

Tandridge District Council

**Town and Country Planning Act 1990 Appeal by Croudace
Homes Ltd, Land south of Barrow Green Road, Oxted,
Surrey**

**Planning Proof of Evidence of Clifford Thurlow, BA(Hons),
Dip TP, MRTPI, DMS.**

PINS Appeal Ref No.: APP/M3645/W/25/3372747

LPA Ref No.: TA/2025/245

December 2025

Contents

A) Proof Summary

B) Witness, qualifications and statement of truth

1. The application
2. Appeal site and its surroundings
3. Planning history
4. Development plan policy & other relevant legislation
5. The withdrawn “Our Local Plan 2033” and the emerging Local Plan.
6. Material considerations
7. Key planning issues for consideration at this appeal.
8. *Key issue 1*: Five-year housing land supply and affordable housing
9. *Key issue 2*: Green Belt or Grey Belt?
10. *Key issue 3*: Is the site a valued landscape?
11. *Key issue 4*: Impact on Surrey Hills National Landscape.
12. *Key issue 5*: Extension of the Surrey Hills National Landscape to include the appeal site.
13. *Key issue 6*: The implications of the proposed development for biodiversity, including The Bogs Potential Site of Nature Conservation Interest and ancient woodland
14. *Key issue 7*: Whether the Biodiversity Net Gain proposals within the application can adequately offset any harm to biodiversity arising from the proposed development.
15. *Key issue 8*: Impact on the setting of nearby listed buildings.
16. *Key issue 9*: Surface water drainage proposals.
17. *Key issue 10*: Foul drainage.
18. *Key issue 11*: Best and most versatile agricultural land.
19. *Key issue 12*: Use and enjoyment of Public Bridleway 97.

- 20. *Key issue 13:* The impact of the proposed development on the character and appearance of the local area and the amenities of local residents.
- 21. *Key issue 14:* Highway safety.
- 22. *Key issue 15:* Sustainability.
- 23. *Key issue 16:* Conclusions & the planning balance.

A. Proof Summary

A1. This appeal relates to planning application reference TA/2025/245 for the following description of development:

“Outline application for a residential development of up to 190 dwellings (including affordable homes)(Use Class C3), an extra care facility with up to 80 beds (Use Class C2), together with the formation of vehicular access, landscaping, parking, open space, green and blue infrastructure, and all other associated development works. All matters reserved except access.”

A2. The application is for outline planning permission with all matters reserved for subsequent approval except access.

A3. The application site is a parcel of land some 9.7 hectares in extent lying to the north west of the town of Oxted and physically separated from it by a railway line constructed on an embankment, except to the south where there is residential development on Wheeler Avenue immediately abutting the site boundary. The site is predominantly arable agricultural land which is classified Grade 3A best and most versatile farmland.

A4. There are small areas of woodland in the northeast and southwest corners of the site itself, while adjoining the southwest corner is a wet ancient woodland called The Bogs which, together with wet woodland within the site, is also a locally designated proposed Site of Nature Conservation Interest.

A5. The site is crossed by a very well-used public right of way (bridleway 97) running between Barrow Green Road, which forms the northern boundary of the site, and Court Farm Lane in the south east but outside the application site boundary.

A6. To the east the site is bordered by the Oxted Parish burial ground with two listed buildings very close by, the Grade I Church of St Mary the Virgin and the Grade II listed Court Farm House.

A7. The application was refused by Tandridge District Council acting as Local Planning Authority (LPA) on the 15 August, 2025, and the grounds of refusal covered the following matters:

- Inappropriate development in the Green Belt
- Adverse visual impact on the setting of the Surrey Hills National Landscape
- A grant of planning permission would nullify the proposal by Natural England to include the appeal site in the Surrey Hills National Landscape
- Potential for the outline drainage proposals for the site to cause harm to the adjoining The Bogs ancient woodland and wet woodland
- Insufficient information with the application to show the proposed development will not have adverse impacts on biodiversity
- The proposed development will cause harm to the setting of two listed buildings, the Grade 1 Church of St Mary the Virgin and the Grade II Court Farm House, and this harm is not outweighed by the public benefits of the proposed development
- Loss of a significant area of best and most versatile agricultural land

- Major adverse effect of the proposed development for users of public bridleway 97 including loss of views of the National Landscape and the degradation and loss of experience of open countryside that is a valued landscape and an important recreational and well-being resource for local residents
- The harm arising from the proposed development makes it unsustainable.

As such, the proposed development is contrary to provisions of the National Planning Policy Framework (NPPF) an important material consideration in the determination of the planning application and this appeal, and contrary to a range of policies of the adopted development plan.

A8. The development proposals are not compliant with development plan policy with respect to the following policies:

- CSP1 and DP1 sustainability because extrinsically the proposed development will cause harm to countryside assets, heritage assets, BMV land and potentially biodiversity
- CSP8 for extra care accommodation; the application lacks essential information and cannot be said to be compliant with this policy
- DP10 there is definitional, spatial and visual harm to the Green Belt and the development is in conflict with Green Belt purposes a), c), d) and e)
- CSP21 the development does not conserve and enhance a valued landscape
- CSP18 because the proposed development would not reflect and respect the character, setting and local context of the area in which it is situated
- CSP20 the proposed development would have an adverse impact on views into and out of the Surrey Hills National Landscape and therefore on its setting
- CSP17 and DP19 (in part) because in the absence of information to demonstrate to the contrary, there will be a loss or deterioration of The Bogs AW and a wet woodland Habitat of Principal Importance
- DP20 because of harm to the significance of heritage assets caused by the proposed development would not be outweighed by benefits of the proposed development
- CSP11 given the uncertainty whether an adequate connection can be made to the foul sewage system
- CSP18 and DP7 the proposed development would not add to the overall quality of the area but would rather have adverse impacts on its character and appearance
- CSP13 adverse impacts for users of Bridleway 97 crossing the site.

Considered overall, the proposed development is non-compliant with the policies of the development plan.

A9. My evidence for this appeal sets out an assessment of why the application site should be considered Green Belt not Grey Belt. The site contributes strongly to Green Belt purpose a), that is checking the unrestricted sprawl of a large built-up area, and, in consequence of this alone, is Green Belt. The applicant agrees that if the site is found to

be Green Belt, then it also contributes to Green Belt purpose c), that is safeguarding the countryside from encroachment. The LPA's case is that the site contributes to the other Green Belt purposes, which are d) and e). Accordingly, the application proposals for residential development constitute inappropriate development that would cause harm to openness by way of visual and spatial harm, and also definitional harm to the Green Belt. In accordance with paragraph 153 of the NPPF and Tandridge Local Plan Part 2: Detailed Policies policy DP10, substantial weight has to be given to Green Belt harm, in the determination of this appeal. Development harmful to the Green Belt should not be approved except in very special circumstances (VSC).

- A10. My evidence also sets out the key issues raised by this appeal and the weightings applying to each issue to derive the benefits and harm that would arise if the appeal were allowed, as summarised in paragraph 23.2 of this proof. The proposed benefits of the application in the applicant's submissions constitute the purported VSC why the application should be approved. The most significant of these purported VSCs is the provision of market and affordable housing in circumstances where the LPA cannot demonstrate a five-year housing land supply.
- A11. With respect to housing land supply, it is common ground between the appellant and the LPA that the Council is not able to demonstrate a five year supply of deliverable housing land against the minimum five year requirement for the period 1st October 2025 to 30th September 2030. It is common ground that the extent of the shortfall in housing land supply is at least 2,806 dwellings with a maximum supply of 2.17 years. The extent of the shortfall is therefore agreed as substantial. It is also agreed that there is a significant under supply of market and affordable housing when assessed against the local housing need figure calculated under the government's standard method.
- A12. Set against the purported VSCs are the identified harm to the Green Belt, to the setting of the National Landscape and other harm that would arise from the development. My assessment is that, given the constrained nature of the site, the harms resulting from the proposed development clearly outweigh the benefits, and the VSCs for the granting of planning permission do not exist.
- A13. Furthermore, paragraph 189 of the NPPF now provides that great weight should be given to *conserving and enhancing* landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues. Paragraph 189 of the NPPF also provides that development within the setting of National Landscapes should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. It is my opinion that footnote 7 to the NPPF applies to the entirety of paragraph 189 of the NPPF, including the provision that paragraph 189 makes in respect of land within the setting of a National Landscape.
- A14. Paragraph 11(d)(i) of the NPPF provides that where development plan policies for determining an application are out of date, planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposed. With this application, those policies protecting areas or assets of particular importance are those relating to Green Belt, the setting of the Surrey Hills National Landscape, an irreplaceable habitat (The Bogs AW) and designated heritage assets being a Grade 1 listed building (St Mary's Church) and a Grade II listed building (Court Farm House). The

application of those policies does provide a strong reason for refusing planning permission for the proposed development. The tilted balance (para. 11(d)(ii) of the NPPF) does not apply in the determination of this application, therefore.

B. Witness, qualifications and statement of truth

- B.1 My name is Clifford Thurlow and I am Planning Advisor to the Tandridge District 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.
- B.2 I was the case officer who determined this planning application reference TA/2025/245 under delegated powers. This followed wide-ranging consultation both with colleagues within the Council and statutory and other outside consultees. In the course of determining the application, I familiarised myself with the site and its surroundings making visits on a number of occasions.
- B.3 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.
- B.4 A Core Documents (CD) list is in preparation. These are referenced as CD1.1 etc in this proof of evidence. The link to the CD list is:
<https://www.tandridge.gov.uk/Planning-and-building/Planning-applications-and-enforcement/Public-inquiries/Land-South-of-Barrow-Green-Road-2025-245>

1. The application

- 1.1 This appeal relates to planning application TA/2025/245 for the following description of development:

“Outline application for a residential development of up to 190 dwellings (including affordable homes)(Use Class C3), an extra care facility with up to 80 beds (Use Class C2), together with the formation of vehicular access, landscaping, parking, open space, green and blue infrastructure, and all other associated development works. All matters reserved except access.”

- 1.2 The application is for outline planning permission with all matters reserved for subsequent approval except access.
- 1.3 The application is accompanied by an Environmental Impact Assessment (EIA). On 25 May, 2023, the Local Planning Authority (LPA) had received a formal request for a Screening Opinion from the appellant. On 03 July, 2023, the LPA, having undertaken a screening exercise, formally determined that an EIA would be required. The development was considered to fall within Schedule 2 category 10(b) of the EIA Regulations 2017 (as amended) because the overall area of the development exceeded 5 hectares and the proposed development was for over 150 houses. The development project was also considered to have significant ecology/biodiversity and landscape/visual effects.
- 1.4 I will refer in my evidence below to relevant parts of the EIA, particularly where the environmental information provided is considered deficient.
- 1.5 The application was refused (CD3.3) by Tandridge District Council acting as LPA on the 15 August, 2025, and the grounds of refusal are:
- 1) The proposed residential development represents inappropriate development in the Green Belt that would result in definitional harm and significant harm to openness both spatially and visually. The proposed development would also result in significant other planning harm. The Green Belt harm and other planning harm is not clearly outweighed by the benefits of the proposal (nor by any other material consideration(s)), such that very special circumstances do not exist. As such, the proposed development is contrary to paragraph 153 of the NPPF and Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP10.
 - 2) The application site is sensitive being in the setting of the Surrey Hills National Landscape. The proposed development would adversely impact upon the character and distinctiveness of the landscape and countryside of the site and wider area and significantly detract from the overall character and appearance of the area and thereby the setting of the National Landscape. As such, the proposed development is contrary to the provisions of NPPF paragraph 189 and Core Strategy Policies CSP20 and CSP21 and Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP7.
 - 3) The current proposal by Natural England to include the application site in the Surrey Hills National Landscape, based on advice of expert landscape consultants, has reached an advanced stage and is now a material planning consideration in the determination of this

planning application. A grant of planning permission that would nullify this proposal would be unjustified. Planning permission should not be granted for development such as now proposed that would prejudice the outcome of the proposal to include the site in the National Landscape and damage an environmental asset contrary to Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP7.

- 4) The applicant has not demonstrated that the proposed development, and in particular the outline drainage proposals, will not result in the loss or deterioration of an irreplaceable habitat both on-site and off-site, that is The Bogs ancient woodland, within and adjoining the site boundary. This is contrary to NPPF 2024 paragraph 193 (c) which requires that such development should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. The proposal is also contrary to Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP7 which requires that proposals protect and, where opportunities exist, enhance valuable environmental assets. The proposal is similarly contrary to Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP19 which provides that where a proposal is likely to result in direct or indirect harm to an irreplaceable environmental asset of the highest designation, such as ancient woodland, the granting of planning permission will be wholly exceptional, and in the case of ancient woodland exceptions will only be made where the need for and benefits of the development in that location clearly outweigh the loss, and that impact or loss should not just be mitigated but overall ecological benefits should be delivered.
- 5) The information provided with the application is insufficient to show that there will not be adverse impacts on biodiversity as a result of the proposed development contrary to the provisions of paragraphs 187 and 193 of the NPPF and Tandridge Local Plan Core Strategy policy CSP17 and Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP19.
- 6) The proposed development would cause less than substantial harm to the setting of St Mary's Church, a Grade I listed building, and Court Farm House a Grade II listed building and is thereby contrary to paragraph 215 of the NPPF and Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP20 because it has not been satisfactorily demonstrated that the public benefits of the development would outweigh that harm.
- 7) The proposed development would lead to the loss of a significant area of best and most versatile agricultural land contrary to the provisions of NPPF paragraph 187 b).
- 8) The proposed development would have a major adverse effect for users of public bridleway 97 which would not just be limited to the loss of views of the National Landscape but the degradation and loss of experience of open countryside that is a valued landscape and an important recreational and well-being resource for local residents, contrary to policies 96(c) and 105 of the NPPF and Tandridge Local Plan Core Strategy policy CSP13.
- 9) The harm that would arise to the Green Belt, the setting of the National Landscape, open countryside and Bridleway 97, and potentially biodiversity, from the development proposals makes the development unsustainable in the context of paragraph 8(c) of the NPPF and Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP1.

I will set out in my evidence below a detailed justification of each of these grounds of refusal.

2. Appeal site and its surroundings

2.1 The application site is a roughly square parcel of land with an area of 9.7 hectares (ha) or 24 acres situated to the northwest of the built-up area of Oxted town. There is a gentle but perceptible fall across the site from northeast to southwest. . The site is predominantly arable agricultural land with small areas of woodland in the northeast and southwest corners.

2.2 To the north, the site is bounded by a discontinuous hedgerow and a small group of trees on the southern side of Barrow Green Road. The Oxted to London railway line borders the northeast corner of the site. On its eastern boundary is the Oxted Parish cemetery. Southeast of the site, and outside the planning application site boundary, is a small area of woodland bordering Court Farm Lane, and through which runs a public bridleway (FP97). This public bridleway crosses the site diagonally southeast to northwest where it links to Barrow Green Road. The southern boundary of the site is a narrow belt of trees beyond which is residential development in Wheeler Avenue, Oxted, and an area of woodland. The western boundary is along a stream which runs north to south through a narrow belt of fringing woodland and then into the woodland within and beyond the southwest corner of the site. Surface water from the application site drains to this stream.

2.3 In a wider context, although the site borders the built-up area of Oxted to the south and there is residential development beyond the railway embankment to the northeast, both areas of urban development are visually contained by trees and woodland. The character of the application site remains rural.

2.4 Other important features of note are:

- i. The site is in the setting of the Surrey Hills National Landscape lying to the north.
- ii. The close proximity to designated heritage assets, namely the Church of St Mary the Virgin a Grade I listed building which is a short distance away from the southeast boundary of the site, Court Farm House a Grade II listed building again a short distance away to the south east of the site.
- iii. The wet woodland known as The Bogs to the southwest, part of which is within the site, and which is a Potential Site of Nature Conservation Interest (pSNCI), in part at least sustained by surface water run-off from the site. The Bogs includes ancient wet woodland, although sufficient evidence has not been found to confirm that the part of The Bogs PNSCI that lies within the site is ancient woodland.
- iv. The very well-used public bridleway (Bridleway 97) that crosses the site affords dramatic views of the National Landscape and connects southwards via footpath 98 to Master Park which is a significant open space close to the centre of Oxted town; and
- v. As an arable field, the site is Grade 3(a) best and most versatile agricultural land (BMV).

These important features of the site are very relevant to the grounds of refusal of the application as are addressed in detail in my evidence.

3.Planning history

- 3.1 Previous planning applications relating to development of the site are:
- GOR/449/73: residential development of 22 acres of land.
- 2024/596/EIA: request for EIA Scoping Opinion for the development of 140 dwellings and 80-unit care home, with associated access, parking, and landscaping.

4.Development plan policy & other relevant legislation

- 4.1 The adopted development plan consists of Tandridge District Core Strategy (2008) and Tandridge Local Plan Part 2 – Detailed Policies (2014). Within the development plan, the most important policies for the determination of this appeal , and as set out in the grounds of refusal of the planning application, are considered to be: ,
- Tandridge District Core Strategy policies CSP8, CSP11, CSP13, CSP17, CSP18, CSP20 and CSP21(CD4.1); and
- Tandridge Local Plan Part 2 – Detailed Policies – Policies DP1, DP7, DP10, DP13, DP19 and DP20 (CD4.2).
- The relevance of these policies to the determination of this appeal are addressed below. I also comment on the additional development plan policies cited by the appellant as part of its case.
- 4.2 The Tandridge District Core Strategy housing policy CSP 2 is out of date. The most important policies for the determination of this appeal are also out of date because the Council does not have a five-year housing land supply. This does not mean these other important policies should be given no weight in the determination of this appeal. Due weight should be given to these other policies in the determination of this appeal according to their degree of consistency with the National Planning Policy Framework (NPPF) (CD5.1). The closer the policies in the development plan are to the policies in the NPPF , the greater the weight that may be given to them in determining this appeal. I will set out in evidence what weight should be given to each of the policies listed in paragraph 4.1 above.
- 4.3 Also relevant to the determination of this appeal are the following Supplementary Planning Documents (SPDs) that have been formally adopted by the LPA or the Surrey Hills National Landscape Management Board:
- i) Tandridge Trees and Soft Landscaping SPD (2017), and particularly key considerations 2 and 4 (CD4.3).
 - ii) Surrey Hills AONB – Environmental Design Guidance (CD4.6)
 - iii) Surrey Hills National Landscape Management Plan (2025-2030) (CD4.5)
 - iv) Surrey Design Guide (2002) (CD4.7)
- 4.4 I will refer in my evidence below to the provisions of these development plan policies, and how these justify the dismissal of this appeal. I will also refer to these SPDs where relevant below.

5. The withdrawn “Our Local Plan 2033” and the emerging Local Plan.

- 5.1 Tandridge District Council submitted ‘Our Local Plan 2033’ for independent examination in January 2019. The Inspector's Report was published on the 20 February 2024, bringing the examination to a close. The Inspector’s final recommendation was that the submitted plan should not be adopted due to soundness issues. The Council has now withdrawn Our Local Plan 2033 and started work towards preparing a new local plan.
- 5.2 The new Local Plan will cover the period 2024 to 2044. The Tandridge Local Development Scheme, published in February 2025, sets out the Council’s programme for preparing planning policy documents for the District and covers the period 2024 to 2027. Key stages in the preparation process are:

Timetable – key stages	Preparatory evidence gathering and scoping	March 25 to September 25
	Scoping and early participation (Gateway 1 expected to take place March 26)	September 25 -March 26 (6 months)
	Plan vision and strategy development (including first consultation)	April 26 – October 26 (7 months)
	Evidence gathering and drafting the plan (including Advisory Gateway 2)	October 26 – April 27 (7 months)
	Engagement, proposing changes and submission of the plan (including second consultation)	April 27 – December 27 (9 months)
	Examination	January 28 – June 28 (6 months)
	Finalisation and adoption	July 28 (1 month)

A copy of the Tandridge Local Development Scheme is CD4.25. A report on Local Plan progress was put to the LPA’s Planning Policy Committee on 20 November 2025 and approved and this report is CD4.27

- 5.3 The evidence base of the withdrawn local plan remains a material consideration in the determination of planning applications and this appeal and will be referred to in my evidence when relevant.
- 5.4 The appeal site was assessed as a potential development site in the LPA's Green Belt Assessment (Part 3): Appendix 1 (2018) (CD4.17.E) for the emerging "Our Local Plan 2033". This assessment concluded that the site makes a *"strong contribution to openness and the Green Belt purposes in this location"* and concluded that the site should not be considered further in terms of exceptional circumstances, as follows:

"What is the nature and extent of the harm to the Green Belt if the site is developed? Given that the Green Belt in this location serves the purposes of preventing sprawl and assists in safeguarding the countryside from encroachment, development in this location is likely to result in harm to the ability of the Green Belt in this location to continue to serve these purposes. In addition, there is potential for harm to the ability of the wider Green Belt to meet the Green Belt purposes."

The inspector examining that Local Plan did not express disagreement with this assessment. I will explain in my evidence below why this conclusion still applies today and for the foreseeable future.

6. Material considerations

- 6.1 The National Planning Policy Framework 2024 (NPPF) (CD5.1) is an important material consideration in the determination of this appeal. I will in presenting my evidence at this appeal refer particularly to the following chapters of the NPPF:

Chapter 2: Achieving sustainable development, and particularly paragraph 11 and its footnote 7

Chapter 5: Delivering a sufficient supply of homes

Chapter 8: Promoting healthy and safe communities

Chapter 9: Promoting sustainable transport

Chapter 12: Achieving well-designed places

Chapter 13: Protecting Green Belt land

Chapter 14 Meeting the challenge of climate change, flooding and coastal change

Chapter 15: Conserving and enhancing the natural environment

Chapter 16: Conserving and enhancing the historic environment

- 6.2 A new NPPF is currently being consulted upon by central government and the consultation period ends on 10 March, 2026. Amongst the key proposals and changes to the NPPF are:

Stronger Presumption: A permanent "yes" to suitably located, sustainable development, making it default.

Rail Station Development: "Default yes" for quality development near train/tram stations, with minimum densities (40-50 dph).

Densification: Encouraging higher density in urban/suburban areas, including upward extensions.

Small & Medium Sites: New "medium" category (10-49 homes) with eased rules for SMEs.

Housing Mix: Focus on rural affordable, accessible homes, and diverse housing types.

Green Belt: Allows for release in specific, productive areas (grey belt) when needs aren't met.

Streamlined Process: Aims to speed up approvals, reducing subjectivity.

As the new NPPF is at consultation stage for some months to come, and there may be changes to its provisions after the end of the consultation period, I consider very limited weight can be given to it at present.

- 6.3 I will refer to relevant parts of Planning Practice Guidance (PPG) and the National Design Guide in my evidence below.
- 6.4 The LPA's Interim Policy Statement for Housing Delivery – September 2022 (IPSHD) is a material consideration identifying what measures the LPA will take to improve housing delivery in the period pending adoption of a new Local Plan. This comprises sites that are coming forward on brownfield land and Green Belt sites from the emerging but now withdrawn Local Plan which have been through two regulation 18 consultations and a regulation 19 consultation and have been rigorously assessed via the HELAA and Green Belt assessments. The IPSHD sets out criteria where applications will be invited on Appendix A and Appendix B sites.
- 6.5 Appendix A sites comprise:
- “The emerging Local Plan process identified a number of large sites (75+ units) that could potentially be brought forward where the Examiner did not raise concerns. These sites have been rigorously assessed via the HELAA process and Green Belt assessments. They have also been through two Regulation 18 consultations, one Regulation 19 consultation as well as site specific Examination hearings.”*
- As the appeal site was not a proposed housing allocation in Our Local Plan 2033, it is not an Appendix A site for the purposes of the IPSHD .
- 6.6 Appendix B sites are those involving enabling development which means allowing development to take place that would not normally be granted permission because it is contrary to development plan policy (and possibly national planning policy) but which enables the delivery of a development which provides exceptional and significant public benefit. The appeal site is not an Appendix B site because the development proposed is not enabling development.
- 6.7 A copy of the IPSHD is CD4.15.
- 6.8 The appeal site and other adjoining open countryside has now been confirmed for inclusion in the National Landscape and this is now a material consideration in the determination of this appeal which is referred to in Mr Dudley's evidence on behalf of the LPA.
- 6.9 The outcome of the boundary variation review and its implications for the appeal site, and for adjoining land similarly proposed to become part of the National Landscape designation, must be accorded due weight as material considerations in the determination of this appeal and will be addressed in my evidence below.

- 6.10 A further material consideration in the determination of this appeal is the Surrey Hills National Landscape Management Plan (2025-2030) (CD4.5). Relevant policies in the determination of this appeal are P1, P2, P3, P4, P9 and P11. Policy P11 states as follows:

"P11: Development proposals outside the boundary of the Surrey Hills National Landscape must not cause harm to the setting of the National Landscape in terms of public views to or from it or generate harmful additional traffic flows along country lanes within the National Landscape."

- 6.11 I will refer in evidence to the Planning Practice Guidance "Advice on the role of the Green Belt in the planning system".

7. Key planning issues for consideration at this appeal

- 7.1 I consider that the following are key planning issues to be addressed in my evidence and that of the other expert witnesses for the LPA :

i) Housing land supply (that is market housing, affordable housing and extra care housing) and the weight that should be afforded to this in the planning balance in the determination of this application.

ii) Whether the application site is Green Belt or Grey Belt, given the changes in 2024 to the NPPF and subsequent changes to Planning Practice Guidance, and the implications for the determination of this appeal.

iii) Whether the site is a valued landscape to be protected and enhanced in accordance with paragraph 187 (a) of the NPPF which is addressed in the evidence of Mr Dudley on behalf of the LPA.

iv) Whether the proposed development in the setting of the Surrey Hills National Landscape is sensitively located and designed to avoid or minimise adverse impacts on the designated area in accordance with paragraph 189 of the NPPF which is also addressed in the evidence of Mr Dudley on behalf of the LPA.

v) The weight to be given as a material consideration to the proposed inclusion of the appeal site in an extension to the Surrey Hills National Landscape.

vi) The implications of the proposed development for biodiversity, including The Bogs pSNCI and ancient woodland, which is dealt with in the evidence of Mr Hutchinson and Mr Rodda on behalf of the LPA.

vii) How the Biodiversity Net Gain proposals within the application can be delivered over the 30 year period following completion of the development.

viii) The impact (if any) of the proposed development on the significance of nearby listed buildings which is addressed in the evidence of Mr Froneman on behalf of the LPA.

ix) The maintenance and management regime in perpetuity for the stream and SuDS features and how that regime will be financed.

x) Whether an adequate foul drainage connection can be provided for the proposed development.

xi) Whether the site is best and most versatile agricultural land and the planning implications if so, given the provisions of paragraph 187 b) and footnote 65 of the NPPF.

xii) The implication of the proposed development for the continued use and enjoyment of Public Bridleway 97 crossing the site which is also addressed in the evidence of Mr Dudley on behalf of the LPA.

xiii) The impact of the proposed development on the character and appearance of the local area and the amenities of local residents.

xiv) Whether the proposed development has implications for highway safety.

xv) Whether the proposed development is sustainable; and

xvi) Conclusions and planning balance.

8. Key issue 1: Five-year housing land supply and affordable housing

A. Five-year Housing Land Supply (5YHLS)

- 8.1 The appellant and the LPA have co-operated in the preparation of a Statement of Common Ground (SoCG) (CD10.2) relating to both market and affordable housing. Older persons housing is dealt with separately in my proof below. The respective 5YHLS positions of the appellant and the LPA arising from the SoCG for the period 01 October, 2025, to 30 September, 2030, are summarised in Table 1 below:

Table 1: The respective Five-Year Housing Land Supply Position

Step	TDC	Appellant
A - Annual requirement	827	827
B - Base year Requirement (A x 5):	4,135	4,135
C - Add 20% buffer pursuant to HDT (B x 20%)	827	827
D – Final five year requirement (B + C)	4,964	4,964
E - Annual requirement (D/5)	993	993
F – Deliverable supply	2,158	1,223
G - No. Years Supply (F/E)	2.17	1.23
H - Extent of Surplus / Shortfall compared to 5 year requirement (F – D)	-2,806	-3,741

- 8.2 The main conclusions arising from preparation of the SoCG are set out below.

- 8.3 It is common ground that the Council is not able to demonstrate a five year supply of deliverable housing land against the minimum five year requirement for the period 1st October 2025 to 30th September 2030.

- 8.4 It is common ground that the extent of the shortfall in housing land supply is at least 2,806 dwellings with a maximum supply of 2.17 years. The extent of the shortfall is therefore agreed as substantial.
- 8.5 It is agreed that there is a significant under supply of market and affordable housing when assessed against the local housing need figure calculated under the government's standard method.
- 8.6 It is likely that the shortfall can be reduced if planning approval is given for a range of sites, including on land beyond settlement boundaries and land or sites not currently allocated for housing in the adopted development plan.
- 8.7 In the circumstances, it is agreed that for the purpose of paragraph 11 of the NPPF, the most important policies for determining the application are out of date and para. 11 (d) is engaged.
- 8.8 It is also agreed that the Appellant considers that the contribution of market housing proposed through the Appeal Scheme is a material consideration of very substantial weight; and that the delivery of affordable housing from the Appeal Scheme also attracts very substantial weight. It is the Council's position that the contribution of market and affordable housing is a material consideration of significant weight.

B. Interim Policy Statement for the Delivery of Housing

- 8.9 The 2022 iteration of the Housing Delivery Test Action Plan (HDTAP) (CD4.15) introduced the Interim Policy Statement for Housing Delivery (IPSHD). This policy was adopted at Planning Policy Committee and provides criteria for Development Management to assess planning applications against and determine accordingly. It is an important material consideration in the determination of planning applications. The document expressed support for the proposed allocations included in the 'Our Local Plan 2033' where the Examiner did not raise concerns. Potential sites must also be deliverable and viable: having regard to the provision of any necessary on-site and off-site infrastructure, affordable housing requirements, payment of the Community Infrastructure Levy; and accord with the policies in the adopted development plan.
- 8.10 Table 2 below presents the sites that have already delivered housing or have the potential for delivery as a result of the IPSHD (either identified in the IPSHD as a site for development or using the IPSHD as a material consideration to determine the application).

Table 2: IPSHD Sites Identified to Deliver Housing

Site	Withdrawn Local Plan Capacity	Planning Status	Current Status
Land North of Plough Road,	120	Planning application 2022/1658 approved at committee on 7/12/23, referred to Secretary of State as a	Permission granted by the Council

Smallfield		departure; not called in.	
Former Shelton Sports Ground, Warlingham	150	Planning application number 2022/267 approved at committee on 7/12/23, referred to Secretary of State as a departure; not called in.	Permission granted by the Council
Land at Plough Road and Redehall Road, Smallfield	160	Application at Redehall Road for 85 dwellings 2024/1389; the site does not include the northern parcel of land, hence the reduction in dwellings.	Permission granted by the Council pending completion of a s106 Agreement
Land to the west of Godstone	150	None	Awaiting an application to be submitted
Land West of Limpsfield Road, Warlingham	90	Southern part of site with the northern area granted permission and commenced construction under 2021/2178	Under construction
Land west of Red Lane	60	None	Awaiting an application to be submitted

Warren Lane Depot	50	Live application for 22 dwellings at Warren Lane – 2024/155; this site does not include the south western parcel of land hence the reduction in dwellings.	Application Submitted and awaiting decision.
Land at Green Hill Lane and Alexandra Avenue	50	Planning application under consideration for 50 dwellings and 72 bed care home 2024/1325	Application submitted and Awaiting decision.
Land at Farleigh Road	50	None	Awaiting an application to be submitted
North Tandridge One Public Estate	82	None	Awaiting an application to be submitted
1 Park Lane, Warlingham, Surrey, CR6 9BY	45	Application at 1 Park Lane, Warlingham for 45 dwellings - 2024/1393.	Granted permission by the Council pending completion of a s106 Agreement
Land at	140	Planning	Permission

Former Godstone Quarry, Godstone, RH9 8ND	This was not a draft Local Plan allocation but enabling development.	application 2022/1523 approved September 2024.	granted by the Council
Young Epilepsy, St Piers Lane, Lingfield, Surrey, RH7 6PW	This was not a draft Local Plan allocation but enabling development.	2022/1161 application for residential care community comprising 152 units of accommodation	Permission granted by the Council

8.11 The Council now has a clear delivery pipeline of new housing and has evidenced increased housing supply and delivery as a direct result of the adoption of the IPSHD. The planning permissions listed in Table 2 were all granted by the Council under officer delegated powers or by members of its Planning Committee as opposed to through appeal. The IPSHD sites are also all within the Green Belt where the Council had to robustly balance significant local opposition when making its decisions to grant permission. This is further evidence that the Council is taking a proactive approach to meeting housing needs by positively using its IPSHD to significantly boost housing supply on suitable locations as required by the NPPF.

8.12 Although he went on to find it unsound, the Inspector who examined the Council's 'Our Local Plan: 2033' accepted that Tandridge would not be able to meet its objectively assessed need for housing in full¹. This is due to the major policy and infrastructure constraints to development in this district, including the Green Belt (encompassing 94% of the district), two AONBs, areas of flood risk, and significant infrastructure capacity constraints including safety issues (for example around the M25 J6). These constraints can reasonably be expected to reduce any future housing requirement.

C) Affordable Housing

8.13 Affordable housing requirements are a component part of the 5YHLS position set out above. Also as set out in paragraph 8.8 above, it is the Council's position that the contribution of market and affordable housing is a material consideration of significant weight. I understand from the case

¹Paragraph 44 Inspectors Report states "It is clear to me that there are specific policies of the Framework which indicate that development should be restricted in Tandridge and that in principle, the Plan would be sound in not meeting the OAN in full."

management conference that the Appellant might submit detailed evidence (not previously provided to the Council) in relation to affordable housing. I will respond to any such evidence as necessary in due course, in a rebuttal

D) Extra Care Accommodation

- 8.14 The description of development on the application form for this aspect of the development is “*an extra care facility with up to 80 beds (Use Class C2)*”. The reference to this part of the proposed development being a C2 use, not a mixed C2 and C3 use, indicates to me that what is being proposed is not an extra care facility, wherein residents have an opportunity for independent living in their own accommodation, such as bungalows or flats. Rather, what is being proposed is a residential care home wherein there is communal residential living with residents occupying individual rooms, often with an en-suite bathroom.
- 8.15 Tetlow King in their report “Older Persons Needs Assessment” (CD1.16) with the planning application appear to clarify what type of older persons accommodation is being proposed, as follows
*“4.3 The scheme is only focussed on the provision of care beds and therefore for the purposes of this assessment any provision of retirement housing or housing-with-care are excluded.
 4.4 The difference between personal care provision and nursing provision is that a nursing home has a qualified nurse on site to provide medical care and is registered with the CQC accordingly, personal care provision does not provide that level of medical care.”*
 At paragraph 4.2 of the report reference is made to the split of specialist provision by the organisation, Associated Retirement Community Operators (ARCO). ARCO’s Integrated Retirement Communities are developments offering older people homes for sale, shared ownership or rent, also known as “extra care.” Whereas, in the ARCO definition Care Homes include nursing home, residential homes and care homes.
- 8.16 My conclusion, based on the type of provision of older person’s accommodation indicated in the Tetlow King report, is that what is being proposed as part of the appeal scheme is a care home possibly without any nursing home provision. What is confusing though is that Tetlow King’s report makes an assessment of future need for care home places and nursing home places in Tandridge District. Based on the ARCO definitions of older person’s accommodation, the appeal scheme is misdescribed on the application form. What is being proposed is a residential care home (possibly with nursing bed provision) not an extra care facility. The LPA considers that, for the avoidance of doubt, the appellant should confirm the nature of the older person’s accommodation they intend to provide and amend the description of development on the application form.
- 8.17 Surrey County Council (SCC) in October 2025 published an assessment entitled “Planning profile for accommodation with care for older people - Tandridge”. The table below taken from this SCC assessment sets out the future local need for additional residential care home beds in 2030 and 2035 in Tandridge District, based on the operational provision in April 2025 and with adjustments for the future delivery of affordable extra care housing:

Year	Tandridge 75+ population	No. of beds to Reflect England ratio in 2025	Reduction due to delivery of new affordable extra care housing	Projected (oversupply) / need for additional beds in Tandridge
2030	11,214	411	(35)	57
2035	12,095	443	(35)	89

- 8.18 However, the same assessment set out the future need in Tandridge District for additional nursing care home beds in 2030 and 2035, based on the operational provision in April 2025, as follows:

Year	Tandridge 75+ population	No. of beds to reflect England ratio in 2025	Projected (oversupply) / need for additional beds in Tandridge
2030	11,214	427	(182)
2035	12,095	461	(148)

This assessment shows an oversupply of nursing care beds in Tandridge over the next ten years. The assessment does not support the claim made on behalf of the appellant that there is a clear need for both care home beds and nursing care home beds in Tandridge District that the proposed development can help meet.

- 8.19 There is a significant oversupply of nursing care home beds in 2030 and 2035 identified in the Surrey County Council assessment for Tandridge District . Where care home and nursing care home beds are found in the same establishment, there would appear to be opportunities for more residential care home beds to be provided and a commercial imperative to do so. The numbers involved are significant being 182 beds in 2030 and 148 beds in 2035. These figures need to be compared with those for the projected undersupply of residential care home beds of 57 in 2030 and 89 in 2035.
- 8.20 The lack of specific information in the application about what type of “care home facility” is being proposed creates uncertainty for any decision maker, Furthermore, there is an absence of any assessment of how much of any undersupply of residential care home beds could be offset by the surplus of nursing care home beds where the two occur in the same setting. Given these uncertainties, it is my opinion that only limited weight, if any, should be afforded to the provision of such accommodation in the overall planning balance for this appeal.
- 8.21 Taken overall, I consider that the absence of a 5YHLS is insufficient to outweigh the substantial weight that must be afforded to the harm that the appeal scheme would cause to the Green Belt; and the weight to be given to the other harm that would result from the appeal scheme. Details of this other harm that will arise is set out in my evidence below.

9.Key issue 2: Green Belt or Grey Belt?

- 9.1 In my opinion, the appeal site strongly contributes to purposes a) and c) of the Green Belt as set out in paragraph 143 of the NPPF and also contributes to purposes d) and e). This is a change from when the application was originally considered by officers in that it was not then considered that the site contributed to purpose (d), that is “to preserve the setting and special character of historic towns.” Preparation of the evidence base for the new Tandridge Local Plan has identified that the urban area of Oxted/Limpsfield/Hurst Green is an historic town and the appeal site forms part of

the setting of that historic town. Likewise, work towards the new Sevenoaks Local Plan has identified Oxted as an historic town.

- 9.2 With particular respect to Green Belt purpose (a), which is “to check the unrestricted sprawl of large built-up areas, PPG “Advice on the role of the Green Belt in the planning system” sets out criteria for assessing whether a Green Belt site contributes to purpose (a). In this respect, the application site is free of development but adjacent to a large built-up area; it lacks strong physical features to the north and west that could restrict or contain development and, because of its physical isolation from the urban area of Oxted, would result in an incongruous pattern of development. This can be readily seen in the appellant’s Figure 12.2 “Site Context” in the Landscape and Visual Impact Assessment and the Illustrative Masterplan accompanying the planning application. I consider, therefore, that the site does strongly contribute to Green Belt purpose (a).
- 9.3 The loss of the site to development will cause further harm to the Green Belt because the site currently strongly contributes to Green Belt purpose (c), as set out in paragraph 143 of the NPPF. By retaining the site as open countryside, it preserves the setting and special character of the historic town that is the combined urban area of Oxted, Limpsfield and Hurst Green, and safeguards the countryside itself from encroachment. In relation to the role which the site plays in safeguarding the countryside from encroachment, I rely upon the further evidence (addressed below) as to the quality of the countryside of which the site forms part. Furthermore, if the development were to proceed, there would be a loss of Green Belt openness due to intensification of impacts like traffic and artificial lighting, and the duration of the development which will be permanent.
- 9.4 The urban area of Oxted/ Limpsfield/Hurst Green is an historic town and the countryside surrounding the town provides its setting. To the north of the town this countryside, including the appeal site, also lies within the setting of the Surrey Hills National Landscape. This countryside therefore strongly contributes to Green Belt purpose (d) to preserve the setting and special character of an historic town. Furthermore, constraining the supply of greenfield sites for housing development incentivises developers to bring forward derelict and other urban land, such as the Oxted and Whyteleafe former gas holder sites, so contributing to Green Belt purpose (e).
- 9.5 Furthermore, the site is not Grey Belt because the application of the policies relating to the areas or assets in NPPF footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development. The site is in the setting of the Surrey Hills National Landscape. The site immediately adjoins Ancient Woodland (AW) within The Bogs and as explained in the hydrology evidence of Harvey Rodda on behalf of the LPA, the proposed development could result in the loss or deterioration of this irreplaceable habitat. The site is also in the setting of two listed buildings, the Grade I Church of St Mary the Virgin and the Grade II Court Farm House, and the proposed development will impact upon their heritage significance as set out in the heritage evidence of Ignus Froneman on behalf of the LPA.
- 9.6 As such, the site is Green Belt not Grey Belt. Paragraph 155 of the NPPF does not apply in the determination of this application. Given the finding that the site is Green Belt, I consider that the development proposal falls to be considered against national and development plan policies as inappropriate development in the Green Belt. Both the NPPF at paragraph 153 and development plan policy DP10 regard the construction of the dwellings and associated infrastructure on the scale proposed in the appeal application as inappropriate development in the Green Belt and thereby

harmful to its primary purpose of retaining openness. Such inappropriate development should not be approved except in very special circumstances. I will set out later in this evidence why I consider very special circumstances do not apply to this planning application.

10.Key issue 3: Is the site a valued landscape?

- 10.1 The Landscape Institute has published Guidance Note TGN 02-21: “Assessing landscape value outside national designations” (CD15.3) that enables an evaluation of whether landscapes possess demonstrable physical attributes beyond the ordinary that justify their status as valued landscapes. The LPA’s landscape consultant, Ian Dudley, has made an assessment of the appeal site and adjoining countryside in accordance with the Guidance Note. His conclusion is that the site is a valued landscape. The site and its surroundings exhibit many attributes that take it above mere countryside.
- 10.2 Importantly, the site and its surroundings contribute to the landscape and scenic beauty of the Surrey Hills National Landscape. As Natural England explains in its boundary review assessment *“...the open arable field between Barrow Green Lane and the settlement edge forms part of a sweep of agricultural landscape to the north and affords dramatic views of the chalk scarp.”* The Boundary Review Natural Beauty Assessment Final Report – February 2023 confirms at page 142 that this area has the same high quality landscape as the existing AONB to the north, stating: *“The landscape in this area blends seamlessly with the North Downs to the north.”*
- 10.3 I agree with Mr Dudley’s conclusion that the site and its surroundings is a valued landscape and has a high degree of susceptibility to change, and that paragraph 187 a) of the NPPF is engaged in the determination of this appeal.
- 10.4 Paragraph 187 of the NPPF requires that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (in a manner commensurate with their statutory status or identified quality in the development plan) and recognising the intrinsic beauty and character of the countryside. Policy CSP 21 of the Core Strategy provides that 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. The appeal proposals do not protect and enhance a valued landscape and therefore fails to meet any of the requirements of the NPPF and development plan policy.

11 Key issue 4: Impact on the setting of the Surrey Hills National Landscape

- 11.1 There is common agreement between me, Ian Dudley as the LPA’s expert landscape witness , Natural England, the Surrey Hills AONB Management Board planning advisor and the appellant that there will be adverse impacts from the development for the setting of the National Landscape. These adverse impacts are identified in the visualisations of the proposed development in the applicant’s EIA which show:
- 11.2 That the proposed development will be clearly visible from public viewpoints on the scarp of the North Downs appearing as a substantial extension of the Oxted urban area into the open

countryside at the foot of the Downs (as expressed in the Conclusions of Landscape Consultation Response by Rowellian Environmental Consulting for the LPA, paragraphs 82 to 86 (CD3.2M)). This is well illustrated in the appellant's visualisations in the EIA:

- i) Appellant's EIA: Appendix H3, Part 1. These visualisations from the bridleway crossing the middle of the site illustrate probably the most significant changes to public views into the National Landscape. Currently, a wonderful unspoilt and dramatic panoramic landscape view is gained of the scarp slope of the North Downs. That would be almost completely lost by the development as so clearly illustrated by the visualisations. The bridleway is well used and of importance to the public. The manner in which the many of objectors to the application express themselves illustrate how important the protection of this view of the North Downs is to them. There are also informal footpaths around the periphery of the application site where current views of the National Landscape would be lost due to the proposed development.
- ii) Appellant's EIA: Appendix H3, Part 3. Currently, visitors to the burial ground benefit from attractive and tranquil views of the North Downs and the absence of any intervening development. As the visualisations show, the massing of the proposed care home would obstruct that view which would detract from visitors' experience to this publicly sensitive location. From the entrance to the burial ground the introduction of a dwelling close to the burial ground would spoil a lovely approach to the burial ground by blocking the view of the North Downs.
- iii) Appellant's EIA: Appendix H3, Part 5. Although not as widely important as the above views, the attractive view of the National Landscape at the end of the cul-de-sac of Wheeler Avenue would be obstructed by the proposed development.

After considering the appellant's assessment in the EIA forming part of the appeal application, I consider that the degree of harm does not meet the requirement set out in NPPF paragraph 189 for developments within the setting of National Landscapes to be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. As set out above, the site contributes to the landscape and scenic beauty of the Surrey Hills National Landscape and has a high degree of susceptibility to change. These adverse impacts represent other significant harm that will be caused by the development proposals.

11.3 In his proof of evidence at paragraph 5.5, Mr Dudley concludes that:

"The Appeal Scheme would result in a range of significant adverse effects upon a range of landscape and visual receptors in the long term, including the Surrey Hills National Landscape and people seeking a recreational experience within it."

Based on my assessment of the appellant's visualisations of the proposed development in the EIA, this is a conclusion with which I agree.

12.Key issue 5: Extension of the Surrey Hills National Landscape to include the application site

12.1 Ian Dudley's evidence for the LPA sets out the background to the Surrey Hills National Landscape Boundary Review project and where this has reached both in terms of the proposed inclusion of the

appeal site and wider swathes of adjoining countryside in the National Landscape, and submission of a formal Variation Order to the Secretary of State for DEFRA for approval.

- 12.2 The provisions of paragraphs 189 and 190 of the NPPF represent a very high bar for any planning application for major development in a National Landscape, such as that proposed in this application, to overcome before planning permission is granted. These provisions in paragraphs 189 and 190 of the NPPF do not apply to the appeal site at present because it is not yet part of the designated National Landscape. However, I consider that the proposed inclusion of the appeal site in the National Landscape is a weighty material consideration in the determination of this application. NPPF paragraphs 189 and 190 provide the context for determining the weight to be attached to this material consideration.
- 12.3 The proposed incorporation of the appeal site within the National Landscape could be confirmed by a Variation Order in the first half of 2026. If the planning permission sought by this appeal were granted within that timescale the justification for the site's inclusion in the National Landscape would be negated. In my opinion, the applicant's Design and Access Statement, Illustrative Masterplan and Illustrative Landscape Masterplan do not provide for any effects on the environment, the landscape and recreational opportunities to be acceptably mitigated. The proposed development would have permanent adverse impacts on the National Landscape. I conclude,, the proposed designation of the appeal site as part of the National Landscape is a material consideration to be given great weight in the planning balance in the determination of this appeal.

13. Key issue 6: The implications of the proposed development for biodiversity, including The Bogs Potential Site of Nature Conservation Interest and ancient woodland

- 13.1 The EIA that accompanies the planning application, and Surrey Wildlife Trust as a consultee of the LPA, identify the following matters of biodiversity importance related to the appeal site:
- i) habitats consisting of a large arable field, bisected by a public footpath and bounded by an informal footpath and belts of scrub with trees, lowland mixed deciduous woodland, wet woodland a habitat of principal importance (HPI), and a small stream;
 - ii) the Bogs Potential Site of Nature Conservation Interest (pSNCI) and Ancient Woodland on the south-west corner of the site, and possibly also within the site, which is fed by surface water runoff from the site and the small stream; and
 - iii) hedgerow in the northeast of the appeal site which is also an HPI.
- 13.2 Surrey Wildlife Trust is providing an expert witness, Robert Hutchinson, to appear on the LPA's behalf at the appeal inquiry. He considers that the information with the application is insufficient to enable a full assessment of the ecological impacts. This is because the advice from the LPA's hydrological consultant, Hydro-GIS, is that an insufficient assessment of hydrological impacts of the proposed development has been carried out. The assessment of hydrological impacts is particularly relevant to impacts on The Bogs AW and wet woodland in the south west corner of the site. The hydrologist's evidence details what the assessment should provide, that is developing a conceptual hydrological model of the Bogs and wet woodland, and in particular showing the importance of the contribution of water flowing from the development site.

13.3 The LPA's ecology witness is now satisfied that the hedgerow habitat of principal importance cannot be avoided by the development scheme. However, I note that this is not a matter that has been addressed in terms of mitigation through new hedgerow replanting as part of the appellant's Biodiversity Net Gain proposals. I consider that this remains as a matter for the appellant to address in evidence to the inquiry.

13.4 Both I and Surrey Wildlife Trust also have concerns about the following considerations:

Extent they have continued to investigate whether there is evidence of ancient & semi-natural woodland within the red line application site boundary. However, they have not found sufficiently robust evidence to confirm this on-site to date. They agree with the Ecology Partnership that wet woodland HPI is located within the red line boundary (0.21 ha). The information provided with the application is insufficient to show that there will not be adverse impacts on biodiversity, through a significant impact to the wet woodland HPI, through an impact to the hydrology of the wet woodland.

Potential for Increased Disturbance of the Ancient Woodland (AW) from Occupation of the Proposed Residential Development: the appellant's EIA identifies potential impacts on the AW when the development is occupied relating to recreational pressure and harm to protected species associated with incursion of domestic pets and people. The EIA proposes that these potential impacts are dealt with through a management plan. The Arboriculture Impact Assessment accompanying the application refers to a 15-metre buffer zone and fencing to the ancient and wet woodlands. The fencing is shown as running around the edge of the adjacent woodland within the site where there is also ancient woodland as confirmed in the appellants' assessment. Again, based on the precautionary principle, I consider that specific management measures to deter humans and domestic pets from entering any part of the ancient woodland need to be incorporated in the development proposals and then detailed in an appropriately worded planning condition. The appellant has submitted further information in preparation for the appeal which the LPA is assessing and which will be the basis of further discussion between all the parties prior to the inquiry; and

Hydrological Impacts: the stream running down the western edge of the application site receives surface water runoff from the application site as well as piped surface water drainage for the Oxted urban area. The importance of this surface water runoff for maintaining the ancient wet woodland habitat of the Bogs pSNCI off-site, and wet woodland HPI within the site, needs to be assessed and factored into the surface water drainage proposals for the proposed development to ensure continuity of an adequate water supply to the ancient woodland and avoid any risk of deterioration of this irreplaceable habitat. None of the applicant's relevant reports have made an assessment of flow rates of water into The Bogs prior to or following development. There is consequently no way of ascertaining that, post-development, current flows of water into The Bogs will be maintained and that irreparable harm to the AW will not result. Once again, based on the precautionary principle, the surface water drainage proposals for the development need to incorporate provision for no diminution in, or significant exceedances of, the supply of water from the application site by way of surface water run off or stream feed into The Bogs pSNCI. The quality of surface water to be discharged via the proposed SuDS drainage system to be built as part of the development also needs to be assured.

13.5 The Bogs AW is an irreplaceable habitat and there needs to be assurance in the appellant's evidence that it will not be lost or suffer deterioration. Similar considerations arise with respect to the wet woodland HPI within the site. In my opinion, these are matters of fundamental importance to

whether the development is allowed to proceed. These are not matters that could be made subject to a planning condition but need to be determined before a planning permission is granted.

13.6 Based on the information presented by the appellant to date, the development proposal is contrary to the provisions of NPPF paragraphs 187 and 193 because it has not been demonstrated that sites of biodiversity value both within the appeal site and adjoining it will be protected and enhanced by the development proposals or that the development will not result in the loss or deterioration of an irreplaceable habitat which is The Bogs AW. Paragraph 182 of the NPPF also provides that SuDS systems should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, amongst others. Development plan policies CSP17 and DP19 reflect the provisions of the NPPF with respect to all sites of biodiversity value, including locally designated sites. The failure to demonstrate conformity with the provisions of the NPPF and development plan with respect to biodiversity is a matter to be afforded substantial weight in the planning balance.

14. Key issue 7: Whether the Biodiversity Net Gain proposals within the application can adequately offset any harm to biodiversity arising from the proposed development.

- 14.1 A Biodiversity Net Gain Metric Calculation is submitted with the application, alongside a Biodiversity Net Gain Feasibility Assessment report. The calculations show that the proposed development has the potential to deliver a +15.30% net gain in habitat units and a +271.39% net gain in hedgerow units, and +21.31% net gain in watercourse units, and all trading rules can be satisfied. The applicants Planning and Affordable Housing Statement refers to the assessment being reviewed and updated at reserved matters stage once there is a developed layout and landscaping strategy. Surrey Wildlife Trust also identify that the BNG assessment may need to be rerun when more information is available about the biodiversity value of the site.
- 14.2 I consider that until the potential for the proposed development to adversely affect the irreplaceable habitat of The Bogs AW immediately adjoining the site and the wet woodland HPI within the site is known following further hydrological assessment, then it is not possible to make a meaningful BNG assessment as the appellant has attempted to do. The significant net gains the appellant puts forward in the planning application as achievable through on site BNG enhancements could be significantly reduced if not nullified if there were to be adverse impacts on The Bogs AW, an irreplaceable habitat. Pending the further hydrological assessment required, my position is that while any net gains to biodiversity are to be encouraged, this is not a consideration that should attract other than limited weight in favour of the application in the overall planning balance.

15. Key issue 8: Impact on the setting of nearby listed buildings

- 15.1 The development of the site has the potential to affect the setting (and therefore the significance) of three heritage assets: Church of St Mary the Virgin (Grade I Listed); Court Farmhouse (Grade II) and Blunt House (Grade II). Most notably, the Grade I listed church of St Mary and Grade II listed Court Farm House are a short distance away from the south-east corner of the application site. However, Blunt House is further away from the application site and the proposed development of the appeal site would not harm the heritage significance of this Grade II listed building.

- 15.2 The historic buildings officer of Surrey County Council was consulted on the planning application. His view was::

“I have assessed the scheme in line with paragraphs 208 and 212 of the NPPF. I consider the harm to Court Farm as a Grade II listed building to be at the lower end of less than substantial harm. This is specifically from the impact on its rural setting owing to the loss of its associative link with its former farmland, glimpsed views of roofs from the upper floors of the building during the winter months and the loss of rural approaches to and from the listed building across the application site. In coming to this lower level of harm, I have taken into account the limited visibility of the building from the application site.

I consider the harm to St Mary’s Church to be a moderate degree of less than substantial harm. This is specifically from the loss of the last vestige of its rural setting, which reveals its nature as an early medieval building constructed at a time when the parish had a widely dispersed settlement pattern with no nucleated centre. This will be evident from the buildings, roads, boundaries, vehicles, domestic paraphernalia, noise and lighting which will all be experienced from the church, as well as the impact on approaches to and from the building across the application site. In coming to this conclusion, I have taken into account the existing tree screening which is present during the summer months. The proposal will fully urbanise its surroundings and it will no longer be experienced as the rural parish church it has been since the 12th century.

Great weight will need to be applied to this harm in line with paragraph 212 of the NPPF and even greater weight applied owing to the greater importance of St Mary’s Church as a Grade I listed building. As harm to a Grade I listed building is a serious consideration, I would consider this a strong reason for refusal. In line with paragraph 215 of the NPPF, you will need to weigh the benefits of the scheme against the harm to the heritage assets. As I am not aware of any specific heritage benefits from the scheme, you may wish to use this harm as a reason for refusal as part of a wider planning balance.”

- 15.3 The Council relied upon this assessment of harm to the setting of the listed buildings in determining this application and it formed the basis for ground of refusal 6.
- 15.4 For the purposes of this appeal, the LPA is calling as an expert heritage witness Ignus Froneman. Mr Froneman’s advice with respect to the impact of the development proposals on the setting of the Grade I St Mary’s Church is:

“3.20 The harm I have ascribed to the significance of St Mary would be less than substantial within the meaning of the NPPF. There is a great deal of interest in the fabric, form and features of the church, and when measured against all of that significance, the impact of the appeal scheme would be relatively low. That is not because the harm is relatively inconsequential, but because on the whole, the setting is a relatively small component of the significance of church. Even though there would be a material impact on an important aspect of this, the harm has to be calibrated against the significance of the building on the whole. For that reason, I would ascribe a low level of less than substantial harm.

3.21 It would nevertheless be harm – and particularly relevant because of the uniqueness of the character and contribution of this part of its setting – and it would affect a heritage asset of the highest significance, by removing the last remnant of what I would consider an important aspect of its setting.

3.22 Section 66(1) of the 1990 Act does not distinguish between substantial and less than substantial harm. It places, instead, a strong statutory presumption against granting planning permission for development that would fail to preserve the setting of a listed building, as would be the case if the appeal scheme was allowed. It is a matter that must be given considerable importance and weight in the planning balance. In considering the impact and in making the decision, I would reinforce again that the grade I listed church is a building that is of “exceptional interest” [ibid]. “

With respect to the impact of the development proposals on the setting of Court Farm House, Mr Froneman’s conclusions are:

“3.26 The harm I have identified to Court Farm House is a very low level of less than substantial harm within the meaning of the NPPF. As before, that is not because the harm is inconsequential, but because the harm has to be calibrated against the whole significance of the listed building, and the appeal site is a relatively small component of this.”

- 15.5 It is my opinion, without any criticism of the historic buildings officer of Surrey County Council’s advice, that Mr Froneman has made a more detailed analysis of the harm that would arise to the setting of St Mary’s Church as a Grade I listed building. Both Mr Froneman and the historic buildings officer have concluded that the harm to the setting of the church amounts to less than substantial harm, although at different points on the scale of that harm. I do not consider that this amounts to a significant disparity in their respective views and advice. In both cases, that harm has to be afforded considerable importance and weight in the determination of this planning appeal.
- 15.6 The NPPF at paragraph 215 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. The appellant’s Planning and Affordable Housing Statement forming part of the planning application lists the following public benefits of the proposed development:
 - ☐ Provision of housing, including 50% affordable housing and specialist older persons’ housing.
 - ☐ Provision of new public open space and provision of additional green infrastructure, which links into existing green infrastructure routes.
 - ☐ Delivery of homes in an accessible location and delivery of new energy efficient housing stock.
 - ☐ Increased local expenditure to sustain local services and facilities.
 - ☐ Local job opportunities and increased economic activity in the short, medium and long term.
 - ☐ The Scheme (in the Appellant’s view) “satisfies the economic, social and environmental roles of sustainable development, as sought by the NPPF.”I set out below my response to these purported benefits individually and collectively.
- 15.7 In summary, my evidence is that the key public benefit arising from the proposed development is the delivery of both market and affordable housing. Some of the other public benefits listed by the appellant, such as economic benefits and energy efficient housing attract limited weight. Yet other

benefits such as provision of new public open space and green infrastructure would come at the cost of diminution in the quality of existing recreational facilities (Bridleway 97) and the loss of 9.7 ha of open countryside and should be afforded minimal if any weight. Taken overall, even though Mr Froneman considers the appeal scheme will cause only a low level of less than substantial harm to the affected heritage assets, I do not consider that the public benefits outweigh the considerable importance and weight that should be given to the conservation of the setting of the two heritage assets, particularly St Mary's Church a Grade 1 listed building.

- 15.8 The application is thereby contrary to paragraph 215 of the NPPF and development plan policy DP20 and this consideration attracts significant weight in the planning balance against the development proposals.

Drainage proposals

16. Key issue 9: Surface water drainage proposals

- 16.1 I accept that with the exception of continuity of surface water runoff to feed The Bogs AW and pSNCI, the LLFA is satisfied with the appellant's SUDS proposals. Thereby the provisions of the NPPF and Tandridge Local Plan Part 2 Detailed Policies (P2DP) policy DP21(E) with respect to surface water flood risk are satisfied. This is a matter that attracts neutral weight in the planning balance.
- 16.2 However, I continue to have a number of unresolved concerns about the applicant's surface water drainage strategy specifically related to potential adverse impacts on The Bogs AW and pSNCI within and adjacent to the site as set out in Section 13 above.
- 16.3 The LLFA recommendation on this application is subject to the imposition of a pre-commencement condition on any planning permission and the applicant's acceptance of this condition remains outstanding. The LPA also have unanswered questions and concerns about the maintenance and management regime in perpetuity for the stream and SuDS features and how that regime will be financed. I consider that these concerns need to be satisfactorily answered and dealt with before planning permission could be granted and have raised the matter with the appellant.

17. Key issue 10: Foul drainage

- 17.1 I consider that the information provided by the appellant to date leaves unanswered questions. What is not clear is whether there is inadequate capacity in the foul sewer for any part of the proposed development to be connected, or whether some development could be connected then occupied before all capacity was used up. A letter provided from Southern Water refers to:

"The proposed development would increase flows to the public sewerage system which may increase the risk of flooding to existing properties and land."

The letter also refers to capacity to connect drainage for fifty dwellings to the current sewage system as assessed in June 2024 but this information could only be relied upon for 12 months. The Southern Water letter further states that:

"Southern Water has a duty to provide Network capacity from the point of practical connection (point of equivalent or larger diameter pipe) funded by the New Infrastructure Charge. Southern Water aim to provide this within 24 months following the date that planning has been granted for

developments not identified as strategic sites in our current business plan. Strategic sites are larger developments and will often take longer than 24 months for a full solution to be provided.”

I now understand that, from Southern Water’s perspective, the proposed development is not a ‘strategic site.’ However, there remain points of uncertainty raised with the appellant and further information is awaited.

- 17.2 The outstanding information is important to drafting a planning condition or conditions in any planning permission to control how much, if any, development might be occupied before foul sewer capacity was increased. It is also important to determining if the proposed development is deliverable within a reasonable timescale (that is within 3 or 5 years of grant of planning permission) given that an outline permission is sought by the appellant. The EIA submitted with the application states at paragraph 6.7.4 that the development will be constructed between 2026 and 2030 and will be fully operational by 2030 but this could be made unachievable if foul sewer capacity cannot be provided by then to service the development. Without this assurance on deliverability, the provision of market and affordable housing could only be given limited not significant weight in the planning balance.

17.3 I consider that, as matters stand, with uncertainty over when a foul drainage connection might be achievable the proposed development is contrary to Core Strategy policy CSP11 and this is a matter that attracts moderate weight against the grant of planning permission in the planning balance. If the current uncertainty can be overcome then this objection to the proposed development would fall away. Ensuring the provision of a foul drainage connection for the development could then be dealt with by way of a Grampian planning condition.

18. Key issue 11: Best and most versatile agricultural land

- 18.1 The planning application when submitted was accompanied by a desk-based agricultural land quality assessment of the site. Based on the findings of this assessment the applicant’s Planning and Affordable Housing Statement’s overall conclusion with respect to loss of agricultural land was:
- “7.12. The loss of agricultural land also attracts only limited weight, given the Site is moderate/poor quality agricultural land is not classified as ‘best and most versatile agricultural land’”
- 18.2 I consider given the size of the site (9.7 ha) that this is a significant agricultural resource as well as being a significant countryside and biodiversity resource. The site is in good condition agriculturally and has been continuously cropped over the years with cereals and sweetcorn. A full field assessment of agricultural land quality was therefore required from the appellant.
- 18.3 The detailed ALC undertaken (CD2.7) shows that the site is wholly Grade 3a and is therefore BMV agricultural land.
- 18.4 The submitted ALC Report setting out the results of the ALC survey seeks to provide a context for assessing the significance of the site in terms of loss of an agricultural resource. The report notes that there is no definition in the NPPF of what constitutes “significant” development as referred to in Footnote 67 of the NPPF. I note that the Town and Country Planning (Development Management Procedure (England) Order) (DMPO) 2015 requires that planning authorities must consult Natural England on all non-agricultural applications that result in the loss of more than 20 hectares (ha)

of BMV land if the land is not included in a [development plan](#). The “Guide to assessing development proposals on agricultural land” (Natural England, February 2021)” advises local planning authorities to:

“Use ALC survey data to assess the loss of land or quality of land from a proposed development. You should take account of smaller losses (under 20ha) if they’re significant when making your decision. Your decision should avoid unnecessary loss of BMV land.”

- 18.5 The authors of the ALC Report suggest that 20ha is a suitable threshold for defining “significant” in many cases. The inference of the report is that the loss to agriculture of the 9.7 hectares of BMV agricultural land contained in the application is not significant. However, this inference contradicts the Natural England advice to planning authorities quoted above that they should take account of smaller losses (under 20 ha) if they are significant.
- 18.6 The appellant’s ALC Report refers to paragraph 187b) of the NPPF which relates to planning policies and decisions. Planning policies in this context would include the identification of sites suitable for housing allocations which could be under 20 ha in extent. The ALC Report appears to accept this position as well and paragraph 4.1 states “In plan making terms the NPPF requires that, where significant development of agricultural land is involved, poorer quality land should be used in preference.” My interpretation of the provisions of the “Guide to assessing development proposals on agricultural land” (Natural England, February 2021)” is that local planning authorities should take account of smaller losses of agricultural land under 20 ha if they are considered significant in making development management decisions on individual applications such as this one.
- 18.7 The ALC Report also refers somewhat contradictorily to the Institute of Environmental Management and Assessment (IEMA) Guide “A New Perspective on Land and Soil in Environment Impact Assessment” of February 2022. The Guide identifies in table 3 (page 49) the magnitude of the impacts on soil resources. Losses of under 5ha is defined as minor magnitude losses. Losses of between 5 – 20 ha are classified as moderate losses. Losses of over 20ha is considered to be major losses. This is different terminology to that in the NPPF and the “Guide to assessing development proposals on agricultural land” (Natural England, February 2021)” and is not national policy or guidance.
- 18.8 Footnote 65 of the NPPF refers to areas of poorer quality agricultural land being preferred to those of higher quality where significant development of agricultural land is demonstrated to be necessary. The ALC Report’s conclusions on this point are set as follows:

“4.32 The Site itself comprises Subgrade 3a land quality. In the event that there was a need to consider whether poorer land is available, based on the provisional and predictive mapping it cannot be concluded that land further afield is not of a poorer land quality. However, it cannot be determined that there is land within immediate proximity of the Site that is of poorer land quality than the Proposed Development Site.

4.33 Nevertheless, this Proposed Development Site is not classified as significant development and therefore whether there is poorer quality land within the area does not need to be assessed.”

I conclude that the ALC Report has not shown that there is not poorer quality land available for the same development elsewhere.

- 18.9 The EIA prepared for the application considered the economic impact of the development in terms of the loss of agricultural land and concluded:

“6.7.13 The closure of the field will result in the eventual loss of jobs associated with the Site. The current employment of the Site is estimated to be 0.3 FTE.

6.7.14 This constitutes a negligible magnitude impact, likely to result in a negligible effect which is anticipated to be not significant.”

In terms of the economic impact of the loss of agricultural land, the EIA concludes:

“6.7.57 The closure of the arable field will result in the loss of jobs associated with the Site, which currently has an estimated FTE of 0.3.”

Taking this conclusion into account in the overall assessment of the economic effects of the proposed development, the EIA concludes:

“6.7.60 The sensitivity of local economy, employment and skills has been assessed as low. The above constitutes a minor magnitude impact, likely to result in a minor beneficial effect which is anticipated to be not significant.”

- 18.10 The ALC Report does include an assessment of the economic benefits of the site. The preface to this section of the report states:

“4.4 In the absence of any empirical data, an economic assessment is inevitably crude.”

In my opinion, the results of the assessment set out in the EIA and the ALC Report lack meaningful context. There is no information relating to the wider agricultural holding of which the site forms part, how large and agriculturally diverse is that holding and the implications of the loss of the site to the continued economic viability of the agricultural enterprise that farms the land. Whatever, the economic benefit of the site may be, its loss as BMV to the agricultural economy would negate at least part of the wider economic benefits that the applicant considers will arise from the proposed housing development.

- 18.11 The overall conclusion of the Report (para 4.35) is that “At approximately 9.7ha of BMV land the Site is under 50% of the threshold for consultation with Natural England. Therefore, the quantum of BMV is not significant.” My conclusion is that the loss of this 9.7ha site consisting of Grade 3a land is significant both in economic terms and sustaining the health and well-being of the countryside and supporting biodiversity. This is a consideration that attracts moderate weight against the development proposals in the overall planning balance.

19. Key issue 12: Use and enjoyment of Public Bridleway 97

- 19.1 Paragraph 96(c) of the NPPF provides that planning decisions should aim to achieve, healthy, inclusive and safe places which enable and support healthy lives. Paragraph 105 of the NPPF provides that planning decisions should protect and enhance public rights of way and access. Core Strategy policy CSP13 (Community, Sport and Recreation Facilities/ Services) seeks the protection and, where possible, enhancement of the public rights of way network.
- 19.2 The Framework Masterplan in the Design and Access Statement identifies how the bridleway could be integrated into the development, as follows:
- Existing public right of way – safeguarded within a green corridor where new trees can be planted along the full length of the route;

- Vehicle crossings of bridleway – limited as much as possible, and where located priority to be given to pedestrians through narrowing of road and alternative surface treatment;
- Built frontage – concentrated along the bridleway route and in some locations opportunities for parking to be provided to the rear or side of dwellings – so homes and front doors can directly access the footpath rather than being separated by a road.

Earlier versions of the Framework Masterplan showed a connection between the bridleway and Barrow Green Road at the junction of that road and Chalkpit Lane which is missing from later application drawings and is not therefore to be provided.

- 19.3 Mr Dudley’s assessment of the impact of the proposed development on Bridleway 97 and its users is given at paragraph 4.32 of his proof as follows:
“ ... the views from the Site towards the hills are of such value that they were cited by Natural England as one of the main reasons for the Site’s inclusion within the extended National Landscape. The proposed construction of buildings up to 2.5 storeys along the public bridleway corridor means that these views will be almost entirely lost upon completion and entirely lost by Year 15, and their context fundamentally altered. This is demonstrated by the Appellant’s Accurate Visualisations VP01 and VP02. “
 I agree with this assessment.
- 19.4 The change in the character of the bridleway and loss of the countryside experience and dramatic views of the National Landscape it provides are referred to in many of the public representations, including that from the Surrey Hills National Landscape Management Board, commenting on the planning application. The local representative of the British Horse Society has submitted such a representation as follows:
“The field under consideration has a Bridleway crossing it diagonally (BW97). This is much used by equestrians, cyclists and walkers and is a pleasant rural path ,the ambience of which would be completely ruined if it ended up in the centre of a housing estate. For many years I rode from Tandridge Priory Stables and this path was (and is) used on a daily basis as part of circular rides.”
- 19.5 The Surrey Countryside Access Forum also objects to the application for the following reasons:
“The field (Stoney Field) under consideration has a Bridleway crossing it diagonally (BW97). This is much used by equestrians, walkers and cyclists. It is a pleasant rural path, with direct communication and forming the opportunity of a circular route, The ambience and character of this path / route, which is used by many, would be completely ruined if it ended up inside and dominated by a housing estate. Concurrently, the surrounding countryside would also be completely ruined with adverse impacts on the environment, wildlife etc etc; all of which contribute to the interest of this PRow.”
- 19.6 I consider that the major adverse effect the proposed development would have for users of public bridleway 97 would not just be limited to the loss of views of the National Landscape, identified in the applicant’s LVIA. It will include the loss of experience of open countryside that is a valued landscape and the health and well-being benefit the bridleway provides for existing Oxted residents. These matters are evidenced in numerous representations about the appeal application. The proposed development is consequently contrary to Core Strategy policy CSP13. These are matters to be given significant weight against the development proposals in the overall planning balance.
- 19.7 The proximity of the appeal site to the built-up area of Oxted is part of the appellant’s case why the site is sustainable. BW97 which connects at its southern end to Court Farm Road and Masterpark is

key to these claimed sustainability credentials because it would provide a pedestrian footpath and cycleway link to the town as well as remaining as a bridleway. However, as the appellant's Transport Assessment states, works will be required to upgrade BW 97 at its southern end to make it suitable for such a multi-functional role. No further details are provided but I would envisage the route would have to be widened involving loss of vegetation and disturbance of tree roots, would have to be given some form of all-weather surface and have lighting along its length to make it safe and convenient for use after dark. None of this is detailed in the application. Furthermore, the appellant would need to fund the upgrading works and provide for their ongoing maintenance, and again none of this is detailed in the application.

- 19.8 I consider that, in the absence of any firm proposals as set out in paragraph 19.7 above, no weight can be attributed to these works to upgrade BW97 as a benefit of the development proposals.

20. Key issue 13: The impact of the proposed development on the character and appearance of the local area and the amenities of local residents

- 20.1 I consider that the information submitted with the application failed to recognise the need for more information on the scale and layout of the proposed development at this outline application stage. This is a visually sensitive site in the Green Belt and therefore in the open countryside which is a valued landscape and forms part of the setting of the National Landscape. If more information had been provided with the application, particularly relating to scale and layout as requested by the LPA, then some of the anticipated adverse effects of the development might have been avoided.
- 20.2 The appellant's EIA concludes that the completed development will have a major adverse visual effect at site level due to the introduction of built form onto open agricultural land. There will be a minor neutral effect on landscaped features (the retained trees and The Bogs). The character of the wider area will experience a minor adverse effect, the EIA asserting that the proposed development would not be uncharacteristic of the receiving townscape to the east and south.
- 20.3 I agree with the EIA assessment and that by Mr Dudley that the completed development will have a major adverse visual effect at site level. However, I disagree with the appellant about the other visual impacts of the development. An attractive and valued piece of open countryside will be permanently lost. The development will not be seen as an extension of the urban area of Oxted which is largely screened from the site and its immediate surroundings by woodland and trees and hedgerows along the boundaries of the site. Instead, the development will be seen as an isolated residential development in open countryside with the resultant urbanisation having a major adverse effect on the character and appearance of the wider open countryside.
- 20.4 I consider, however, that while there will be some adverse impact on the amenities of local residents, mainly due to increased vehicle and pedestrian movements along the Wheeler Avenue access to the site and also the possibility of urbanisation of the southern end of BW97 by upgrading works, these impacts will be localised.
- 20.5 In conclusion, I consider that the proposed development is contrary to paragraph 135 of the NPPF because the development will not add to the overall quality of the area over the lifetime of the development and will not be sympathetic to local character in terms of landscape setting. The adverse impacts on the character and appearance of the open countryside adjacent to the site

mean that the proposed development is contrary to development plan policies CSP18 and DP7. These adverse impacts on the character and appearance of the area constitute other planning harm to be given moderate weight against the development proposal in the planning balance.

21. Key issue 14: Highway safety

- 21.1 The County Highway Authority (CHA) raises no highway objection to the application, subject to the imposition of conditions on any permission, including construction access from Barrow Green Road only, the access from Wheeler Avenue serving no more than 60 of the proposed houses, and to the applicant agreeing to providing a financial contribution to the legal procedures for extending the current 30MPH speed limit on Barrow Green Road, or alternatively funding speed reduction measures on that road.
- 21.2 The CHA's proposed conditions include pre-commencement conditions and the applicant's confirmation of acceptance of the need for these conditions remains outstanding and, subject to that confirmation being received, highway safety considerations attract neutral weight in the planning balance.

22. Key issue 15: Sustainability

- 22.1 I have a number of reservations concerning the applicant's analysis in Sections 5 and 6 of the Planning and Affordable Housing Statement why the proposed development is sustainable, all of which is based on intrinsic aspects of the proposed development.
- 22.2 I accept that the appeal site is sustainably located for the purposes of a new residential development. The site is close to the urban area of Oxted and an accessible location along certain routes from the town both for car users, pedestrians and cyclists . However, as set out in paragraph 19.7 above, for the full benefits of location to be realised for cyclists and pedestrians will come at the cost of upgrading and urbanisation of the southern end of BW97.
- 22.3 There are also accessibility limitations. The Barrow Green Road access is poor in not providing for pedestrians or cyclists. There are no existing footways along the road into the Oxted built-up area from the proposed site access and Barrow Green Road here has challenges for pedestrians because of its horizontal and vertical alignment, lack of forward visibility in key places for drivers and lack of pedestrian refuges off the carriageway. A short walk along Barrow Green Road from the site may have attractions to residents of the proposed housing development because it represents a shorter walk to St Mary's Primary School than alternative routes. These considerations detract from the site being otherwise sustainably located.
- 22.4 Furthermore, as reflected in Ground of Refusal 9, sustainability also has to be assessed against other sustainability considerations. Looked at from the standpoint of other effects of the proposed development, substantial harm would arise to the Green Belt, and other harm would arise for the setting of the National Landscape, open countryside, which is a valued landscape, for users of Bridleway 97, heritage assets, BMV agricultural land and . This harm is of considerable in scope and scale, making the development unsustainable in the context of paragraph 8 of the NPPF and Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP1.

- 22.5 I consider that, looked at from the standpoint of the appellant's analysis of intrinsic aspects of the proposed development, moderate weight should be given to the sustainability of the proposed development.

23. Key issue 16: Conclusions and planning balance

- 23.1 I set out below my assessment of the overall compliance or conflict of the proposed development with development plan policies. My consideration of the key issues set out above has led to the following conclusions relating to either compliance or non-compliance with development plan policy:

A) The development proposals are in compliance with development plan policy with respect to the following policies:

- DP21(E) surface water flood risk
- DP7 highway safety

B) The development proposals are not compliant with development plan policy with respect to the following policies:

- CSP1 and DP1 sustainability because extrinsically the proposed development will cause harm to countryside assets including a National Landscape, heritage assets, BMV land and potentially biodiversity
- CSP8 for extra care accommodation; the application lacks essential information and cannot be said to be compliant with this policy
- DP10 there is definitional, spatial and visual harm to the Green Belt and the development is in conflict with Green Belt purposes a), c), d) and e)
- CSP21 the development does not conserve and enhance a valued landscape
- CSP18 because the proposed development would not reflect and respect the character, setting and local context of the area in which it is situated
- CSP20 the proposed development would have an adverse impact on views into and out of the Surrey Hills National Landscape and therefore on its setting
- CSP17 and DP19 (in part) because in the absence of information to demonstrate to the contrary, there will be a loss or deterioration of The Bogs AW and a wet woodland HPI
- DP20 because of harm to the significance of heritage assets caused by the proposed development would not be outweighed by benefits of the proposed development
- CSP11 given the uncertainty whether an adequate connection can be made to the foul sewage system and the development is deliverable within the next 3 to 5 years
- CSP18 and DP7 the proposed development would not add to the overall quality of the area but would rather have adverse impacts on its character and appearance
- CSP13 adverse impacts for users of Bridleway 97 crossing the site.

Considered overall, the proposed development is non-compliant with the policies of the development plan.

- 23.2 I set out below the weight that I consider should be afforded to each issue in the planning balance. In undertaking this balancing exercise, the weight I have afforded to each planning consideration is, from highest to lowest:

- Great

- Substantial
- Significant
- Moderate
- Limited
- Neutral

I derive the above in part from what the NPPF states should be the weight given to its policies for National Landscapes and their settings and inappropriate development in Green Belts. In applying weightings to individual considerations with this planning application, I have applied the weighting that I judge to be appropriate in the circumstances, for example harm to The Bogs AW as an irreplaceable habitat attracts substantial weight as does harm to the valued landscape which is part of the setting of the National Landscape. My overall assessment of the weightings to be applied in the planning balance are:

Proposed benefits of the application:

- i. market and affordable housing – significant
- ii. sustainable location – moderate
- iii. extra care accommodation – limited
- iv. highways – neutral
- v. green space – limited
- vi. economic – limited
- vii. sustainable drainage – limited
- viii. biodiversity net gain - limited

Harm that will be caused:

- a) harm to the setting of the National Landscape – great
- b) harm to the Green Belt- substantial
- c) harm to The Bogs AW and pSNCI , and wet woodland and hedgerow HPI – substantial
- d) harm to a valued landscape – substantial
- e) harm to users of Bridleway 97 – significant
- f) harm to significance of heritage assets – significant
- g) lack of sustainability – significant
- h) harm to character and appearance of the local area – moderate
- i) harm due to loss of BMV agricultural land – moderate

Neutral or no weight

Foul drainage

- 23.3 Some of the weightings set out above have changed compared to those in the previous officer delegated report for the application. There has been a reassessment of the weight to be afforded to the sustainability of the proposed development. Previously this was afforded limited weight as a benefit of the appeal scheme. However, as set out in paragraph 22.4 above, when the extrinsic effects of the proposed development in totality are taken into account the conclusion is that the development is unsustainable. Following the advice of Ignus Froneman that the harm to the setting of heritage assets has to be given considerable importance and weight, I have increased the weight afforded to that harm from moderate to significant. The foul drainage works necessitated by the proposed

development will not provide any betterment for the wider foul drainage network and therefore are neutral in terms of weighting rather than a moderate benefit.

- 23.4 My evidence above sets out an assessment of why the application site should be considered Green Belt not Grey Belt. The site contributes strongly to Green Belt purpose a), that is checking the unrestricted sprawl of a large built-up area, and, in consequence of this alone, is Green Belt. The applicant at paragraph 6.131 of the Planning and Affordable Housing Statement accepts that, in these circumstances, the site also contributes to Green Belt purpose c), that is safeguarding the countryside from encroachment. The LPA's case will be that the site also contributes to the other Green Belt purposes, which are d) and e). Accordingly, the application proposals for residential development constitute inappropriate development that would cause harm to openness by way of visual and spatial harm, and also definitional harm to the Green Belt. In accordance with paragraph 153 of the NPPF and Tandridge Local Plan Part 2: Detailed Policies policy DP10, substantial weight has to be given to Green Belt harm, in the determination of this appeal. Development harmful to the Green Belt should not be approved except in very special circumstances (VSC).
- 23.5 My evidence sets out the key issues raised by this appeal and the weightings applying to each issue to derive the benefits and harm that would arise if the appeal were allowed, as summarised in paragraph 23.2 above. The proposed benefits of the application in the applicant's submissions constitute the purported VSC why the application should be approved. The most significant of these purported VSCs is the provision of market and affordable housing in circumstances where the LPA cannot demonstrate a five-year housing land supply.
- 23.6 Set against the purported VSCs are the identified harm to the Green Belt, to the setting of the National Landscape and other harm that would arise from the development. My assessment is that, given the constrained nature of the site, the harms resulting from the proposed development clearly outweigh the benefits, and the VSCs for the granting of planning permission do not exist.
- 23.7 Furthermore, paragraph 189 of the NPPF now provides that great weight should be given to *conserving and enhancing* landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues. Paragraph 189 also provides that development within the setting of National Landscapes should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. It is my opinion that footnote 7 to the NPPF applies to the entirety of paragraph 189 of the NPPF, including the provision that paragraph 189 makes in respect of land within the setting of a National Landscape.
- 23.8 Given the findings in my evidence above, and that by Mr Dudley, of significant adverse impact on the setting of the National Landscape, I also consider that a grant planning permission would not be compliant with the statutory duty of the decision maker under Section 85(A1) of the Countryside and Rights of Way Act 2000 (as amended), that they must "seek to further the purpose of conserving and enhancing the natural beauty of the AONB".
- 23.9 Paragraph 11(d)(i) of the NPPF provides that where development plan policies for determining an application are out of date, planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposed. With this application, those policies protecting areas or assets of particular importance are those relating to Green Belt, the setting of the Surrey Hills National Landscape, an irreplaceable habitat (The Bogs AW) and designated heritage assets being a Grade 1 listed building (St Mary's Church) and a Grade II listed building (Court Farm House). The application of those policies does provide a strong reason for refusing planning permission for the proposed

development. The tilted balance (para. 11(d)(ii) of the NPPF) does not apply in the determination of this application, therefore.

23.10 The LPA has raised, and continues to raise, a number of questions relating to various aspects of the application with the appellant, a response to which is still outstanding, as follows:

- i. Change to the mix and internal layout of affordable housing, affordable house design to be tenure blind and, in the event of phased development, there should be 50% affordable housing in each phase;
- ii. Timescale for a new foul drainage sewer connection to the site;
- iii. Maintenance of surface water inflows to The Bogs;
- iv. Funding mechanism for maintenance of SuDS features of the proposed development;
- v. Diversion of Bridleway 97 from its current junction with Barrow Green Road to the junction at the foot of Chalkpit Lane;
- vi. Whether new statutory public rights of way are part of the development proposals as indicated in the application;
- vii. Detailing of proposed upgrading works at the southern end of BW 97 and the funding and ongoing maintenance of these upgrade works; and
- viii. Whether the applicant is prepared to accept the “prior to development commencing” conditions requested by the County Highway Authority and LLFA.

There are also requests for further information from Natural England and Surrey Wildlife Trust to address significant concerns they have about the development proposals. These outstanding matters might be capable of being resolved by submission by the appellant of further information or through planning conditions or Section 106 obligations. However, if the matters remain outstanding, the LPAs case will be that for the purposes of the planning balance they attract additional limited weight against a grant of planning permission.