordable housing (50%), subject to agreement of appropriate provisions in a Section 106 Agreement
- Subject to agreement of appropriate provisions in a Section 106 Agreement, monetary contributions towards local infrastructure and other expenditure made necessary by the scheme; and
- Provide publicly accessible open space.

4.21 If the Site is grey belt, it is agreed that that, subject to the contributions identified in paragraph 156 of the NPPF being secured through an appropriate s. 106 obligation, the Appeal Scheme would satisfy the 'Golden Rules' at paragraphs 156 and 157 of the NPPF.

4.22 In accordance with the approach set out at paragraph 158 of the NPPF, if it is found that the Golden Rules are satisfied, compliance with the Golden Rules should be given significant weight in favour of the grant of planning permission.

4.23 In addition to the disagreement on the contribution made by the Appeal Site to Green Belt purposes (a), (c), (d) and (e), a further matter that remains in dispute is whether there are any Footnote 7 considerations that would provide a strong reason for refusal.

4.24 For the purpose of determining the Appeal, the Council is of the view that the application of NPPF "Footnote 7" policies relating to Green Belt, setting of National Landscapes, irreplaceable habitats and designated heritage assets provides a strong reason for refusing the proposed development.

4.25 The Appellant's position is that heritage, landscape and irreplaceable habitats do not provide a strong reason for refusal.

4.26 The Appellant's position is that if the Inspector concludes the Appeal Site/Scheme is Grey Belt and it accords with the Golden Rules, the proposal represents appropriate development in the Green Belt and should be positively determined in accordance with the presumption in favour of sustainable development at paragraph 11(d)(ii) of the NPPF.

4.27 The Council's position is that the Site is not Grey Belt.

4.28 The Appellant and the Council agree that if the Inspector concludes the Appeal Site/Scheme is not Grey Belt, the proposal represents inappropriate development and should only be approved in very special circumstances.

4.29 These matters will be addressed in evidence.

5.0 FIVE YEAR HOUSING LAND SUPPLY

- 5.1 In so far as the Core Strategy is more than five years old, and in accordance with the requirements in paragraph 78 and footnote 39 of the NPPF, the housing requirement falls to be determined by the local housing need derived from the application of the standard method.
- 5.2 The current housing need for Tandridge, derived from the application of the standard method, is 826 dwellings annually. A 20% buffer is then added (to reflect the Housing Delivery Test results).
- 5.3 This results in an annual need in Tandridge for 991dpa.
- 5.4 By comparison, the adopted CS provides for 125dpa.
- 5.5 The parties agree that the Council is not able to demonstrate a five year supply of deliverable housing land.
- 5.6 It is further agreed that the lack of a five year supply of deliverable housing land is a material consideration in the determination of the Appeal Scheme. The agreed position is set out in the separate Five Year Housing Land Supply SoCG.

6.0 MATTERS NOT IN DISPUTE

- 6.1. It is accepted that the Council is not currently able to demonstrate a five-year supply of deliverable housing land against the Standard Method.
- 6.2. The development plan policies for the supply of housing are out of date. The weight to be given to the adopted policies will depend on their degree of consistency with the NPPF.
- 6.3. It is agreed that paragraph 11(d) of the NPPF is engaged.
- 6.4. It is agreed that the appeal site is in a sustainable location within walking and cycling distance from the town centre.
- 6.5. It is accepted that the provision of up to 190 dwellings from the Appeal Scheme is a benefit that should be afforded positive weight.
- 6.6. 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.
- 6.7. It is accepted that Tandridge is a CIL Charging Authority and the amount of CIL payable will be secured at the reserved matters stage once the amount of chargeable floorspace is fixed.

7.0 MATTERS IN DISPUTE

7.1. The matters presently in dispute, to be addressed in evidence, comprise as follows:

- i. The impact of the proposed development on the setting of the Surrey Hills National Landscape.
- ii. The impact of the proposed development on the proposal to include the Appeal Site in the extended National Landscape boundary.
- iii. Whether the proposed development is sensitively located and designed to avoid/minimise adverse impacts on the National Landscape.
- iv. Whether the Appeal Site is a Valued Landscape.
- v. Whether there will be permanent significant visual harm to the views from a limited number of properties at the northern end of Wheeler Avenue.
- vi. The impact of the proposed development on Green Belt purposes (NPPF para 143) and on the purposes of the remaining Green Belt when considered across the area of the plan.
- vii. Whether the Site is Green Belt and Grey Belt land.
- viii. The extent of harm that the proposed development would cause to the setting and significance of designated heritage assets.
- ix. Whether the withdrawn Local Plan Review documents and the associated evidence base carry only limited weight.

7.2. If the Appeal Site is found not to constitute Grey Belt land, whether very special circumstances have been demonstrated having regard to the provisions at paragraph 153 of the NPPF.

7.3. Whether there are any footnote 7 constraints that provide a strong reason for refusing the Appeal Scheme. These considerations relate to Green Belt, setting of National Landscapes, irreplaceable habitats and designated heritage assets.

7.4. The impact of the Scheme upon the character and appearance of the area and the amenities of local residents.

- 7.5 The impact of the Scheme on ancient woodland (irreplaceable habitat) of The Bogs and a potential Site of Nature Conservation Importance (pSNCI) and the ecology of The Bogs pSNCI, and including the wet woodland Habitat of Principal Importance.
- 7.6 The implications of the proposed development for the continued use and enjoyment of public bridleway 97 crossing the site.
- 7.7 The extent to which the loss of BMV agricultural land is to be weighed in the overall planning balance
- 7.8 The proposed surface water management scheme for the site and its impact on the receiving sensitive ecological and landscape areas.
- 7.9 Whether an adequate foul drainage connection can be provided for the proposed development to allow the implementation of the housing development so as to contribute to 5YHLS.
- 7.10 Whether the proposed development is sustainable in the context of paragraph 8 of the NPPF and the Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP1 because of the environmental harm arising to the setting of the National Landscape, a valued landscape, ancient woodland and heritage assets.
- 7.11 The weight that should be afforded to the care home proposal in the planning balance.

8.0 HEADS OF TERMS FOR LEGAL AGREEMENT

- 8.1. It is agreed between the parties that the Appellant will provide planning obligations, in the form of an agreement under Section 106 of the Town and Country Planning Act (1990) with Tandridge District Council and Surrey County Council.
- 8.2. The legal agreement will ensure the financial contributions and other compliant obligations to enable the proposed development to go ahead are provided in accordance with Regulation 122(2) of the Community Infrastructure Levy Regulations and the content at paragraphs 56, 57 and 58 of the NPPF.
- 8.3. Subject to meeting the necessary tests at paragraph 58 of the NPPF, it is considered that the following may be provided for in a legal agreement:
 - Affordable Housing (50%) (up to 95 dwellings)
 - On-site public open space provision
 - Sustainable Transport/Travel Plan
 - Funding mechanism for maintenance of SuDS features of the proposed development
 - Mechanism for maintenance in perpetuity of the common parts of the proposed development
 - Implementation of BNG enhancements and meeting the costs of 30 year maintenance and monitoring period.
 - Affordable housing mix and allocation
- 8.4. The Heads of Terms for the legal agreement will be agreed between the main parties before the inquiry and the agreement will be completed during the inquiry.

9.0 CONDITIONS

- 9.1. It is agreed that there should be a schedule of conditions agreed between the parties, for discussion with the Inspector during the Inquiry.
- 9.2. The schedule will be compiled and submitted to the Inspector prior to the Inquiry.

10.0 CORE DOCUMENT LIST

- 10.1. It is agreed that there should be a common list of reference documents and these are to be referenced as Core Documents to the Inquiry. The list will be compiled and a full set of the documents will be provided for the Inspector.

11.0 AGREEMENT: SCHEDULE OF COMMON GROUND

- 11.1. This document is accepted as the agreed Statement of Common Ground for the Appeal being considered under PINS Ref: APP/M3645/W/25/3372747.

- 11.2. It has been duly signed by representatives of the Appellant (Croudace Homes Ltd.) and Tandridge District Council.

Signed... *Steven Brown*..... on behalf of Croudace Homes Ltd.

Steven Brown BSc Hons DipTP MRTPI 19th December 2025
NAME DATE

Signed...  on behalf of Tandridge District Council.

Cliff Thurlow BA(Hons), Dip TP,
MRTPI 19/12/2025
.....
NAME DATE

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