



**PROOF OF EVIDENCE OF  
ALUN EVANS BA (Hons) MRTPI**

**ON BEHALF OF WOOLBRO GROUP AND MORRIS INVESTMENT (THE  
APPELLANT)**

**AGAINST THE NON-DETERMINATION OF TANDRIDGE DISTRICT COUNCIL FOR  
RESIDENTIAL DEVELOPMENT AT LAND AT THE OLD COTTAGE, STATION ROAD,  
LINGFIELD, RH7 6PG.**

**July 2023**

**PINS REFERENCE: APP/M3645/3319149**

**LPA REFERENCE: 2022/685**

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Appendix A – five-year housing land supply table.

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### **List of relevant appeals and planning applications:**

<b>Appeal ref.</b>	<b>Address</b>
APP/B1930/W/20/3265925 & APP/C1950/W/20/3265926	Roundhouse Farm, Land Off Bullens Green Lane, Colney Heath
APP/G5180/W/20/3257010	Footzie Social Club, Station Approach, Lower Sydenham SE26 5BQ
APP/B1605/W/21/3273053	Land at Oakley Farm, Cheltenham
APP/V1505/W/22/3296116	Land at Maitland Lodge, Southend Road, Billericay CM11 2PT
APP/P0119/W/21/3288019	Land to the west of Park Farm, Thornbury, South Gloucestershire
APP/M3645/W/22/3309334	Land West of Limpsfield Road, Warlingham CR6 9RD
APP/M3645/W/20/3265906	66 Beechwood Road, Caterham, CR3 6NB
APP/W3520/W/18/3194926	Land on East Side of Green Road, Woolpit, Suffolk IP30 9RF
PP/V1505/W/22/3298599	Land North of Kennel Lane, Billericay CM12 9RR

## **1. QUALIFICATIONS AND EXPERIENCE**

- 1.1 My name is Alun Evans. I hold the degree of Bachelor of Arts (with Honours) in Environmental Planning from the University of Strathclyde. I am a chartered member of the Royal Town Planning Institute.
- 1.2 I have 21 years' experience in the field of town planning. I am one of three Board Directors at ROK Planning, a specialist independent planning consultancy based in London. Prior to setting up ROK Planning in 2018, I was Planning Director at RPS and CgMs Ltd.
- 1.3 I have advised a wide variety of private and public sector clients on projects in London and throughout the UK. I have given evidence on planning matters at public inquiries and appeared at appeal hearings.
- 1.4 I am familiar with the immediate and surrounding area of the appeal site and have visited on several occasions. I have been directly and continuously involved in the draft site allocation since early 2016 including detailed participation at the Local Plan Examination In Public (EIP). Further, I have led the planning application strategy to which this appeal relates and attended all meetings with the Council, statutory consultees, and other stakeholders.
- 1.5 I confirm that my evidence to this Inquiry has been prepared and is given in accordance with the guidance of my professional institutions and I confirm that the opinions expressed are my true and professional opinions.

## **2. INTRODUCTION AND SCOPE OF EVIDENCE**

- 2.1 I appear at this Inquiry on behalf of Woolbro Group and Morris Investments, hereinafter referred to as the Appellant.
- 2.2 The appeal is against the Council's failure to determine the planning application (LPA ref. 2022/685) lodged on 23<sup>rd</sup> March 2023 for the proposed redevelopment at Land at the Old Cottage, Station Road, Lingfield, RH7 6PG.
- 2.3 The description of the development is as agreed within the Statement of Common Ground (SoCG):
- “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.”*
- 2.4 Following the lodge of the appeal, the following putative reasons for refusal were given by the LPA within its Statement of Case (SoC):
- 1. The proposed development would constitute inappropriate development in the Green Belt causing significant harm to the openness and visual amenities of the Green Belt. No very special circumstances exist to clearly outweigh the*

*harm by reasons of inappropriateness and other identified harm. As such, the proposal is contrary to the provisions of Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies (2014), and Section 13 of the National Planning Policy Framework 2021 with respect to protection from built development of Green Belts.*

- II. The proposal would fail to preserve or enhance character and appearance of Lingfield Conservation Area and would be harmful to the setting and significance of designated and non-designated heritage assets. The application fails to set out clear and convincing justification to outweigh the harm. Therefore, the proposal fails to accord with the above identified national, regional and local policies and legislation, in particular Policy DP20 of the Tandridge Local Plan Part 2: Detailed Policies (2014), and Section 16 of the National Planning Policy Framework (2021);*
- III. The site as open countryside falls largely within the Lingfield Conservation Area and is a valued landscape and the development proposals would fail to contribute to and enhance the natural and local environment as required by paragraph 174 of the NPPF 2021 and would be contrary to policies CSP21 and DP7 of the development plan;*

2.5 These represent the principal points of dispute between the parties and form the basis of this proof of evidence.

2.6 It is noted that the above-listed reasons differ from those given in the officer's report published by the LP on 21<sup>st</sup> April 2023, which include a total of six reasons for refusal. The latter three reasons relate to technical matters that the parties have since agreed can be adequately controlled via planning conditions, as confirmed in the Statement of Common Ground. The third reason for refusal has also materially changed from that given in the officer's report and copied below:

- 3. The quantum of development (density), its layout and form will result in a cramped over developed site and, together with the introduction of significant areas of circulation spaces, will have an urbanising effect on the site and adjoining areas of open countryside which has negative impacts on biodiversity contrary to the provision of policies CSP18, CSP19 and CSP21 or the Tandridge District Core Strategy (2008) and Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies (2014).*

2.7 The third reason for refusal as cited in the LPA's Statement of Case omits explicit references to density, layout, form, or circulation spaces. It also omits references to policies CSP18, CSP19, and DP7 of the Development Plan. Notwithstanding this, this evidence seeks to address the issues raised in both iterations of the third reason for refusal.

2.8 A summary of TDC's case and the appellant's rebuttal to each reason for refusal is outlined below:

Reason for refusal	TDC Case	Rebuttal
1	<p>Although acknowledging that the site forms part of the HSG12 allocation and that TDC is unable to demonstrate a 5-Year Housing Land Supply (5YHLS), it is argued that Very Special Circumstances (VSC) do not exist and that the harms caused to both the openness of the countryside and heritage assets weigh in favour of the application being refused.</p>	<p>My proof of evidence will predominantly address the first reason for refusal. The Site is in a highly sustainable location and its development will have very limited impact to the purposes of the Green Belt within the context of a highly constrained district where some development in the Green Belt is unavoidable to meet housing need.</p> <p>In considering this, there is considerable evidence demonstrating that TDC has performed historically poorly in the provision of both market and affordable housing (which this proposal makes a valuable contribution to).</p> <p>There are various additional benefits of the proposal which weigh heavily in favour of sustainable development and present a strong case for VSC.</p>
2	<p>The fields contribute to the historic and architectural significance of the heritage assets. Development of the site would likely vestige the conservation area's rural character from its surrounding. Although it is acknowledged that there would be no direct impact on the listed heritage assets, there would be harm caused to the setting of various listed buildings.</p>	<p>Expert witness Dr Jonathan Edis' proof evidence largely seeks to address this. It will be demonstrated through the Appellants' evidence as a whole that the layout of the proposal has been carefully considered to ensure the scheme is sympathetic to and has an acceptable impact on the significance of designated assets and on the historic environment generally.</p> <p>In setting out in objective terms that the scheme is grounded in a detailed understanding of the historic and architectural context of the site, the proposal is therefore considered to act as a natural extension to the existing village of Lingfield.</p>
3	<p>Concerns are raised in relation to the development being spread across the whole of the site and quantum of units, resulting in an "urbanising effect" on the open countryside which is considered a "Valued Landscape".</p>	<p>Expert witness Ben Croot will establish that the visual impact of the proposed development will be largely limited to the immediate locality. This ensures that the impact of the proposal on the character of the open countryside beyond Lingfield will be minimal.</p>

		This is further established from an urban design perspective in evidence presented by Neil Deely which confirms the layout and density of the proposal to be in-keeping and sympathetic to the “semi-rural” setting.
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- 2.9 There are additional issues raised within TDC’s SoC as indicated in paragraph 9.1. It was confirmed by TDC’s legal representative at the Appeal’s Case Management Conference (CMC) (14<sup>th</sup> June 2023) (CD10.12) that these matters can be dealt with adequately via planning conditions and/or s106 agreement. Therefore, it is not considered that these are significant areas of disagreement. This is confirmed in paragraph 1.20 of the SoCG agreed by the Appellant and TDC.
- 2.10 This SoCG additionally outlines the relevant planning history of the Site and provides a comprehensive list of development planning documents and policies which are relevant to the Appeal Site proposal including TDC’s Core Strategy (2008) (CD3.1), Local Plan Part 2- Detailed Policies (2014) (CD3.2) and the draft Local Plan 2033 (Reg 19) (CD3.3).
- 2.11 There are additional references to national planning policy and guidance. Where relevant this policy will be set out and applied to the evidence presented below.
- 2.12 Separate documents to confirm areas in agreement were signed and submitted to PINS in addressing concerns on matters such as landscape and the Public Right of Way (PRoW).
- 2.13 Likewise, a draft S106 agreement has been in circulation throughout the Appeal process which seeks to mitigate specific impacts of the development and provides additional public benefit, in accordance with the Statutory Tests.

*Rule 6 Parties*

- 2.14 The two Rule 6 parties (Star Field Action Group (STAG) and Lingfield Parish Council) have each submitted a SoC in response to this Appeal.
- 2.15 Across both documents, the following case is made:
- The Appeal Site is key to maintaining the semi-rural character of Lingfield.
  - The draft Neighbourhood Plan presents suitable and alternative sites that appropriate for housing development.
  - The Site is the setting for a number of Grade I and Grade II\* listed buildings which have a connected history.
  - The setting and views of the listed buildings would be destroyed and result in irretrievable harm to the heritage of Lingfield.
- 2.16 As well as addressing TDC’s SoC (CD2.2) and its putative reasons for refusal, the proofs of evidence and enclosed supporting documents seek to address the issues raised by the Rule 6 parties.

## *Main Issues*

2.17 In considering all parties' Statements of Case, the Reasons for Refusal outlined on the Officers Report and the matters discussed at the CMC, the main issues that remain in dispute within this Inquiry are:

- The effect of the proposed development on the Conservation Area and the setting of nearby listed buildings and non-designated heritage assets;
- The effect on the character and appearance of the surrounding area, including whether the appeal site is a part of a valued landscape;
- The effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
- Whether harm to the Green Belt by reason of inappropriateness, and any 'other harm' identified as arising from the appeal proposal, would be clearly outweighed by 'other consideration', so as to amount to Very Special Circumstances.

2.18 There are various material benefits of the scheme which weigh in favour of the proposed development (CD1.18). I consider these should be given, both individually and cumulatively, **very considerable weight** in the determination of this appeal. These benefits are as follows:

- Delivery of 99no. new homes in a District with a severe housing shortage and consistent under-delivery of new housing;
- Provision of 40% affordable housing to meet acute local need;
- Provision of family housing to meet the highest priority need for housing within the local area;
- Creation of an attractive, distinctive place that provides high quality and sustainable housing integrated with the existing established settlement;
- Provision of a Biodiversity Net Gain of a minimum of 10% overall, including wider enhancements;
- Provision of a landscape-led scheme which will provide significant areas of public open space;
- Enhancements to local transport connectivity via off-site highway works and improvements to pedestrian cycle routes between Church Town and Lingfield Railway Station;
- S106 contribution towards Lingfield surgery rebuild;
- S106 contribution towards the mobility bridge; and
- S106 contributions towards Lingfield Station Car Park.

2.19 The weight which can be given to each benefit is discussed in further detail in section 13 ('Harm, Benefits and Overall Planning Balance'). Aside from the material benefits of the scheme, the appellant's submission demonstrates the reasons for refusal have been incorrectly applied by the LPA. Substantial evidence is submitted to corroborate this.

### **3. REASON FOR REFUSAL 1 – INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT**

- 3.1 The SoCG confirms the specific areas of agreement and disagreement between the Council and the Appellant.
- 3.2 The Council's Case alleges that the proposal constitutes inappropriate development in the Green Belt and causes significant harm to its openness and visual amenities. It does not consider that VSC exist to justify inappropriate development in the Green Belt.
- 3.3 It is incumbent upon the decision-maker to acknowledge the weight placed upon delivery of housing, including affordable housing, within the constrained housing supply context in Tandridge. I deal with this under the following context/ structure: -
- a. Inappropriate development
  - b. Impact (harm) upon Openness
  - c. Greenbelt Purposes
  - d. Other Harm
  - e. Considerations weighing against harm
  - f. Green Belt Balance Very Special Circumstances (VSC)
- 3.4 Each matter is referred to in detail below.

#### *Inappropriate development*

- 3.5 By definition, the appeal proposal constitutes inappropriate development. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 3.6 This remains the case despite the proposed site allocation under HSG12 and the subsequent removal of the site from the Greenbelt. The development as a whole does not trigger any of the Greenbelt exception criteria dealing with inappropriate development (NPPF paragraph 149).
- 3.7 I acknowledge therefore harm to the Greenbelt will occur as a result of the proposal and that weight must be given to this harm (NPPF P148). Additionally, harm to openness would occur, given the inclusion of housing on open space however this is judged to be confined to the lower end of the scale (negligible and neutral) in visual impact / landscape terms. A small element of harm occurs to Greenbelt purpose 4 (setting of historic towns) however evidence demonstrates this can be adequately mitigated. I consider no other harm to the Greenbelt Purposes endures.
- 3.8 It is therefore necessary to refer to Very Special Circumstances as per NPPF Paragraph 148. I consider the harm caused is in this case clearly outweighed by other considerations.



### *Impact Upon Openness*

- 3.9 Openness deals with the absence of built form, noting the essential characteristic of the Greenbelt is openness and permanence. It is not disputed that limited harm to openness will be caused by the appeal proposal.
- 3.10 In this case, the degree of harm to openness as a Greenbelt purpose overall (both visual and spatial) would be limited, principally based on the extremely high degree of containment associated with the appeal site. The LPA GBA (CD 7.2) confirms the site is visually and physically well contained by built form on three sides. Such containment ensures that the visual impact is negligible in longer distances and neutral when viewed in proximity. The LPA GBA further notes that subject to the use of sensitive design and relevant buffers, *the impact on the wider Greenbelt would be limited and its harm to Greenbelt purposes in this location mitigated.*
- 3.11 In my view the proposed site boundaries are defensible and robust, with a mature degree of permanence, particularly from Station Road and Town Hill. The Railway Line immediately beyond to the east southeast provides a further robust boundary in which the wider settlement is contained, thereby limiting wider impact upon the Greenbelt. The LPA have reached a similar conclusion in determining through the GBA that the site justified release from the Greenbelt. Indeed the GBA concludes in terms of suitable boundaries that Town Hill aligning the southern site boundary and Station Road marking the eastern site boundary provide robust defensible boundaries that are capable of enduring in the long term.

### *Greenbelt Purposes*

- 3.12 As per paragraph 138 of the NPPF, the Green Belt serves five purposes:
- a) To check unrestricted sprawl of large built-up areas;
  - b) To prevent neighbouring towns merging into one another;
  - c) To assist in safeguarding the countryside from encroachment;
  - d) To preserve the setting and special character of historic towns; and
  - e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 3.13 In assessing the harm to the Green Belt purposes, Ben Croot's evidence sets out the following:
- 3.14 On purpose 1, the proposal is a "natural extension" to the existing settlement which effectively infills the south-eastern corner of Lingfield, without prejudicing the natural extent of the settlement boundary – clearly defined by Town Hill and Station Road. It will provide a robust boundary to the existing settlement, which in turn will support the long-term protection of the Green Belt and create a physical boundary to prevent further sprawl (which is aided by Station Road / Town Hill and the railway line to the east). As such, the proposal is not considered to harm the Green Belt purpose to prevent sprawl of built-up areas.

- 3.15 On purpose 2, “infill” nature of the development in relation to the existing settlement form is such that it would not impact the performance of the Green Belt in preventing the merging of towns (Lingfield and Dormansland).
- 3.16 On purpose 3, the Appeal Site is bordered by existing built form on four sides, as well as Tower Hill and Station Road (and the railway line to the east) providing distinct physical boundaries between the settlement and wider countryside, which would remain intact. Appeal references APP/B1930/W/20/3265925 and APP/C1950/W/20/3265926) (CD5.1) assess the “edge of settlement character” such that the proposals would have “only a localised effect on the Green Belt” and consequently would not result in harm in terms of encroachment of the Green Belt. In my view, materially similar considerations apply to this proposal. This is detailed within the Proof of Evidence of Ben Croot in particular.
- 3.17 Given the historical significance of Lingfield, there would be limited harm to purpose 4 of the Green Belt. However, it is noted below that the proposal creates public benefits principally in affording new opportunities for appreciation of the historic core of Lingfield. This factor is addressed further below in assessing the Heritage Balance.
- 3.18 With regards to purpose 5, the proposed development would not affect brownfield sites from coming forward. The need to release Green Belt land to meet unmet housing need is recognised by TDC.
- 3.19 Notwithstanding any harm to the purposes, the Council’s Green Belt Assessment (GBA) concludes that housing development on this site would assist in meeting the district’s housing need and that the site comprises land on the edge of a Tier 2 settlement and is a preferred location on sustainability grounds. It concludes that exceptional circumstances do exist which justify the removal of the Site from the Green Belt and which justify the proposed allocation for housing.

*Other Harm*

- 3.20 NPPF paragraph 178 the requires the decision-maker to assess any other harm. In this case the following areas of harm are cited: -
- Less Than Substantial Harm to various Heritage Assets; and
  - Landscape and Visual Harm
- 3.21 Dr Jonathan Edis concludes in his proof that the appeal site and Station Road do not comprise an important aspect to appreciate the significance of the listed buildings and conservation area – principally on the basis that no direct visual impact on views of the cluster of heritage assets save for views of spire on the skyline from the south-east part of the appeal site (also referred 7.6.2-7.6.6 incl. of Ben Croot’s evidence).
- 3.22 In terms of the conservation area – the proposal would reduce private open land within it and impact on the setting. The extent of heritage harm caused is judged by Dr Edis through his evidence but summarised in Paragraph 5.9.

3.23 Landscape character impact is addressed by Ben Croot in evidence – Section 7.4 concludes in relation to the Visual Impact of the proposal, confirming some adverse impact in very localised terms. They would however, not be incongruous to the existing visual amenity. This is characterised by settlement, roads, trees and vegetation. The appeal proposal is complementary to this character. In regard to visual openness, Paragraphs 8.2.6-8.2.9 incl. of Ben Croot’s evidence confirms his summary assessment of the appellant’s Greenbelt Assessment (CD1.42) noting no harm to the purposes of the Greenbelt are had, save for limited harm to Purpose 4.

*Considerations Weighing against Harm*

3.24 I hereby address the following considerations which weigh against the harm identified. I consider these in this case to comprise:

- a. National Planning Policy Framework (NPPF)
- b. The Emerging Local Plan (ELP)
- c. Housing Need (including Affordable Housing need)
- d. Alternative Approaches
- e. Scheme Benefits

3.25 I address each of these in turn. The NPPF presides over a presumption in favour of sustainable development (paragraph 11)). Paragraph 11 (d) of the NPPF deals with the application of the presumption in favour of sustainable development in decision-taking. In particular, footnote 8 directs that the development plan policies are most important for determining the appeal should be considered out-of-date where either of the following apply:

- a) where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or
- b) where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

3.26 Both of these apply in Tandridge. Therefore, the decision-maker is directed to grant planning permission unless protection policy provide a clear reason for refusal or the adverse impacts (if any) of doing so would significantly and demonstrably outweigh the benefits.

3.27 As above, the Tandridge Local Plan was adopted in 2008 and set a strategic vision for the District, including identification of an annual housing delivery figure. This clearly and materially pre-dates the NPPF. This is fundamental to the appeal proposal as, in my view, it means the relevant policies dealing with housing provision for determining the appeal are “out of date” (p11.d – referred below in Section 6).

3.28 The **Emerging Local Plan (ELP)** has been prepared by TDC since early 2016 and seeks to deal with unmet housing need. It explicitly acknowledges that the

Objectively Assessed Need (OAN) for housing (2015) would not be possible to be sustainably met given the highly constrained nature of the District.

- 3.29 Material to this case, is the evidence base which underpinned the spatial aspects of the plan, including a series of housing allocations in order to meet an identified (reduced) level of housing need (6,056 dwellings over the plan period, rather than 9000). In my view therefore, the ELP ‘bakes-in’ a reduced level of planned housing need, recognising the relatively constrained nature of the district. The majority of the individual housing allocations were identified within the Tier 1 and Tier 2 settlements – recognised respectively as the urban and semi-rural service centres.
- 3.30 Lingfield forms a Tier 2 settlement and is inherently well-placed to accommodate planned additional housing. That the LPA following a detailed series of technical assessment concluded that the appeal site was suitable and sound to be allocated for development itself is material to the issues in this appeal. This approach was upheld in the Basildon Appeal (CD5.10) where the evidence base that underpinned the (then withdrawn) local plan allocation “weighed very heavily in favour of the appeal proposal”.
- 3.31 **Housing Need** is material to the appeal proposal. I note below that this constitutes VSC upon which the appeal should be determined favourably. The following points are noted in detail in the supporting Lingfield Housing Supply Analysis (Appendix A)
- a. Meeting identified housing need is an overarching national and local planning policy objective.
  - b. When applying the standard method in accordance with paragraphs 61 of the NPPF, Tandridge has a housing requirement of 642 homes per year.
  - c. Paragraph 74 of the NPPF confirms the Standard Method for calculating housing need is engaged where local policies are more than 5 years old.
  - d. When applying a 20% buffer in accordance with paragraph 74 (c) of the NPPF, this increases to 770 homes per year.
  - e. TDC have proposed an annual housing target within its draft Local Plan of 303 homes per year, in part acknowledging the constraint set out by the extent of Green Belt cover within the district. Thus, TDC is already planning for substantially fewer homes (6,056) than its Objectively Assessed Need (OAN) (12,900).
  - f. The proposed site allocations in TDC’s emerging Local Plan (ELP), including HSG12, would cumulatively result in a reduction in land designated as Green Belt of approx. 1%. This will reduce the district’s proportion of Green Belt land from 94% to 93%.
  - g. TDC’s most recently published Authority Monitoring Report (AMR) (July 2022) indicates **a 5YHLS of 1.57 years.**
  - h. Even if account is taken in the current 5 YHLS deficit of two recent consents for major development within the district, this increases to 1.81 years.
  - i. The most recent Housing Delivery Test (HDT) figures (January 2022) find that TDC has delivered 38% of their target. Thus, TDC is one of the top ten worst-performing authorities in the country.

- j. Housing delivery in the district is significantly below target and has worsened in recent years.

3.32 **Affordable Housing Need** is acute within TDC and which directly reflects a complete lack of sufficient supply to meet identified need. I refer to this within the VSC paragraphs below.

3.33 I consider there are **no alternative** viable approaches in the short term to meet (even reduced) housing need within Tandridge district, other than to sensitively release Greenbelt. I address this specifically within the VSC circumstance section of my evidence below (Paragraph 3.56-3.59).

3.34 The appeal scheme will deliver **substantial benefits**. These are outlined within the Planning Balance section below at Paragraph 6.2.

*Considerations Relevant to whether VSC Arise*

3.35 The Council's Case alleges that the proposal constitutes inappropriate development in the Green Belt and causes significant harm to its openness and visual amenities. It does not consider that VSC exist to justify inappropriate development in the Green Belt.

3.36 It is incumbent upon the decision-maker in this appeal to acknowledge the weight placed upon delivery of housing, including affordable housing, within the constrained housing supply context in Tandridge.

3.37 The appellant's case sets out that the following reasons constitute VSC:

- a. Provision of **much-needed housing** in the absence of a 5YHLS and consistent failure in meeting housing delivery targets.
- b. Important contribution to **meeting acute local Affordable Housing need**, with provision of affordable housing in excess of TDC's minimum policy requirement.
- c. **Highly sustainable location** within close proximity of Lingfield railway station and local amenities within Lingfield village.
- d. **Absence of suitable and deliverable alternative sites** within Lingfield which are capable of meeting local housing needs.
- e. A minimum **Biodiversity Net Gain (BNG)** of 10% (secured via onsite and offsite enhancement and mitigation).
- f. **Enhancement to the Public Right of Way** which runs through the Site.
- g. **Economic benefits** including generation of local employment and increased spending within the local economy.
- h. **S106 and CIL** contributions towards improving local infrastructure.

3.38 The circumstances in which VSC arise will be addressed in the proceeding section(s).

- a. Housing supply and delivery

- 3.39 I refer above within the section considering factors that weigh against the harm caused to the current and on-going dire situation regarding housing delivery within the district. As indicated in Appendix A), it is of national priority to boost housing supply. Within this context, paragraph 74 of the NPPF is of relevance in which LPA's are required to demonstrate a 5YHLS.
- 3.40 An appeal decision in the London Borough of Bromley (ref. APP/G5180/W/20/3257010) (CD5.2) is of relevance, in which the inspector concluded that the proposed 254 residential units development did indeed constitute VSC. In this, reference is made to an earlier appeal decision at the same site, which dealt with an 'at best' estimate of housing land supply of 4.25 years. Paragraph 28 of the decision states: "*Without needing to undertake a detailed review of all of the areas in dispute in that appeal, Inspector Bair finds, in his 2019 decision, that the housing supply then available amounted to 4.25 years at best, and that this fell materially below the level that the Council acknowledged to be significant. He accordingly attributed **very substantial weight** (my emphasis) to the contribution that the 151-dwelling proposed in that scheme would make to meeting housing need.*" Given the substantially lower housing supply that can currently be demonstrated in Tandridge, in my view an even greater degree of weight must be attributed in this appeal.
- 3.41 In a further appeal decision in the London Borough of Bromley (ref. APP/G5180/W/20/3257010), the Council's assessment determined it to have a 5YHLS of 3.27 years, compared to the Applicants assertion that it a 5YHLS of 2.96 years. On this matter, the inspector determined that, despite the disparity in figures, "*by any measure the shortfall in supply is very significant. This has to be considered in the context of an increasing level of housing need and the limited prospect of development coming forward to make up that shortfall. I agree with appellant that **nothing less than very substantial weight** (my emphasis) should be given to the contribution that the 254 dwellings proposed in the appeal scheme would make to meeting housing need*".
- 3.42 Essentially the same approach has been adopted in a recent appeal decision concerning development in the green belt in Basildon APP/V1505/W/22/3298599 (CD5.10, paragraph 56).
- 3.43 This analysis supports my view that, in the context of acute housing supply shortfall and an absence of a planned approach to meeting this shortfall, the provision of 99 houses by the Appeal Scheme should be given great weight.
- 3.44 As such, when planning for a housing target which is significantly lower than its objectively assessed need, there is clear acknowledgement from TDC that the extent of Green Belt land is a major constraint for housing supply in the district (paragraph 14.1 of CD4.3). As such, paragraph 14.3 of the ELP outlines that TDC has "no choice" but to consider the release of Green Belt land to meet housing demand.

- 3.45 I consider the release of the Green Belt sites allocated within the ELP to have a negligible effect on the purposes and functioning of the wider Green Belt in Tandridge, given that they represent just 1% of TDC's total Green Belt and are selected due to their limited impact to the Green Belt.
- 3.46 It is considered that the selective development of the Appeal Site and others will, in the long term, support the protection of the Green Belt, in preventing future speculative development on unsuitable sites and by forming robust and defensible boundaries to existing settlements. In the short term, they will make an important contribution to meeting local housing need.
- 3.47 Notwithstanding any dispute regarding the precise level of TDC's housing land supply, it is an agreed matter that TDC cannot demonstrate a housing land supply and that the shortfall is very substantial. As such, there is an acute need for additional housing in the district to address this shortfall.
- 3.48 When considering that the emerging Local Plan is currently "on pause" as confirmed in the Inspector's letter to TDC on 23 May 2023 (CD4.2), and that there is no agreed timetable for its adoption, and therefore no sign of a plan-led approach to tackle this housing deficit, my view is that TDC's housing position will only continue to deteriorate over the coming years. Therefore, there is a need for speculative planning applications to come forward until a plan-led approach is in place, where these sites are suitable and deliverable.
- 3.49 The delivery of a substantial number of homes in a highly sustainable location, on a site which benefits from a draft allocation – and has undergone a comprehensive assessment of its suitability for development – must therefore be awarded very substantial weight in the assessment of this Appeal. This is a matter that will be returned to in the evidence presented below and in both Jonathan Edis' and Ben Croot's supporting proofs.
- 3.50 Indeed, I consider that the important contribution to meeting this acute local housing need is in itself sufficient to constitute Very Special Circumstances.

b. Affordable Housing

- 3.51 As per Appendix A, the following facts with regards to affordable housing in Tandridge are relevant:
- a. TDC Housing Strategy (2019-2023) calculate a need in the district for 456 affordable homes per annum over a 5-year period. this is significantly higher than the total annual housing requirement (both affordable and market housing) set out in the ELP.
  - b. TDC's Housing Need Assessment 2018 (CD9.1) indicates a requirement of 310-391 AH units per year.
  - c. Tandridge has consistently failed to deliver a level of affordable housing that would meet this annual requirement (average of 116 houses per year since 2002).

- d. Delivery of affordable housing in the district has significantly worsened since 2019.
- e. TDC's future supply of Affordable Housing as per the 2022 AMR (CD9.5) of 60.4 homes per year – a detailed calculation of this is appended to this evidence (Appendix A).
- f. Tandridge is one of the least affordable authorities outside of London with the average house price valued at approx. £500,000.
- g. As shown on Table 5 of CD10.2 Lingfield Parish Council's (LPC) own analysis indicates that the average house price in Lingfield is just below £600,000 – approximately **double the UK average**.
- h. TDC's housing waiting **list stands at 1,788 households** (an average increase of 47 homes per year since 2003).

3.52 All evidence indicates there is a pressing need for the delivery of affordable housing across the district. This is not currently being met and, in the absence of a plan-led approach, there is no indication that this will be met in the short to medium term.

3.53 Housing generally within Tandridge is considered out of reach, such are the constraint in supply, when compared to identified need. This point is reinforced in Paragraph 40 of the Examiner's preliminary findings in respect of the Emerging Local Plan which states: "The low affordability of homes and the high need for affordable homes to meet existing and future housing needs add to the acuteness and intensity of need for new homes in Tandridge." Thus, there is clear recognition that housing, and particularly affordable housing are not being delivered at the necessary rates leading to an increasingly widened gap between supply and demand.

3.54 As such, it is considered that the proposed 40% contribution (in excess of the "up to 34%" requirement as per policy CSP4), within the appeal scheme makes a material contribution to addressing the affordable housing crisis and shortfall in Tandridge.

3.55 It is established in the recent appeal decision at Land at Limpsfield Road, Warlingham (ref. APP/M3645/W/22/3309334), (CD5.6) that this benefit **should be awarded significant weight** accordingly, with the inspector concluding that:

*"The capability of the appeal proposal to contribute significantly to addressing the existing and predicted very serious affordable housing shortfall within the next 5 years attracts significant weight in favour of this appeal." Given that an acute affordable housing shortfall persists both at the local and district-wide levels notwithstanding this decision, it is submitted that significant weight should also be afforded to this benefit of the appeal."*

c. Releasing Green Belt as a necessity

3.56 Tandridge is a highly constrained authority, of which 94% of its land is allocated as Green Belt. As such, there is very limited supply of non-Green Belt land to meet need for new housing and, in the context of significant need, there is **no alternative** to the use a proportion of this land for residential development. This is recognised



on several occasions by TDC in its ELP and evidence base. It forms a sound basis for meeting housing need in such a constrained district.

3.57 The TDC's Green Belt Assessment Part 3 (2018) (hereafter "GBA") notes that although the Council did consider various brownfield sites including estate renewal and town centre regeneration, it was concluded that **"there is a finite amount of urban land and inevitably Green Belt land must be explored to support sustainable development."**

3.58 Evidence of this is further outlined within the Council's own assessment of alternative sites that were identified throughout the site allocation process including the GBA (CD7.1) and HELAA (CD7.16). Within these reports it is concluded that:

- Only 11 of 132 potential housing sites that were considered to be deliverable or developable are not located in the Green Belt. Collectively, these sites have a total (indicative) capacity of 278 homes.
- Of the 43 sites that were assessed within the GBA, approx. two thirds were considered not to constitute exceptional circumstances (i.e. the vast majority).

3.59 There is **no alternative** but to release carefully identified sites within the Greenbelt, particularly where these are deemed not to prejudice the Greenbelt purposes. These conclusions are supported by the Inspector's Preliminary Conclusions and Advice on Tandridge District Council Local Plan 2033 (CD4.6), which finds that the assessment of land supply and release of Green Belt is justified, stating that its assessments are adequate and "show that there are significant difficulties in achieving sustainable development without impinging on the Green Belt boundaries and removing land from the Green Belt".

3.60 It is noted that the Statements of Case of both Rule 6 parties to this appeal refer to the availability of other potential suitable sites for development in Lingfield, namely those that are proposed within the draft Lingfield Neighbourhood Plan (Reg 14) (LNP). While this document is not considered to merit any weight in the determination of this appeal, it is nonetheless relevant to address the notion that other suitable sites in Lingfield are available. It should be noted that paragraph 5.2 of TDC's SoC attach no weight to the ELP and subsequent HSG12 allocation. I strongly disagree with this assertion for the following reasons.

1. No realistic or viable alternative to GB release prevails
2. TDC Local Plan evidence base supports release of the site
3. ELP Examiner agrees with the principle TDC allocations
4. TDC conclude exceptional circumstances exist, justifying release

3.61 Each of these reasons are hereby addressed in the paragraphs immediately below.

3.62 **Firstly**, it should be noted that **all** of the alternative sites identified in the LNP are within the Green Belt. As such, it is clear that there is no suggestion of an alternative to the development of Green Belt land in principle. In my view, it is very clear that all of the sites are unsuitable for development and are not viable options for meeting

local housing supply, with 4 of 5 of the sites already having being rejected as unsuitable or unavailable as part of the “call for sites” undertaken in the ELP process. This is further demonstrated in the detailed analysis at Appendix B. This analysis also highlights that the development of all 4 sites would cumulatively erode the effectiveness of the settlement boundary to the west of Lingfield thus significantly harm the Green Belt purposes in relation to preventing sprawl, the merging of towns, and encroachment into the countryside. For these reasons, I do not consider that there is any realistic alternative to meeting current local housing need to the appeal site.

3.63 Evidence of this is detailed below and in the supporting 5YHLS analysis document appended to these proofs (Appendix A). ELP Allocation HSG12 (the appeal site) outlines several clear site-specific policy requirements. The table below summarises how the Appeal Scheme meets these:

<b>HSG12 site-specific policy requirements</b>	<b>Measures to address in Appeal Scheme</b>
Green Belt Amendment	Proposal provides 40% affordable housing as recommended in Policy HSG12.
Conservation	Application is supported by a detailed Heritage Impact Assessment. The layout of the Appeal Scheme is designed to mitigate the impact to the conservation area and nearby listed buildings, including the provision of landscaped buffers to sensitive locations and allowing key views through the Site.
Ecology	The proposal is landscape-led, with the provision of large areas of open green space. It will provide a BNG on site and additional habitat creation and enhancement off site. Detailed ecological assessment has been undertaken and mitigation of impacts to protected species is outlined in supporting reports and will be secured by condition.
Landscape	A generous landscaped buffer is provided to the south-eastern corner, with the layout providing a robust and defensible boundary to the corner of Town Hill and Station Road which mitigates impact to the wider landscape. This is balanced against considerations of impact to heritage assets to the northern part of the Site.
PROW	The PROW is retained and enhanced. This approach is supported by SCC.

New defensible boundaries	The proposed layout provides enhanced and defensible boundaries to the perimeter of the Site, including to the southern and eastern boundaries which are adjacent to open countryside beyond Lingfield.
Flooding/ water related matters	The Site is mainly in Flood Zone 1 with only a very small part of the south-eastern corner within Flood Zone 2. A Flood Risk Assessment including site-wide sequential test supports the planning application.
Infrastructure	Appropriate infrastructure contributions in line with the Infrastructure Delivery Plan will be secured by the associated s106 agreement.



Figure 1 Map showing location of alternative sites identified within the draft Lingfield Neighbourhood Plan (nos. 1-4) and the appeal site (no. 5).

3.64 **Secondly**, with regard to the appeal site itself, TDC has undertaken several technical assessments in the ELP process to establish whether the site (HSG12) is suitable for residential development and meets the “exceptional circumstances” test required to justify its release from the Green Belt, as set out in paragraph 141 of the NPPF.

- 3.65 TDC's Local Plan 2033: Sustainability Assessment (January 2019) determined that the Appeal Site's development was considered "a reasonably sustainable option" particularly when considering the housing requirement in the district as well as its accessible location which acts as a "natural extension" to Lingfield Village. I consider this an understatement (refer Figure 1, sites 1-4, above, in comparison to the appeal site, labelled 5). The appeal site sites between Lingfield centre and the railway station and comprises (in part) the PROW which directly connects these. I note elsewhere the site boundaries are defensible and robust, therefore ensuring the appeal site is highly contained. This demonstrates the appeal site can be developed causing the least harm to the Greenbelt.
- 3.66 TDC's assessment of HSG12 in the GBA (Discussion section) (CD7.2) finds the site to be a sustainable location for development noting it is a **"preferred location on sustainability grounds, being within close proximity to a GP surgery, schools, countryside, employment and public transport"**, concluding that **any potential adverse effects on landscape, heritage, or flood risk can be "adequately mitigated"**.
- 3.67 In assessing the nature and extent of harm to Green Belt of development of the site, the GBA goes on to state:
- "Development in this location would result in sprawl, the merging of built-up area, encroachment on the countryside and could fail to preserve the setting of the Conservation Area. However, whilst the area is generally open, it is also contained by built form and accordingly development is likely to have a limited impact with respect to its encroachment on the countryside, sprawl, merging with other settlements and subject to a robust and defensible boundary being identified, the wider Green Belt. It would also, by infilling this area, make a positive contribution to settlement form."*
- 3.68 I consider, in line with Ben Croot's evidence, that the proposals do not in fact result in harm in terms of sprawl, the merging of built-up area, or encroachment of the countryside. However, the conclusions that, notwithstanding these harms (and the potential harm to the setting of the CA), the development would have a limited impact and would "make a positive contribution to settlement form" are strong indications of the suitability of the site compared with others assessed by TDC.
- 3.69 Following the detailed assessment of suitability and deliverability of sites within the ELP evidence base, the Appeal Site is the only site to be allocated within the draft Local Plan located within Lingfield. With this in mind it must be acknowledged that there are no sites within the Lingfield area, and very few sites in Tandridge that would give rise to less harm to the Green Belt, nor sites that would deliver similar benefits to meet the demands of the district. Indeed, the "Discussion" section of the GBA (CD7.2) concludes the development of the appeal site "would 'complete' the settlement form". This is materially at odds with the subsequent conclusion by TDC in their SoC regarding the harm caused to the Greenbelt.

3.70 The ELP is at an advanced stage of preparation, having undergone an Examination in Public in 2019. Although the progress of the ELP is currently paused, there is no indication from TDC that it intends to withdraw the Plan, nor from the inspector that they intend to find it unsound. The Plan should be afforded a material weight according to this stage of preparation and the extent to which there are unresolved objections to relevant policies, in accordance with paragraph 48 of the NPPF.

3.71 **Thirdly**, the inspector's preliminary conclusions (CD4.1) are generally supportive of the proposed approach to Green Belt release and the proposed housing allocations (including the revised site yields set out in TED17). While I acknowledge that the inspector requests additional information in order to reach a conclusion on several proposed allocations including HSG12, I emphasise that this is not an indication that the allocation is unsound, nor, in its response, has the LPA suggested this is the position given that it has not sought to introduce a modification to the emerging plan to remove the allocation of the appeal site nor any other allocation. Indeed, HGS12 is not cited in paragraph 30 as one of the sites over which that the inspector has "concerns" in relation to housing supply.

3.72 **Finally**, it is my view that, notwithstanding the potential outcome of the ELP process, the evidence base on which Policy HSG12 has been arrived at is significant in itself in demonstrating that the Site is suitable, deliverable, and **that exceptional circumstances exist** for its release from the Green Belt. The exceptional circumstances translate to Very Special Circumstances in determination of this appeal. I note that this approach has been taken in a recent appeal decision in Basildon (ref. APP/V1505/W/22/3298599 (CD5.10), in which the inspector states at paragraph 55:

*"...in the absence of both an up-to-date local plan and clear demonstration of a material change in circumstances which justifies a different conclusion to be reached in respect to this particular site, that evidence base weighs very heavily in favour of the appeal proposal."*

3.73 No material change in circumstance exists at the subject site, nor is there a prospect of an up-to-date local plan being in place to meet identified housing need in the proximate future. I consider that the evidence base should weigh similarly in favour of this appeal proposal. The fact that the LPA following a detailed series of technical assessment concluded that the appeal site was suitable and sound to be allocated for development itself is material to the issues in this appeal.

d. Biodiversity Net Gain

3.74 The Appeal Scheme will achieve an BNG of 5.31% of habitat units and 20.25% of hedgerow units, as demonstrated in the supporting Biodiversity Net Gain Feasibility Assessment (CD1.38). This exceeds the minimum policy requirement for a net gain of >0%, as per paragraph 174(d) of the NPPF. This is not disputed by TDC, as confirmed via the agreed SoCG.

3.75 In addition to the on-site net gain, it is proposed to secure additional habitat creation and enhancement measures off-site to achieve a minimum gain of 10% overall. These are secured via the s106 agreement. While not a policy requirement at present, this is aligned with the 2021 Environment Act, requiring development to achieve a minimum BNG of 10%, due to take effect from November 2021.

3.76 The offsite mitigation will be achieved through a Biodiversity Offsetting Scheme, to be agreed with the LPA at reserved matters stage. This will provide habitat creation and enhancement at a suitable receptor site, the long-term management and monitoring of which will be secured through an appropriate mechanism. This will provide an additional net gain of approx. 1.5 habitat units, resulting in an overall increase of >10% from the baseline units.

e. Public Right of Way (PROW) Improvements

3.77 The Appeal Scheme includes the retention and significant improvements to the PROW which runs through the Site and connects Lingfield station to the village. Enhancements include better maintenance and improvement to its lighting to allow for improved access throughout the day and night to serve both new and existing members of the community. This will provide a significant benefit to accessibility and usability of this route, enhancing connectivity in the local area and encouraging more sustainable forms of transport, in accordance with paragraph 112 of the NPPF.

3.78 Consultee feedback received from Surrey CC's Countryside Access Officer (CD1.7) welcomes this improvement. The proposed enhancement measures are outlined and secured through S106 contributions and agreement.

3.79 I consider that the retention and improvements to the PROW should be awarded significant weight and add to the case for VSC and associated planning benefits of the scheme.

f. Economic benefits

3.80 Paragraph 8 of the NPPF sets out that sustainable development comprises an economic objective, "to help build a strong, responsive and competitive economy". It is clear that this is a key component of successful places and communities.

3.81 I consider that the Appeal Scheme will deliver significant economic benefits to the local area, as follows:

- The construction phase of the proposed development will directly create 202 FTE jobs p.a. over the two-year build period;
- The proposed development will create 244 FTE supply chain jobs p.a. (indirect/induced 'spin-off' jobs supported);
- The proposed development will provide significant operational and expenditure benefits to the local economy, including c. £1.5m p.a. resident expenditure within local shops and services;

- The proposed development will create 16 supported jobs resulting from increased expenditure in the local area;
- The proposed development will provide £158,000 in additional council tax revenue p.a.;
- The proposed development will include significant financial planning contributions via s106 (subject to final agreed HoTs) and CIL.

3.82 I consider that the above benefits contribute to the Very Special Circumstances in this appeal scheme and should be given significant weight.

g. S106 and CIL contributions

3.83 A draft s106 agreement is in circulation between the main parties. The following heads of terms are proposed:

- Provision of 40% Affordable Housing (of which 75% will be affordable rent and 25% will be intermediate affordable housing);
- Provision of a Travel Plan and contribution of £4,600 towards monitoring of the Travel Plan;
- Securing off-site habitat creation and biodiversity enhancement;
- Provision of surface improvements to existing public right of way and financial contribution (amount to be agreed) to enable off-site improvements to existing public right of way;
- Financial contribution (amount to be agreed) towards the provision of a mobility impaired persons bridge at Lingfield Railway Station;
- Financial contribution (amount to be agreed) towards improving Lingfield station car park;
- Financial contribution (amount to be agreed) towards Lingfield surgery rebuild; and
- Payment of the Council's reasonable professional and legal costs related to preparing, monitoring, and implementing the agreement.

3.84 The above will make a significant contribution to meeting the identified local infrastructure needs as set out in TDC's Infrastructure Delivery Plan (2019) (CD10.1). In particular, I highlight the contribution towards the Lingfield surgery rebuild. This is a key local need, as noted in the LNP (CD10.2) which notes the following:

*“the evidence collected by the LNP highlights the main issue which concerns residents as the inability of the current doctors' surgery to cope with its increasing patient register. Their current building is inadequate to meet the basic space required to function effectively and scope for expansion is limited, as the site is relatively small. As it is the only surgery in the south of the district, the catchment area is extensive, with a patient list of more than 10,500. Any increase in population in the catchment is going to further stress the resource.”*

3.85 I consider that the proposed contribution towards this key local infrastructure will be a great benefit to the local community and therefore aligns with the social objectives of sustainable development as set out in paragraph 8(b) of the NPPF.

3.86 Furthermore, TDC is a Community Infrastructure Levy (CIL) charging authority. Based on the indicative floorspace of the appeal scheme, it is estimated that the development is liable for a contribution in excess of £1.4m. This will further materially contribute to the provision of local infrastructure.

3.87 I consider the above to amount to a considerable public benefit which contributes to the case for VSC and should be given great weight in the determination of this appeal.

### **Conclusion**

3.88 Paragraphs 177 and 178 of the NPPF state that inappropriate development should not be approved except in VSC and that such 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”. As such, a balancing exercise is required in relation to the Green Belt harms and public benefits of the proposal.

3.89 The harms to the Green Belt arising of the development is considered to be:

- Policy harm in that inappropriate development is “in principle” harmful.
- Some limited harm to Green Belt purpose 4 “to preserve the setting and special character of historic towns”.
- Impact on the openness of the Green Belt, limited to visual and spatial impacts within the immediate vicinity of the appeal site which are “moderate to adverse” at worst (regarding visual amenity).
- In terms of non-Green Belt harm there is some less than significant harm to heritage assets and a ‘Moderate’ but ‘Neutral’ impact on landscape character of the Character Area within which the appeal site sits (to 50m) and reducing to a ‘Negligible’ and ‘Neutral’ impact on landscape character. I address these impact in more detail earlier in this proof by reference to the other specialist witnesses to be called for the Appellant.

3.90 As against this I have demonstrated that the appeal proposal provides a significant benefits including:

- Provision of 99 total new homes.
- Provision of 40 affordable homes.
- BNG of 10%.
- Provision of new public open space.
- Enhancement of local transport infrastructure via s106 contributions and s278 off-site highways works.
- S106 contribution towards improvements to Lingfield Surgery.
- Local employment generation and other economic benefits.
- Increased public access to the Site and opening of views to allow greater appreciation of local heritage assets.



3.91 I consider **that great weight** should be given in the Green Belt policy balance to the provision of market and affordable housing in light of the absence of suitable or deliverable alternative sites within Lingfield, or the district as a whole, to meet the **acute need for housing**. This is a consideration which in and of itself is sufficient to clearly outweigh Green Belt and other harm so as to give rise very special circumstances to justify the development within the Green Belt. This conclusion is reinforced when other benefits are brought into the Green Belt policy balance. I consider that the benefits identified above **clearly and demonstrably outweigh the harms to the Green Belt and other harms**. As such, I consider there to be compliance with paragraphs 147 or 148 of the NPPF and *Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies (2014)*.

#### **4. REASON FOR REFUSAL 2 – THE IMPACT OF THE DEVELOPMENT ON THE WIDER CONSERVATION AREA AND HERITAGE ASSETS**

4.1 In his evidence, Jonathan Edis concludes that the proposal has a less than substantial impact on the Conservation Area and heritage assets in close proximity to the Appeal Site, a matter agreed at 1.20 of the SoCG.

4.2 As outlined below, the Site has been subject to extensive technical assessment and analysis in determining the impact of its development on local heritage assets.

##### The site allocation and relevant evidence base

4.3 I note that TDC's initial assessment of part of the Appeal Site (excluding the southern part of the Site) within its 2016 HELAA states that, given its location within the Lingfield CA and adjoining listed buildings and structure, "the site is not seen as a suitable area to accommodate development". I highlight this as evidence that the impact of the development of the Site on heritage assets was considered at the earliest stage in the Plan-making process.

4.4 Subsequent assessment of the Site with its current extent (including the southern part) in the Sustainability Appraisal Volume 2: Options Assessment (CD10.6), determined the site to be "sustainable on balance of considerations", noting that its development would require "sensitive design so as not to compromise conservation area objectives, nor listed building settings". This implies a balancing exercise between potential heritage impacts and the benefits of delivering housing on the Site and limited constraints or harms in other respects.

4.5 This is supported by pre-application feedback received in May 2018 as appended (CD10.5) in which it was agreed by the Heritage Officer that the location "in principle would appear to be a sensible for an enlargement of the settlement" further stating that the concern of the heritage is "considered to be less with the Conservation Area and more with the setting of New Place and other listed buildings".

4.6 Furthermore, the detailed assessment of site capacities undertaken in examination note TED17 (CD4.4) is explicitly based on considerations of heritage constraints, including the presence of the CA, which results in a reduced site yield for HSG12.

- 4.7 The TDC GBA (CD7.2) confirms that in the LPA view, the heritage impact / harm can be mitigated, as referred above. This forms an important element of the ELP evidence base and reasoning for the LPA in justifying the draft allocation originally.
- 4.8 Thus, it is evident that the impact of the potential development of the Site on heritage assets has been considered throughout the ELP process. The fact that the Site was taken forward as a housing allocation notwithstanding the impact on the historic environment confirms that, in the Council's view, such impacts are or can be made acceptable. Thus, while I acknowledge the ELP inspector's request for a more detailed heritage assessment to reach a conclusion, I am of the view that heritage matters have been given due consideration in the ELP process and that, in principle, the potential for the proposal to impact local heritage assets does not undermine the allocation in principle. Further details of impact on the historic environment have plainly been provided through this appeal, in particular through Dr. Edis' assessment.
- 4.9 Turning to the impact of the appeal proposals, the following table summarises the degree of harm to each relevant heritage asset as identified by Heritage England, Surrey CC, and the Appellant's Heritage Impact Assessment by HCUK (CD1.43):

	<b>Heritage England</b>	<b>Surrey CC (Historic Buildings Officer)</b>	<b>HCUK (Appellant)</b>
<b>Lingfield CA</b>	Middle of less than substantial.	High degree of less than substantial harm.	Middle of less than substantial harm.
<b>Oast House</b>	N/A	Higher end of less than substantial.	Noticeable effect.
<b>Church of St Peter &amp; St Paul</b>	Lower range of less than substantial.	Removal of proposed Oast Houses from the illustrative layout the impact would be lower end of less than substantial. <i>- Oast houses were omitted March 2023</i>	Less than substantial
<b>Other listed buildings/ core group</b>	N/A	Lower end of less than substantial	No impact
<b>New Place Group</b>	Lower end of less than substantial	Lower end of less than substantial	Lower end of less than substantial
<b>The footpath/ stone wall</b>	N/A	N/A	Some physical and visual effect which would require mitigation

- 4.10 The evidence submitted by Jonathan Edis provide a robust analysis of the potential harm of the proposal to the heritage assets. In this evidence, I consider this matter below through an assessment of the heritage harm vs the public benefits that the scheme will deliver.

Heritage harm vs public benefit

4.11 Given that the agreed level of harm is agreed to be within the 'less than substantial' range, the balancing exercise in NPPF paragraph 202 applies:

*"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 including, where appropriate, securing its optimum viable use."*

4.12 Paragraph 206 of the NPPF further states that local authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance.

4.13 The proposed development is considered to have the following public benefits:

1. Provision of total 99.no new homes
2. Provision of 40.no affordable housing (of which 75% are for affordable rent)
3. BNG of minimum of 10%
4. Provision of new public open space (within the Conservation Area)
5. Enhancement to local transport infrastructure via off-site highways works and improvements to pedestrian and cycling routes between Church Road and Lingfield Station
6. S106 contributions towards improving local health and transport infrastructure
7. Economic benefits (including generation of local employment and increased spending within the local economy)
8. Heritage benefits relating to increased public access and opening up of views to heritage assets

4.14 The above benefits of the proposal are considerable, wide ranging and when combined and considered together should be given very considerable weight.

### **Conclusion**

4.15 Overall, there is no dispute by either main party that the appeal scheme will result in a degree of harm to local heritage assets, including the Lingfield Conservation Area. The assessments by SCC's historic buildings officer and HCUK find that, in all cases, this would be in the range of less than substantial harm, albeit to a different degree within that range. This harm must, as a matter of law, attract significant weight and importance in the planning balance.

4.16 I have set put above the considerable public benefits which the proposed development would generate. For the purposes of NPPF para.202 I consider that the harm to heritage assets is outweighed and outweighed clearly by these public benefits.

4.17 Local Plan Policy DP20 is also relevant. Part B of the policy states that the following is expected:

*“1. All reasonable efforts have been made to either sustain the existing use, find viable alternative uses, or mitigate the extent of the harm to the asset”.*

4.18 The proofs of Ben Croot, Neil Deely and Jonathan Edis all robustly demonstrate that the layout of the appeal scheme has been carefully considered to mitigate the extent of harm to heritage assets including the Lingfield Conservation Area and adjacent listed buildings. While I acknowledge that some harm is inevitable given the scale and siting of the development, I agree that this harm has been mitigated insofar as possible.

4.19 Thus, I consider that the Appeal Scheme is in accordance with local and national planning policy which relates to the protection of designated and non-designated heritage assets.

**5. REASON FOR REFUSAL 3 – IMPACT ON CHARACTER OF SURROUNDING AREA AND OPEN COUNTRYSIDE (INCLUDING VALUED LANDSCAPE)**

5.1 This reason for refusal is principally addressed within Ben Croot’s and Neil Deely’s proofs of evidence.

5.2 Ben Croot’s evidence concludes that although the Appeal Scheme will undoubtedly have a visual impact to the Site and environs, **the effect will be “restricted largely to within close proximity of the southern and eastern boundaries of the Site. Longer distance views (approximately 200m+) are not possible given intervening built form and vegetation”**. Additionally, evidence is provided in section 6 of Ben Croot’s proof in rebuttal of TDC’s claim that Site is a ‘Valued Landscape’, demonstrating the site or surrounding area cannot be afforded such designation, as per the NPPF definition outlined in paragraph 174 of the NPPF). I agree with this view.

5.3 I note that the third reason for refusal (as given in TDC’s SoC) refers to Local Plan Policy CSP21, which states:

*“The character and distinctiveness of the District’s landscapes and countryside will be protected for their own sake, new development will be required to conserve and enhance landscape character.”*

5.4 In my view, this differs materially from the test set out in NPPF paragraph 174, which merely requires that planning decisions “recognise the intrinsic character and beauty of the countryside”. Given that I consider the relevant Development Plan policies to be “out-of-date” in accordance with footnote 8 of the NPPF, I consider the national planning policy to be the most important in the determination of this appeal. In my view, the proposal is in accordance with paragraph 174, for the reasons set out below.

- 5.5 I reiterate that there is a notable discrepancy between the third reason for refusal as cited in the Officer Report and that within TDC's SoC. For the avoidance of doubt, the issues raised in both iterations of the third reason for refusal are addressed within this evidence and that of Ben Croot and Neil Deeley.
- 5.6 The evidence provided in this section will therefore analyse any urbanising impact of the scheme in relation to TDC's own planning assessment of the site and typical densities of the area. This includes:
- Emerging Site Allocation
  - Valued Landscape

Emerging Site allocation – indicative density and proposal

- 5.7 I note that there is no specific policy in the Development Plan which prescribes acceptable levels of residential density.
- 5.8 The draft Site Allocation as outlined in the Emerging Local Plan is for the provision of 60 units across the site (<10 units per h/a).
- 5.9 Examination Note TED17 (CD4.4) produced by TDC provides a further assessment of the capacity of the proposed allocated sites. This gives a revised capacity of 151 dwellings, based on the following considerations:
- a) Typical density of surrounding area (classified as “Density Character Areas”)
  - b) Site-specific constraints or requirements
- 5.10 Material to this exercise, the LPA (rightly, in my opinion) sought to reduce likely density / capacity benchmark for the appeal site given the proximity to designated heritage assets. Thus, a density of **40 dwellings per hectare (dph)** was applied, based on the net developable area of 60%.
- 5.11 It was further recommended that the wording of the policy/ site allocation was revised to state a ‘Minimum Number of Units’.
- 5.12 Therefore, the following trajectory is evident: -
- a. Regulation 19 Draft Local Plan – 60 dwellings (estimated capacity)
  - b. TED 17 update – 151 dwellings (including accounting for identified site constraints/ character)
  - c. Appeal application – 99 units (balancing housing delivery against heritage/ landscape constraints)
- 5.13 The appeal proposal therefore accounts for the site context / sensitivity in two ways: (i) reduction from the estimated yield / capacity and (ii) acknowledging that this capacity figure already “baked in” a reduced density compared to other local plan allocation sites. It is therefore considered the appeal scheme proposal in terms of density is fully reflective of context and site constraint.

5.14 As indicated above, TDC determined an appropriate density of 40 dph which is based on the density and character of the surrounding area, as well as the constraint posed by its location partially within the Lingfield Conservation Area. The appeal proposal comprises a significantly lower density than this, at <10 dph (16dph if using the net developable area of the site).

5.15 The recent major application outlined below provides useful comparison for acceptable levels of density in the area:

LPA ref	Address	Description	Outcome
2021/2178	Land West of Lingsfield Road, Warlingham, Surrey, CR6 9RD	Construction of 100 dwellings (40% affordable) with associated infrastructure, landscaping and re-provision of sports facilities	Appeal Allowed 11/04/2023

5.16 The recent allowed appeal ref: APP/M3645/W/22/3309334 for Land West of Lingsfield Road has a gross residential density of 9 dph. However, 7.81 hectares of the Site account for open playing fields (to meet planning policy requirements) which will not contain built development, with 3.88 hectares of the site for residential development. Therefore, the net developable area of the site has a density of 26 dph.

5.17 Thus, I consider that the density of the Appeal Scheme is in keeping with the character of the existing settlement at Lingfield and comparable developments that have been permitted within Tandridge. As such, I do not agree with TDC’s characterisation of the Appeal Scheme within the officer’s report that the proposal represents a “cramped form of development” or an “overdevelopment” of the Site. I agree with the conclusions of Neil Deely’s evidence in this respect.

5.18 Furthermore, I highlight the national planning policy imperative, as set out in Section 11 of the NPPF, to make effective use of land. The determination of an appropriate density for a given site is subject to considerations including the desirability of maintaining an area’s prevailing character and setting. I consider that the Appeal Scheme provides an optimal balance between this consideration, that of relevant policies to the NPPF including those relating to protecting the Green Belt and heritage assets, and the need to make effective use of land in meeting the need for homes.

5.19 In my opinion, this complements the objectives set out in the NPPF Paragraph 124 which refer to the efficient use of land. It is stated that planning decision should support proposals which make such efficient use and where myriad factors are accounted for: -

- Identified housing need and the availability of land to meet such need
- Local market conditions
- Infrastructure capacity
- Desirability in maintaining character and setting

- Importance of securing well-designed, attractive and healthy places.

5.20 The appeal scheme meets the criteria individually and collectively.

#### 'Valued Landscape'

- 5.21 TDC's SoC introduces the characterisation of the Appeal Site as a 'Valued Landscape'. This had not been raised by the LPA prior, including in the Officer Report in assessing the appeal application. To date, no evidence has been provided which justifies this designation, and it is unclear from the Council's SoC whether this accounts for the Appeal Site in particular or the surrounding countryside more broadly.
- 5.22 The Landscape Visual Impact Assessment (LVIA) submitted with the application in April 2022 determined the impact to the local landscape to be 'Moderate to Neutral' with regards to landscape character and 'Moderate to Adverse' in reference to visual amenity.
- 5.23 Lingfield Parish Council has previously proposed designating a portion of the Appeal Site as Local Green Space, as per the provisions of paragraph 101 of the NPPF. However, this was rejected within AECOM's 2020 Lingfield Neighbourhood Plan Options and Assessment April 2020 (CD11.9) on grounds that it conflicted with the emerging Local Plan. As such, the Site is not designated as such within the draft Regulation 14 Neighbourhood Plan.
- 5.24 The value of the landscape was assessed by Hakinson Duckett Association within its Landscape Sensitivity and Capacity Study 2017 Addendum. Details of this assessment can be found at Appendix 2 of Ben Croot's evidence.
- 5.25 A framework in establishing whether a site meets the 'Valued Landscape' criteria is set out within the Landscape Institute's Technical Guidance Note 02/21. Ben Croot's proof assesses the Appeal Site in relation to these criteria in rebuttal of the Council's view that it constitutes a valued landscape. I agree with his conclusions.

## **6. HARM, BENEFITS & THE OVERALL PLANNING BALANCE**

- 6.1 I have demonstrated above that none of the main matters in this appeal individually constitute harm that would clearly direct refusal of planning permission, in accordance with relevant local and national planning policy.
- 6.2 I now turn to the **overall planning balance**. Paragraph 11(d) of the NPPF deals with the application of the presumption in favour of sustainable development in decision-taking. In particular, footnote 8 directs that the development plan policies that are most important for determining the appeal should be considered out-of-date where either of the following apply:

- a) where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or
  - b) where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years
- 6.3 Relevant policies in this case comprise Policies DP10, DP13, DP20 CSP21 and DP7 of the Tandridge Local Plan Part 2: Detailed Policies (2014). It is demonstrated in the previous section of this evidence (and is an agreed matter between main parties) that **both of the above criteria apply in this instance**. As such, permission should be granted unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.4 In relation to part i), my evidence has demonstrated that neither the policies relating to protection of the Green Belt nor conserving and enhancing the historic environment provide clear reasons for refusing the development proposed.
- 6.5 Thus, an assessment is required as to whether the adverse impacts of the development “would significantly and demonstrably outweigh the benefits”, when assessed against national planning policies. This is sometimes referred to as the “tilted balance”.
- 6.6 An appeal in Cheltenham is of relevance (appeal ref. APP/B1605/W/21/3273053) (CD5.7) with reference to paragraph(s) 107-118. Within this appeal, the proposal was assessed against paragraph 177 of NPPF and tilted balance criteria.
- 6.7 As outlined in paragraph 118 of the Inspectors Report, in assessing the scheme against tilted balance exercise it was concluded that:

*“In this case, as noted above, the additional housing, both **market and affordable, would be a very weighty benefit** for the area. The site is **locationally accessible and close to shops and services, including bus routes and Sainsbury’s Supermarket**. It is **adjacent to the existing built-up area of Cheltenham**. The **new houses would be well related to existing development**. The landscaping proposals in the upper part of the site would **enable public views across the AONB and towards the heritage assets**, from a location that is currently not publicly accessible. I find that the **harm to heritage assets, even giving great weight to their conservation, would be outweighed by the scheme’s considerable public benefits**. Therefore, the adverse impacts do not provide a clear reason for refusing the development. As a consequence, I find that the so-called ‘tilted balance’ of Paragraph 11 is not displaced in this instance in relation to heritage assets.”*



6.8 I reiterate the planning benefits of the Appeal Scheme below to assist with this exercise in this case:

1. Provision of total 99.no new homes
2. Provision of 40.no affordable housing (of which 75% are for affordable rent)
3. BNG of minimum of 10%
4. Provision of new public open space (within the Conservation Area)
5. Enhancement to local transport infrastructure via off-site highways works and improvements to pedestrian and cycling routes between Church Road and Lingfield Station
6. S106 contributions towards improving local health and transport infrastructure
7. Economic benefits (including generation of local employment and increased spending within the local economy)
8. Public benefits relating to increased public access and opening up of views to heritage assets.

6.9 I highlight a recent appeal decision in South Gloucestershire, ref. APP/P0119/W/21/3288019 (CD5.5), in which the inspector emphasised that policy-compliant features should not be treated as “neutral” in the planning balance just because they are mandated by planning policy:

*“I do not agree with the proposition that a benefit should be ascribed lower weight if it is either policy compliant or ubiquitous. It is difficult to understand why a benefit should be downgraded just because it’s delivering an objective that the development plan considers to be important to the public interest.”*

6.10 Regardless, many of the public benefits that the Appeal Scheme would provide are in excess of policy requirements, I consider that the **sum of those benefits listed above should be given great weight**, and consistent with the inspector’s conclusions above.

6.11 When applying the paragraph 11(d) test, it is clear that the adverse impacts do not “significantly and demonstrably outweigh the benefits” of the appeal scheme as set out in the table above. In fact, I consider that the planning benefits of the Appeal Scheme carry considerably greater weight than the sum of the planning harms, which in my view are limited (although carry a moderate degree of weight given their degree of protection within the NPPF).

6.12 In my opinion I demonstrate above that VSC exist for allowing the appeal proposal. This therefore accords with Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies (2014) which supports the grant of planning permission where VSC exist. I conclude that VSC exist in this case and therefore the proposed development will not conflict with Policy DP10 or the NPPF. On this basis, the proposed development therefore fully complies with the Development Plan as a whole and the NPPF. In the absence of any conflict with the Development Plan then section 38(6) of the 2004 Act identifies that planning permission should be granted unless material considerations indicate otherwise.

## 7. CONCLUSION

- 7.1 Overall, I consider that the Appeal Scheme represents an appropriate form of development in a highly sustainable location. Although it is **inappropriate development** by definition, given its designation as Green Belt, and affects openness, some GB purposes, the proposal provides a **very considerable package of public benefits, most notably the provision of a significant number of market and affordable homes** which will make an important contribution to meeting acute need locally, for which there is **no plan-led approach to meeting or realistic alternative sites** within the district. Cumulatively, these benefits clearly constitute VSC to justify Green Belt development. Overall the benefits clearly outweigh the limited harms which the development would generate and are not clearly and demonstrably outweighed by any adverse impacts of the development.
- 7.2 In addition to the provision of much-needed housing, the Appeal Scheme will make significant contributions to the local economy, public open space, environment (including a significant BNG), and social infrastructure. It is therefore an exemplar form of sustainable development.
- 7.3 For the above reasons, I consider that the proposal accords fully with national planning policy. Therefore, I respectfully request that this appeal is allowed and planning permission be granted.