

Tandridge District Council

Planning Proof of Evidence of Clifford Thurlow

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

July 2023

Proof Summary for Clifford Thurlow

- i. This is an appeal against the non-determination by Tandridge District Council (the Council) of a planning application reference TA/2022/685 made by Woolbro Group and Morris Investments. The application seeks planning permission for the following description of 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.”
Therefore, the application was for outline planning permission but with access and layout not reserved matters.
- ii. The application site comprises a cluster of fallow agricultural fields to the east of Lingfield Village. The site has a total site area of approximately 6.3 ha. It is entirely outside of the defined settlement boundary of Lingfield but immediately abuts its boundary to the south west and west. More than half of the site is within the Lingfield Conservation Area and there are a number of both statutorily listed buildings and buildings of character in close proximity to the appeal site. A footpath 381a is located in the northern half of the site, running east to west connecting Church Road and Station Road. 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 within the Conservation Area. The site can be seen in glimpsed views between buildings along Church Road.
- iii. The appeal site is shown on the development plan for Tandridge District as lying within the Green Belt and is open countryside. Primary purposes of the Green Belt are to keep land open and undeveloped and to protect the countryside from encroachment by development. The proposed development of houses on the appeal site therefore represents inappropriate development in the Green Belt. Both national and development plan policies provide that inappropriate development in the Green Belt should only be permitted if very

special circumstances can be shown to exist sufficient to override the harm to the openness of the Green Belt and any other harm.

- iv. The Council's case at this appeal is that the proposed development will not only cause harm to the Green Belt, and harm by loss of open countryside which is a valued landscape, but will also cause harm to the setting of heritage assets, that is the Lingfield Conservation Area and statutorily listed buildings (known as designated heritage assets) and buildings of character (known as non-designated heritage assets).
- v. The appellant will argue that very special circumstances do exist for overriding the cumulative harm to the openness of the Green Belt, loss of open countryside and harm to heritage assets. One of these very special circumstances is that the Council cannot currently demonstrate a deliverable 5-year supply of land for housing. Another very special circumstance is the economic benefits that the development of the site will generate by way of temporary local jobs in the construction of the development, the increased local expenditure and thereby permanent jobs that the new residents of the proposed houses would bring to Lingfield Village and other economic benefits such as contributions to Council tax.
- vi. The Council's case in reply to the appellant is that national and development plan policy 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. The Council does not consider that the absence of a 5-year housing land supply is sufficient to warrant overriding Green Belt policy and the Council has adopted an interim housing policy to secure the delivery of more housing in Tandridge District. Neither does the Council accept that any of the economic benefits the appellant puts forward as very special circumstances outweigh the harm to the Green Belt and other harm the development will cause.
- vii. The appeal site is included as a housing allocation (HSG12) in the emerging local plan for Tandridge District. However, the heritage assessment conducted for this appeal by the Senior Historic Buildings Advisor for Surrey County Council demonstrates a level of harm to the Lingfield Conservation

Area and some listed buildings which the Council considers unacceptable. There is now a real question mark over whether allocation HSG12 will be taken any further by the Council.

- viii. The Council also has concerns about the quantum of development proposed in the application, its layout and form, and its impact on openness and on rural character and setting. As such, it is considered that the proposed development would fail to comply with both national and development plan policies.
- ix. In conclusion, the Council considers that the appeal proposals do not comply with the development plan overall and material considerations do not indicate that planning permission should nevertheless be granted. Therefore, the appeal should be dismissed.

1. Introduction

- 1.1 My name is Clifford Thurlow. I was until 30 June 2023 Interim Chief Planning Officer to Tandridge District Council and I am now Planning Advisor to the Council. My qualifications are BA(Hons), Diploma in Town Planning and Chartered Membership of the Royal Town Planning Institute. I have over 40 years of experience in town planning working for local authorities, in private practice and the private sector.
- 1.2 I understand my duty to the Inquiry and have complied, and will continue to comply, with that duty. My evidence is given in accordance with the Royal Town Planning Institute's guidance for members acting as expert witnesses. I confirm that this evidence identifies all facts which I regard as being relevant to the opinions that I have expressed. The Inquiry's attention has been drawn to any matter which would affect the validity of that opinion. The evidence also draws on information that I have gathered on a number of visits to the appeal site, the most recent being on 15 May and 12 June this year. I believe that the facts stated within this proof are true and that the opinions expressed are correct.
- 1.3 A Core Documents list is in preparation and these are referenced as CD1.1 etc below.

2. The Appeal and Scope of Evidence

- 2.1 The appeal has been lodged against the Council's non-determination of the appellant's application. This planning application reference TA/2022/685 is for the following description of 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.”

Therefore, the application was for outline planning permission, with access and layout not reserved matters, and this is something referred to later in this proof of evidence.

2.2 Had the Council determined the application it would have been refused. The putative reasons as set out in the Council's Statement of Case, are as follows:

- 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 the 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 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.

2.3 Due to a previous oversight, a fourth ground of refusal was missed off from these putative reasons of refusal. This relates to the Council's concerns over the amount of housing proposed and the layout of the development and the impact the development will have on adjoining areas of open countryside. These were matters referred to in the Council's Statement of Case (CD2.2) at paragraph 8.30 and will be referred to under 'Character and appearance' in Section 6 of this proof of evidence below. The Council would therefore identify a fourth putative reason for refusal, including reference to development plan policy CSP18, as follows:

- iv) The quantum of development, its layout and form will result in a cramped and over-developed site and, together with the introduction of significant areas of circulation space, will have an urbanising effect on the site and adjoining areas of open countryside. As such, the proposed development would fail to comply with development plan policies CSP18, CSP21 and DP7.

2.4 My evidence relates to issues raised within the four putative reasons for refusal and which remain uncommon ground between the principal parties to this appeal. It will cover the main issues for discussion at the inquiry including effect on the openness of the Green Belt, other harms, very special circumstances and the overall planning balance. I assess and conclude upon the weight that I consider should be afforded to the various conflicts arising between the appeal proposals and national and development plan policy. Christopher Reynolds, a Senior Historic Buildings Officer with Surrey County Council, is providing the assessment of harm to the significance of designated and non-designated heritage assets that the proposed development would cause, and I am drawing on his assessment in this proof of evidence.

3. Site Description

3.1 The appeal site comprises a cluster of fallow agricultural fields to the east and south of Lingfield Village. The site has an area of approximately 6.3 ha. It is entirely outside of the defined settlement of Lingfield but immediately abuts its boundary to the southwest. More than half of the site (about 60%) is within the Lingfield Conservation Area. A public footpath (PRoW 381a) is located in the northern half of the site, running east to west across the site between Station Road and Church Road. There are no buildings within the site.

3.2 Although the site appears not to be actively farmed, there appears to be a management regime. The fields are down to grass which has the appearance of being periodically cut. Similarly, the hedgerows bordering the fields along Station Road and Town Hill and PRoW 381a are cut back from time to time. There is unsightly Herras fencing parallel to the southern side of PRoW 381a

and behind the Star Inn and properties in Church Road bordering the western part of the site the purpose of which is not immediately clear.

- 3.3 There are very clear and open public views of the site from public highways to the east and south of the site in Station Road and at the bottom of Town Hill. This is because the topography of the site rises from its lowest point on Station Road and Town Hill to the north and west. There are views south and east across the northern area of the site through the 'gappy' hedgerow running parallel to the south side of PRow 381a. 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 between buildings along Church Road north of the site.
- 3.4 Apart from hedgerows along the Station Road and Town Hill boundaries of the site, there is very little by way of mature trees and hedgerows within the main part of the site south of PRow 381a. There is a hedgerow with hedgerow trees within the site behind the Star Inn. The northern part of the site, north of PRow 381a, is much more enclosed by shrubby native vegetation around all sides, including hazel, blackthorn, goat willow, holly and yew, intertwined with bramble, and containing some young oak trees.
- 3.5 The site is adjoined by existing residential development in Lingfield Village to the south along Town Hill and to the west along Church Road. To the north of PRow 381a where it passes through the site is the Lingfield Village cemetery. To the northwest of the site is a very significant cluster of statutorily listed and locally listed buildings at New Place and New Place Farm, all in residential use and all standing in extensive landscaped grounds which are described in more detail in the evidence of Chris Reynolds on behalf of the Council.
- 3.6 Within the site, the combination of the features described above enables three distinct character areas to be identified, being:
 - A plateau area within the main body of the site adjoining development in Lingfield Village
 - An outlier of land enclosed by dense vegetation north of the plateau and PRow 381a
 - Eastern and southern slopes down to Station Road and Town Hill

These areas which characterise the site are relevant to the wider landscape impact of the proposed development as will be referred to later in this proof.

4. Planning history

4.1 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, 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 Council, then dismissed at appeal by the Ministry of Housing and Local Government 29 July 1966.

5. Planning Policy Context and Relevant Legislation

5.1 The adopted development plan consists of Tandridge District Core Strategy (2008) (CD3.1) and Tandridge Local Plan Part 2 – Detailed Policies (2014) (CD3.2). Within the development plan, the most relevant policies for the determination of this appeal are:

- 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 will be set out in more detail below.

5.2 The most important policies for the determination of this appeal are those that are directly concerned with the planning considerations raised by the appeal development, being:

- DP1 sustainable development
- DP10 and DP13 development in the Green Belt
- DP20 heritage assets
- CSP18 and DP7 high standard of design

The Council case will be that those most important policies for the determination of the appeal identified above retain a significant degree of consistency with the provisions of the National Planning Policy Framework 2021 (NPPF). In accordance with paragraph 219 of the NPPF, due weight should be given to these policies in the determination of this appeal according to that degree of consistency with the Framework.

5.3 There are also the following Supplementary Planning Documents (SPDs) that have been formally adopted by the Council:

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

5.4 I will refer in my evidence below to the policies or parts of policies of the development plan and any provisions of SPD's that the proposed development is in conflict with and why that constitutes reasons for dismissal of this appeal.

Emerging parts of the development plan

5.5 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 current status of this allocation is referred to below.

5.5 In the supporting statement for proposed site allocation (HSG12) of the emerging local plan, reference is made 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 Lingfield 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.

5.7 In examination document TD16 (CD4.1) 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 allocation HSG12, the appeal site. The examining inspector stated:

“The proposed allocation falls predominantly within the Lingfield Conservation Area and the settings of several 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 an approach by the Council to the examining inspector proposing preparation of a 5-year local plan. The inspector has asked that a meeting be arranged in late July to consider the Council’s proposal.

5.8 The heritage assessment provided by the Senior Historic Buildings Officer of Surrey County Council to Tandridge District Council when consulted upon the appeal application was that a high degree of harm would arise to the heritage assets of the Lingfield Conservation Area and its listed buildings from the appeal proposals. The consultation response from Historic England 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 places a significant question mark over the continued allocation of the appeal site in the emerging local plan.

5.9 There is currently uncertainty around whether the emerging local plan will continue to be progressed and in what form it may continue to be progressed. If the plan does progress this will only be with major modifications based on examination document TD16 and possibly the Council’s proposal for a 5-year local plan. Accordingly, the Council considers that this uncertainty means that no weight can be given to the emerging local plan in the determination of this appeal.

Lingfield Neighbourhood Plan

5.10 A Lingfield Neighbourhood Plan (LNP) is being prepared (CD11.1). This Plan underwent a 6-week Regulation 14 consultation which closed on 28 June 2023. Tandridge District Council’s (TDC) response to the consultation (CD11.2) is that the LNP has several fundamental soundness issues and cannot go forward without amendment. A copy of the TDC response on the Regulation 14 version

of the LNP is part of the Core Documents for this appeal. As matters stand at present, the Council considers that no weight can be afforded to the LNP in the determination of this appeal.

Interim Housing Delivery Test Action Plan (CD9.2)

5.11 TDC's Interim Policy Statement for Housing Delivery – September 2022 (IPSHD) is a material consideration and sets out what 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 consultations at regulation 18 and a regulation 19 stages and have been rigorously assessed via the HELAA and Green Belt assessments. The IPSHD sets out criteria whereby applications will be invited on sites as set out in Appendix A and Appendix B below.

5.12 Appendix A, which is an extract from the IPSHD provides that:

“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.”

As referred to above, the examining inspector has raised concerns with respect to proposed allocation HSG 12 (the appeal site) and therefore it does not constitute part of the expected housing delivery under the IPSHD.

5.13 Appendix B below is not part of the published IPSHD but identifies those sites that are housing allocations in the emerging local plan that could be brought forward under the interim policy.

National Planning Policy Framework 2021 (NPPF)

5.14 The National Planning Policy Framework 2021 (NPPF) is an important material consideration in the determination of this appeal and particularly 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

5.15 I will also refer to relevant parts of Planning Practice Guidance and the National Design Guide (particularly paragraphs 40, 49, 51 and 52) in my evidence.

Legislation

5.16 In addition to national and development plan policies, duties are imposed on any decision maker by legislation relating to heritage assets.

5.17 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 Council 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.

5.18 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.'

5.19 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.

6. The Case for the Council

Harm to the Green Belt and loss of open countryside

- 6.1 The appeal site is within the Green Belt. Both the NPPF at paragraph 149 and the Policies DP10 and DP13 of the Local Plan Part 2 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.
- 6.2 The appeal site is also open countryside lying substantially within the core area of Lingfield Village. 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. 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.

- 6.3 The harm to the Green Belt would be both spatial and visual. Spatial harm will arise from the permanent loss of 6.3 hectares of Green Belt land to housing development. Some of this land close to the core area of Lingfield functions as a “green lung” for the village. Visual harm would result from the permanent loss of open fields which, as identified above (paragraph 3.3) can be seen in open vistas looking from the east and south or more glimpsed views from Church Road and PRow 381a. Although the appellant might argue that the visual harm can be mitigated to some degree by landscaping, the topography of the site rising as it does from southeast to northwest means that views of the proposed development will remain when seen from these directions and when seen in close views from PRow 381a.

Harm to heritage assets

- 6.4 A large part of the northern area of the appeal site (some 60%) 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, as well as non-designated heritage assets. These fields contribute to the historic and architectural significance of the 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 towards, 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 the conservation area’s 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.

- 6.5 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 a grand perpendicular Gothic church set amongst an isolated settlement built on a much smaller rural scale. Such harm would be considered a low level of less than substantial harm.
- 6.6 The Senior 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 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 these heritage assets.
- 6.7 In addition to comments from the Senior Historic Building Officer, concerns have been raised by Historic England which 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. The Council is unaware of any response to date by the appellant to Historic England's recommendation.
- 6.8 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.

6.9 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 asset, 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 considered 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, exceptionally, planning consent be granted. The Council do not consider that the claimed public benefits of the proposed development outweigh the harm to heritage assets. This is addressed further below.

6.10 This harm to designated and non-designated heritage assets and to the setting of the Lingfield Conservation Area is, in the context provided by paragraph 148 of the NPPF, other harm in addition to harm to the Green Belt and open countryside that needs to be outweighed by any case of very special circumstances adduced by the appellant.

Appeal Site as a Valued Landscape

6.11 The NPPF at paragraph 174 provides that planning decisions should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes in a manner commensurate with their identified quality in the development plan. There is no NPPF definition of a valued landscape. The High Court judgement in the Stroud case (CD6.4) proffered the definition that a valued landscape had to have demonstrable physical attributes beyond mere countryside and popularity.

6.12 I consider 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 historic core of Lingfield Village and of the Lingfield Conservation Area; and
- ii) It provides an emblematic view in autumn winter and spring of the spire of St Peter's and Paul's church in the centre of Lingfield as seen on approaches to the village from the east which resonates with residents and visitors.

Both attributes can be elaborated upon.

6.13 I have referred in paragraph 5.4 above to the fields which are the appeal site contributing to the historic and architectural significance of the 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. This is, in my opinion, a relatively unique conjunction of the remains of late medieval settlement, which is very evident in the historic cluster around the Church of St Peter and St Paul, and the farmland that adjoined that late medieval settlement. That so much of the appeal site remains as open countryside today would seem to me to be because it was incorporated in the Lingfield Conservation Area. However, if the appeal development were to be allowed the conjunction would be lost forever.

6.14 The Church of St Peter and St Paul is described in the evidence of the Council's Historic Buildings Advisor to this appeal as an incredibly grand perpendicular Gothic church set amongst an isolated settlement built on a much smaller rural scale. Today, that autumnal, winter and early spring view of the church's perpendicular spire, is emblematic of Lingfield Village seen in views towards the village from the east and south east (Town Hill and Station Road). The view appears on the cover of the Lingfield Neighbourhood Plan. What it seems to me to say is "this is us an historic village, a community". The view of the church spire across the appeal site is a demonstrable physical attribute.

Loss of open countryside

6.15 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 considers 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

- 6.16 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 because 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.
- 6.17 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.
- 6.18 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.

- 6.19 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.
- 6.20 Paragraph 40 of the National Design Guide stipulates that "well designed new development should respond 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 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.
- 6.21 This application has been submitted in outline with all details except access and layout reserved for subsequent approval if this appeal is allowed. 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 development in this location, it is appropriate to comment upon wider impacts on character and appearance.
- 6.22 The application is accompanied by a Design and Access Statement (DAS), indicative drawings and a Landscape and Visual Impact Assessment.
- 6.23 The spread of built form across this site is generally even, utilising much of the site and with development abutting New Place Farm to the northeast. 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 southeast corner of the site and in the north, directly to the south of PRow 381a.

- 6.24 The southeast corner of the site is highly visible when viewed from the adjacent roads, with a relatively low and slender hedge, which currently contains several gaps. While it may seem beneficial to provide more soft landscaping on this corner, this could have a dominating effect on the road and openness and the countryside character currently enjoyed.
- 6.25 The 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 appellant relies on the emerging Local Plan site allocation, to justify the development. However, the application ignores criteria in the emerging Local Plan allocation HSG12 which set out that development should be focused towards the areas adjacent to existing built form and the north of the site, 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 layout of the development (not a reserved matter), shows development spread much more evenly across the site. This is not considered desirable and conflicts with the principles that the Council applied when previously considering the proposed allocation.
- 6.26 PRow 381a in the north of the site is heavily used by pedestrians coming to and from the railway station. If the appeal is allowed directly to the north and south of the PRow would be built form which would impact upon the unobstructed views across open fields currently enjoyed. It is also noted that this area would require some form of vehicular access which has the potential to conflict with users of the PRow (see paragraph 6.33 ii) a) below).
- 6.27 The drawings are stated as being illustrative (although layout is not a reserved matter) but, nevertheless, they are helpful in giving the impression of what 99 dwellings would look like within this space.
- 6.28 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 PRow 381a and the public highways in the southeast. Of particular concern too is the positioning of a block of flats pushed up to the boundary with New Place Farm. This relationship is inappropriate, taking away from the significance of this neighbouring, characterful site which makes a positive contribution to the Conservation Area.

- 6.29 Assessing the illustrative layout, it is evident that a significant area of the site would be taken up by roads, parking and circulation spaces which would add to the urbanising effect of the proposed housing and would be in marked contrast to its present rural character.
- 6.30 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.
- 6.31 Historic England 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.”

- 6.32 The response submitted by Historic England is in line with the comments submitted by the Historic Buildings Officer as part of the initial consultation. In his comments he raised concerns about the visibility of dwellings behind The Star Inn on Church Road as well as around New Place Farm. These are the two areas where Historic England advised there should expanded buffer zones.

Other planning considerations

- 6.33 The Council’s consultations on the appeal application have identified several other planning considerations to be taken into account in the determination of this appeal, as follows:

- i) Highway safety and vehicular access to the appeal site: the Council understands from the correspondence received from Surrey County Council as highway authority (HA) that they raise no objection in principle to the proposed single point of vehicular access on Town Hill. The HA want details of the vehicular access to the site to be secured by way of a Grampian condition should the appeal be allowed. The HA also want the requirement for a travel plan to be secured by planning condition and the annual monitoring of that travel plan to be secured by a Section 106 agreement or Unilateral Undertaking. The HA comments on the planning application are set out in correspondence dated 2 August 2022, 8 February 2023, and 19 April 2023. There is consequently no in principle highway objection under development plan policy DP5 on highway capacity or safety grounds to the development;
- ii) PRow 381a: there are two planning considerations relating to the impact of the proposed development on PRow 381a:
 - a) the vehicular access to the northern outlier of development is required to cross the PRow. The appellant has prepared detailed drawings of this crossing point which are being discussed with Surrey County Council as highway authority and public rights of way

authority, TDC is not currently aware that agreement has been reached with the County Council that acceptable details of the crossing point from a highway safety perspective have been agreed. This is a matter which remains to be concluded prior to the opening of the public inquiry into this appeal or during the inquiry. However, TDC has looked at the impact of the crossing point on natural screening on the south side of the northern outlier and, although there will be some loss of this screening, no objection is raised on landscape or arboriculture grounds: and

- b) PRoW 381a will be more intensively used if the development of the appeal site is allowed. This will be the most convenient route for many residents of that development to access the facilities in the centre of Lingfield Village on foot or by cycle and likewise to access the railway station. The surface of the PRoW is tarmac but this surface is worn away in places and suffers heave from roots of adjoining trees. The street lighting along the PRoW is also understood to require repair and ongoing maintenance. TDC consider that improvements to PRoW 381a should be provided for in a Section 106 agreement or Unilateral Undertaking. The Council understands the appellant is willing to enter in to such an undertaking subject to costing of the works.

Adopting the precautionary principle, there could be objection under development plan policy DP5 on highway safety grounds whether the proposed access to the northern outlier of the proposed residential development satisfactorily provides for the safety of users of PRoW 381a, unless the appellant can reach agreement with Surrey County Council as public rights of way authority on the matter.

- 6.34 Surface water drainage: it is understood that the appellant is in discussion with the Surrey County Council as Lead Local Flood Authority (LLA). The LLA had previously expressed some concerns to the Council when consulted on the surface water drainage proposals in the appeal application. Again, adopting the precautionary principle, there could be objection under development plan policy DP21 unless details of an adequate and sustainable

surface water drainage system can be demonstrated by the appellant as being capable of being provided.

- 6.35 Reptile mitigation strategy: the appellant needs to demonstrate that the appeal proposals will 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. Again, adopting the precautionary principle, there could be objection under development plan policies CSP17 and DP19 unless details of an acceptable reptile mitigation strategy can be demonstrated as being capable of being provided by the appellant.
- 6.36 In conclusion, there are a number of other planning considerations that remain subject to further consideration. Two of those, vehicular access to the site and a travel and travel plan monitoring, are accepted by the Council as capable of being dealt with by planning conditions or a Section 106 agreement or Unilateral Undertaking. There are still, however, matters relating to the safety and convenience of users of PRow 381a, surface water drainage and a reptile mitigation strategy which are as yet unresolved and could be subject to planning objection because of non-compliance with development plan policies. These matters would then constitute additional "other" planning harm to be weighed in the planning balance alongside Green Belt harm.

The 5-year housing land supply position

- 6.37 Paragraph 74 of the NPPF provides that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their local housing need where the strategic policies for housing are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of 20% where there has been significant under delivery of housing over the previous 3 years, to improve the prospect of achieving the planned supply. The requirement for the additional buffer will be

measured against the Housing Delivery Test, where this indicates the delivery was below 85% of the housing requirement (footnote 41).

6.38 Appendix 1 is an update of the Council's 5-year housing land supply position as of 23 May 2023. This shows that there was a total housing supply of 1,183 dwellings with planning permission. This represents a 1.76 years of housing land supply assessed against the then MCHLG 2020 standard method for determining housing land requirements. Accordingly, the Council accepts that against this measure it does not have a 5-year housing land supply and development plan policy CSP2 is out of date for the purposes of paragraph 11d) of the NPPF.

6.39 However, the DLUHC Ministerial Statement (CD10 and CD11) of 05 December 2022, indicates that the Government's housing requirement figure will in future only be a starting point. Local planning authorities will be able to determine their own objectively assessed need for housing taking into account local constraints. Table 2 of Appendix 1 indicates the wide spread of housing requirements that have been assessed for Tandridge District. In terms of planning constraints, the District is 94% Green Belt. Furthermore, a recent Natural England review of the Surrey Hills Area of Outstanding Natural Beauty (AONB) in the District has recommended a 30% expansion of the AONB. The District is therefore already highly constrained in terms of new housing development on green field sites and looks set to be more constrained in the future. This must be expected to significantly influence any future locally determined objectively assessed need for housing.

6.40 In the meantime, the Council has adopted the IPSHD in September 2022. This is a material consideration in the determination of this appeal because it identifies what additional measures the Council is taking to improve housing delivery pending the anticipated changes in central government housing policy. The IPSHD could deliver some 840 houses in the short term on sites listed at Appendix 2, excluding the 100 houses already granted planning permission on appeal on the site known as land west of Limpsfield Road, Warlingham. As stated in paragraph 5.11 above, the inspector examining the emerging Local

Plan has raised concerns about the absence of a heritage assessment of the appeal site as a housing allocation. Accordingly, the appeal site does not constitute part of the expected housing delivery under the IPSHD and is not included in the list of sites in Appendix 2.

Planning balance

- 6.41 In undertaking this balancing exercise, the weight afforded to each planning consideration will be, from highest to lowest:
- Substantial
 - Significant
 - Moderate
 - Limited.
- 6.42 The Council's assessment is that within an overall planning balance, the harm to Green Belt openness and associated loss of open countryside attracts substantial weight against the grant of planning permission in accordance with paragraph 148 of the NPPF. The harm to designated and non-designated heritage assets, attracts significant weight against the grant of planning permission if no overriding public benefits are demonstrated. Harm to a valued landscape attracts moderate weight against the grant of planning permission. Very special circumstances for allowing this appeal do not exist unless the collective harm to Green Belt, open countryside, valued landscape and heritage assets is clearly outweighed by other considerations.
- 6.43 The Council has not attached weight to those other planning considerations referred to in paragraphs 6.33 to 6.36 because they may be capable of being dealt with through planning conditions.
- 6.44 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 would be public benefits attracting significant weight. However, the Council has recently adopted the IPSHD (CD9.2) which has the potential to deliver a significant amount of new housing in the short term, with

some of the sites identified already the subject of planning applications. These sites have been through planning assessments at Regulation 18 and Regulation 19 stages of the emerging Local Plan and have been found acceptable for release for housing development, unlike the appeal site.

- 6.45 The Council acknowledges that other public benefits would arise from the proposed development. 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, however, the employment generation arising from the development should only be afforded limited weight because part of the public benefit will be temporary and in part a modest long term contribution.
- 6.46 Collectively, the public benefits of the proposed development, do not outweigh the substantial harm to the Green Belt by reason of inappropriateness.
- 6.47 To override the harm to designated heritage assets there has to be a clear public benefit outweighing that harm. The public benefit is limited as explained in paragraph 6.45 above. Whereas the harm to designated heritage assets is permanent once the development is implemented and thereby significant
- 6.48 A significant material consideration in the determination of this appeal are the policies of the NPPF. Paragraph 11(d) of the NPPF is engaged because an important policy for determining the appeal, policy CSP2, is out of date. However, the policies in the NPPF, together with development plan policy DP1, that protect areas or assets of particular importance (in this case Green Belt and designated heritage assets) provide clear reasons for dismissing this appeal.
- 6.49 Taking the policies of the development plan overall, the most important policies for determination of this appeal in paragraph 5.2 above are those relating to the Green Belt and protection of heritage assets. The case put forward by the appellant for this appeal to be allowed does not provide the collective substantial weight in planning terms to override these policies. The NPPF is determinative in that substantial weight should be given to harm to the Green

Belt which this proposed development would cause. The harm to designated and non-designated heritage assets, attracts significant weight against the grant of planning permission if no overriding public benefits are demonstrated. The Council's current housing land supply position attracts only significant weight for the appeal to be allowed given the potential of the IPSHD (CD 9.2) to deliver new housing (excluding the appeal site) in the short term. The appellant's other public benefits, notably employment, attract only limited weight because they are in the short term limited and in the long term modest.

6.50 These are the key but not the only planning policies relevant to the determination of this appeal. Overall, the Council has concerns about the quantum of development, its layout and form, the impact on openness and on rural character and setting. 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.

7 Conclusion

7.1 For the reasons set out above, the appeal proposals do not comply with the development plan overall and material considerations do not indicate that planning permission should nevertheless be granted. Therefore, the appeal should be dismissed.

APPENDIX 1
5 YEAR HOUSING LAND SUPPLY
TANDRIDGE DISTRICT COUNCIL

Tables below detail the components of the 'total supply' used in the five-year housing land supply calculations (without proposals included in the draft Local Plan).

Table 1: 5YHLS Position at 23/05/23 (not including proposed LP 2033 sites) 2022/23	2023/ 2024	2025/26	2026/27	Total
Permissions (up to expiry)	686	136	201	1,023
Windfall	32	32	32	160
Total	708	168	233	1,183
Total Supply	1,183			

Tandridge District's Housing Supply Position

- a) Committed sites for the next 5 years (including permissions and windfall,).
This does not include any proposed Local Plan 2033 site allocations.

Table 2 Housing requirement:	Core Strategy (2008)⁸	SHMA (2015) OAN⁹	SHMA (2018) OAN Update¹⁰	MHCLG (2020) standard method¹¹ (2014 HH Projections)	MHCLG (2020) standard method¹² (2018 HH Projections)
Annual requirement	125	470	398	642	279
Annual requirement + 5% buffer	131	494	418	674	293
Five-year requirement + 5% buffer	656	2,468	2,090	3,370	1,465
Total supply	1,183	1,183	1,183	1,183	1,183
Over / under provision	527	-1,285	-907	-2,187	-282
Number of years supply	9.03	2.39	2.83	1.76	4.04

APPENDIX 2
SITES REFERENCED IN
APPENDIX A of IPSHD

SITES REFERENCED IN ANNEX A (ii) OF THE INTERIM POLICY FOR HOUSING DELIVERY

Site Address	Policy Reference	Parish	Nos of Units
Land at Plough Road and Redehall Road, Smallfield	HSG01	Burstow	160
Land north of Plough Road, Smallfield	HSG03	Burstow	120
Land west of Godstone	HSG11	Godstone	150
Land west of Red Lane, Hurst Green	HSG13	Oxted	60
Warren Lane Depot, Hurst Green	HSG14	Oxted	50
Land west of Limpsfield Road, Warlingham	HSG15	Warlingham	190
Land at Green Hill Lane and Alexandra Avenue, Warlingham	HSG16	Warlingham	50
Land at Farleigh Road, Warlingham	HSG17	Warlingham	50
Former Shelton Sports Ground, Warlingham	HSG18	Warlingham	110