

Tandridge District Council

**Planning Proof of Evidence of Peter Lee, Dip Geog, BA
(Hons)**

**Town and Country Planning Act 1990 Appeal by Croydon
and District Education Trust, Land to the South of Kenley
Aerodrome, Victor Beamish Avenue, Caterham, Surrey,
CR3 5FX**

PINS Appeal Ref No.: APP/M3645/W/24/3354498

LPA Ref No.: TA/2023/878

February 2025

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1. Witness, Qualifications and Statement of Truth

1.1 My name is Peter John Lee, and I am a Planning Development Manager employed by Tandridge District Council. My qualifications are a Higher Diploma (TEC) in Geographical Techniques and a Bachelor of Arts Degree (2nd Class (Upper)) in Town and Country Planning from the London South Bank University. I have over 43 years planning experience obtained through employment at 7 local planning authorities within the South-East and London. I have been employed by Tandridge District Council since October 2023.

1.2 I understand my duty to the Inquiry and have complied, and will continue to comply, with that duty. 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 during visits to the appeal site, the most recent being on 16th January this year. I believe that the facts stated within this proof are true and that the opinions expressed are correct.

1.3 A Core Documents (CD) list is in preparation and these are referenced as CD1.1 etc below.

2. The Application

2.1 The appeal application relates to TA/2023/878 for Outline planning permission for: *“Development of the site for 80 no. residential dwellings including 50% affordable housing, associated landscaping, amenity space and car parking (outline application all matters reserved aside from access)”*

2.2 The application was submitted on 11th July 2023

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2.3 The application was refused under delegated powers on 14th May 2024, on the following grounds:

1. *The proposal would result in the loss of a playing field, which would not be replaced as part of the proposal and would therefore conflict with Policy CSP13 of the Tandridge District Core Strategy 2008, Policy DP 18 of the Tandridge Local Plan - Part 2: Detailed Policies 2014, Sport England’s Playing Fields Policy and Guidance Document and with Paragraph 103 of the National Planning Policy Framework (December 2023).*

2. *The proposed development is considered to be inappropriate development in the Green Belt, given that it would fail to comply with any of the defined exceptions at paragraphs 154 and 155 of the National Planning Policy Framework (December 2023). The cumulative benefits of the scheme which have been presented as Very Special Circumstances (VSCs) are insufficient to outweigh the substantial harm to the Green Belt, by virtue of inappropriateness and due to the harm to openness that would arise, in addition to the significant harm to the character and appearance of the site, area and landscape. Accordingly, the proposed development is considered to be contrary to Policies DP10 and DP13 of the Tandridge Local Plan 2014 Part 2: Detailed Policies and the NPPF (December 2023).*
3. *The site is located in an unsustainable location in transport terms, where the only realistic means of transport would be the private car, due to the distance to local amenities, the lack of suitable pedestrian and cycle connections to those amenities, and the limited availability of accessible public transport services. This is contrary to the aims of the NPPF (December 2023), the Surrey Local Transport Plan 4 (2022) Policy CSP1 Tandridge District Core Strategy (2008), and Policy DP1 of the Tandridge Local Plan 2014 Part 2: Detailed Policies.*
4. *The proposals would result in an unacceptable impact to highway capacity, in particular at the roundabout junction of Salmons Lane West, Buxton Lane and Ninehams Road, contrary the aims of the NPPF (December 2023), the Surrey Local Transport Plan 4 (2022) the Tandridge Core Strategy 2008 and Policy DP5 of the Tandridge Local Plan - Part 2: Detailed Policies 2014.*
5. *The proposed development would result in the felling of a significant number of protected trees subject to Tree Preservation Order protection or protected due to their location within the Kenley Aerodrome Conservation Area. The indicative layout details provided would not allow for the retention of existing trees that are important by virtue of their significance within the local landscape and would not appear to allow sufficient space for appropriate replacement planting and as such the proposal would conflict with the requirements of Policy CSP 21 of the Tandridge District Core Strategy 2008, Policy DP7 of the Tandridge Local Plan - Part 2: Detailed Policies 2014 and paragraph 180 of the National Planning Policy Framework (December 2023).*
6. *Insufficient information has been provided to allow a full assessment of the potential harm of the proposed development on designated and non-designated heritage assets,*

including the Kenley Aerodrome Conservation Area within which the application site is located and the Grade II listed former Dining Room and Institute building which the application site surrounds. Proposed 'mitigation' measures have not been detailed and it has not been demonstrated that the public benefits of the proposal would significantly outweigh the less than substantial harm that would result to the character and appearance of the conservation area, the impact on the character and setting of the listed building and through the loss of the non-designated former workshop buildings as a result of the development. As such, the proposal would conflict with Policy DP20 of the Tandridge Local Plan - Part 2: Detailed Policies 2014 and paragraphs 205, 206, 208 and 209 of the National Planning Policy Framework (December 2023).

7. *Insufficient information has been provided to demonstrate that the proposed development would conserve and enhance the natural environment and deliver an appropriate level of biodiversity net gain. As a result, the proposal would conflict with the requirements of Policy CSP17 of the Tandridge District Core Strategy 2008, Policy DP19 of the Tandridge Local Plan - Part 2: Detailed Policies 2014 and the National Planning Policy Framework (December 2023).*

(Core Document CD 04.02)

3. Application Site and Surroundings:

3.1 The details of the application site and surroundings are contained within the submitted Statement of Common Ground.

4. Planning History:

4.1 The planning history of the site is contained within the submitted Statement of Common Ground.

5. Development Plan Policies and National Policy and Legislation:

5.1 The application site is located within the area covered by the Tandridge District Core Strategy 2008 (CD 05.01), the Tandridge Local Plan Part2: Detailed Policies 2014-2029 (CD 05.02) and the Caterham, Chaldon & Whyteleafe Neighbourhood Plan 2021 (CD 05.03).

5.2 The relevant policies within these documents are detailed within the submitted Statement of Common Ground.

5.3 Relevant National Policy and legislation is also detailed within the submitted Statement of Common Ground.

6. Five-Year Housing Land Supply:

6.1 The LPA acknowledges as set out in the Statement of Common Ground (SoCG) agreed with the Appellant that it cannot demonstrate a 5-year housing land supply. The Annual Monitoring Report 2023/24 (CD 06.18) sets out that on 1st April 2024, there was a total supply of permissions for 1,464 dwellings representing a 1.92-year supply. Although permissions continue to be granted, either by the LPA or on appeal, the position is not expected to markedly change prior to the public inquiry into this appeal.

6.2 The Council's five-year housing land supply was calculated using the standard method, on the basis of an on the basis of 2014 household projections. 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 OAN in full: see paragraph 44 of his report dated 14 February 2024 (CD 06.02). This is because there are major policy and infrastructure constraints to development in this district, including the Green Belt (encompassing 94% of the district), two National Landscapes (formerly AONBs), areas of flood risk, and significant infrastructure capacity constraints including safety issues (for example around the M25 Junction 6). These constraints can reasonably be expected to significantly reduce any future housing requirements.

6.3 The government has now introduced mandatory minimum housing targets across the country. The formula to calculate Local Housing Need (LHN), the Standard Method, has been updated. The Standard Method now uses an LPA's housing stock as the basis for the

calculation of an LHN, which is then subject to an affordability uplift. Under the new, compulsory Standard Method, Tandridge's LHN has increased from 634 to 843.

6.4 There is, however, no dispute among the parties about the Council's current housing land supply situation.

6.5 The Council is currently producing a Local Development Scheme, as required by the Government, to detail the timeframes for the production of its new Local Plan and other planning policy documents. This document is due to be completed in draft form by the end of February and will be reported to the Planning Policy Committee on 27th February 2025 and will be submitted to the Government in early March.

6.6 In the meantime, the Council continues to take proactive steps to meet need including by providing a clear delivery pipeline through the mechanism of the Interim Position Statement on Housing Delivery (IPSHD) (CD 06.04). Since the adoption of the IPSHD, permission has been granted, or resolutions to grant made, for 410 new dwellings and 152 new units of specialist housing.

7. Material Considerations and Scope of this Evidence:

7.1 The main considerations in the determination of this Appeal are considered to be:

- Whether the proposal would represent inappropriate development in the Green Belt, including consideration of the extent to which the site meets the definition of previously developed land and 'grey belt'.
- The effect of the proposed development on the openness of the Green Belt.
- Whether the development would result in the loss of a playing field and, if so, the effect on local provision of sport facilities.
- Whether the location is, or can be made, sustainable through limiting the need to travel and offering a genuine choice of transport modes.
- Whether there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- The effect of the proposal on the character and appearance of the landscape, including from loss of protected trees.

- The effect on the historical significance of nearby designated and non-designated heritage assets, including the Kenley Aerodrome Conservation Area.
- The effect of the proposal on biodiversity, including protected species and habitats, and whether an appropriate quantum of biodiversity net gain would be delivered.

7.2 This evidence will cover the Green Belt issues; and the loss of the playing field.

7.3 Separate evidence will be provided by Mr. James Lehane in respect of sustainability and highway safety.

8. Green Belt Issues:

8.1 The entirety of the appeal application site is included within the Metropolitan Green Belt.

8.2 Following the publication of the National Planning Policy Framework (December 2024) it is now the Council's position that the proposed development site comprises of some 'previously developed land' but that all is 'grey belt' (as defined by the Framework).

8.3 The relevant guidance relating to development within the Framework is now considered to comprise the contents of Section 13, Protecting Green Belt land, and specifically paragraphs 142, 143, 153, 154, 155, 156, 157, 158 and 159.

8.4 Starting with paragraph 155 it is my position that the appeal development would relate to housing development that would utilise grey belt and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the development plan for Tandridge (criterion a.) and that there is a demonstrable unmet need for the type of development proposed (criterion b.).

8.5 However, I am of the opinion that the proposed development would not be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework (criterion c.); and the development proposed would not meet the 'Golden Rules' set out in paragraphs 156 and 157 of the Framework (criterion d.) and specifically that the proposal would not make the necessary improvements to local infrastructure (criterion b. of paragraph 156). It is, however, that the proposal would meet the requirements of criterion a. - affordable housing provision (at

50% of total units) and criterion b. – provision of new green spaces that are accessible to the public.

8.6 Paragraph 154 details what other types of development (apart from the development of homes, commercial and other development covered by paragraph 155 (discussed above)) would not constitute inappropriate development as an exception to the general presumption against such development. The only category within which the appeal proposal could possibly be considered to fall is 154 g), namely the limited infilling or the partial or complete redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt. The Framework, in Annex 2: Glossary, defines ‘previously developed land’ as follows: *Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*

8.7 In their Statement of Case the appellants put forward that the site is previously developed land as the majority of it was previously built upon and specifically that:

The appeal site forms the setting of a Grade II listed building which is a former NAAFI building in association with the historic use of the entire (and wider) site as RAF Kenley. Within the site is a large derelict workshop which is a permanent structure as well as various fixed surface structure representing human intervention, with existing built form in an area well established as a settlement to the east, west and south.

The site comprises two areas, the former Institute building, listed at Grade II which lies outside of the outline application boundary, and the immediate brownfield land which surrounds it, which forms the application site. Together, both sites originally encompassed the accommodation and facility side of the World War II RAF complex, with several barrack blocks located to the south of the parade ground associated within the Institute. To the north of the Institute, a series of hangars and workshops lead to the aerodrome to the north. The derelict

workshop building survives within this area today as well as various remnants of the former military complex, which include hangar footings and hangar door guides, set within concrete.

8.8 They then go on to refer to historic photographs of the site which do indeed show the presence of a number of buildings, structures and areas of hardstanding associated with the use of the aerodrome when the wider area was in use by the Royal Air Force. However, as is apparent from recent aerial photographs (and as will be evident from the Inspector's site visit) the majority of these buildings, structures and hardstanding areas have either been completely removed.

8.9 They also indicate that: *"A plan showing the extent of existing buildings and hardstanding on the site is contained at Appendix 13,"* (of the submitted Heritage Statement) *"this does not show previous development on the land but only the visible extent of previous development. This plan demonstrates that 29.8% of the 4.74ha site is previously developed land, comprising areas of former buildings, structures and hardstanding."* This quoted figure would represent a site area of some 1.4 hectares. This compares to the figure of 1.2 hectares (or 24.4%) quoted in the ODR. It can therefore be seen that the current area of previously developed land on the appeal site, even using the figures provided by the appellant, would be less than one-third of the overall site area. The rest of the site area would fall within the category of *"land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape"* or were located within the curtilage of built developed where the Framework confirms *"it should not be assumed that the whole of the curtilage should be developed"*.

8.10 Large areas of the site, including the land to the west of Victor Beamish Avenue, the land to the south of the former parade ground adjacent to the OneWorld Global school complex and the land to the east of the school are all open, undeveloped areas featuring trees and landscaping. It is only some parts of the area to the north of the school complex located within the former NAAFI building and to the south of the aerodrome boundary that currently contain some areas of former hardstanding and some former workshop buildings that are now in a state of disrepair. (See aerial photograph below).



Figure 1: Aerial photograph of the Appeal site

8.11 As such, it is not considered that the whole of the development site constitutes previously developed land as defined in the Framework and as such the whole of the development site cannot be considered to fall within any of the defined exceptions, including that within paragraph 154 g).

8.12 In such circumstances, paragraph 153 of the Framework falls to be applied. This clearly states that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness and confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It is further confirmed that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

8.13 My views on Openness, the Purposes of the Green Belt, and Very Special Circumstances are detailed in paragraphs 7.10 to 7.14; paragraphs 7.15 to 7.23; and paragraphs 7.24 to 7.60 respectively of the Officer's Delegated Report (ODR). (CD 04.01).

8.14 As indicated in the ODR the appeal proposal would, in my opinion, reduce both the visual and spatial sense of openness of this Green Belt area, causing harm that would range from significant to moderate. The harm arising in this respect is required to be afforded substantial weight.

8.15 In respect to the purposes of the Green Belt it is considered that the appeal site does contribute to purposes a), b), c) and d), albeit that in respect of purposes a), b) and c) that contribution is limited, and the contribution to purpose d) is moderate, and this position is agreed by the appellant as detailed in the submitted Planning Statement that accompanied the original application.

8.16 In these circumstances, it is considered that, even though the appeal site is considered to be in part previously developed land and all grey belt, the appellant would still need to demonstrate that very special circumstances exist to support the development proposal. This issue is discussed below.

9. Loss of Playing Field:

9.1 I consider that the proposal would result in the loss of a playing field located to the northeast of Victor Beamish Avenue, to the north of Salmons Lane West and to the northwest of Salmons Lane. The playing field also lies to the southeast of the former parade ground located within the curtilage of the OneWorld Global School which occupies the Grade II listed former NAAFI building.

9.2 The playing field has an area of approximately 0.65 hectares with dimensions of around 52 metres by 124 metres. The playing field appears to have been marked out for a variety of sports, including for football and rounders.

9.3 Sport England were consulted on the proposal and indicated that the pitch does not conform with the recommended Football Association size guidelines and measures 66 metres by 41 metres and that given the constraints of the playing field site they consider that only a 7 x 7 FA recommended sized pitch can be accommodated (61 metres by 43 metres with a 3-metre run off) in this area. (See Appendix PL1).

9.4 The playing field provision on this area of land was subject to a planning permission granted in June 2004 (reference number TA/2004/903) (CD 09.03) as part of a development proposal submitted by the appellants for the change of use of the former NAAFI building to provide a day school, incorporating use of parade ground as play area and upgrading of field to use as playing field, this permission was renewed in December 2009 (reference number TA/2009/1296) (CD 09.04). The 'red line' site area of both these applications included the playing field area and it is this feature which is described within the description of development.

9.5 The planning history of the site is limited as some records appear to have been lost as a result of a fire in the late 2000's but it is noted that the permissions were both subject to pre-commencement conditions. Condition 3 of both planning permission TA/2004/903 and TA/2009/1296 stated: "*Within 3 months of the date of this decision the area of chalk deposited on the field to the south of the parade ground shall be dressing in top-soil and seeded in a manner that shall first be agreed in writing by the District Planning Authority and thereafter carried out as agreed*". A letter on file TA/2004/903 subsequently indicates that: "I can confirm that the implementation of works required by condition 3 of the above permission as set out in your letter has been considered and is hereby approved for implementation subject to receipt of further details of the depth of top-soil to be spread over the land" (14th December 2004). (See Appendix PL2).

9.6 Whilst it cannot be confirmed from the Council's planning records that further details of the depth of top-soil were indeed supplied it is apparent from aerial and street view photographs of the site that the field had been levelled by October 2008 and that the pitch had been provided by April 2017 and was still marked out on 5th May 2022.

9.7 The appellants are correct that the area of the playing field was not contained within the 'red line' site area shown on the submitted drawings in respect of planning permission TA/2015/179 (CD 08.05), but in my opinion, the provision of the playing field was authorised by the two earlier planning permissions and operational development was undertaken to implement one or other of those permissions.

9.8 Even if the playing field was top dressed and seeded in breach of condition 3 of either of the planning permissions it would clearly appear that appropriate works were undertaken, and the site was brought into playing field use. This use appears to have continued for a number of years and the works necessary to bring the field into recreational use would appear to have taken place in the late 2000's or early 2010's and the use continued, as confirmed in the appellants Statement of Case, at paragraph 9.6, until 2023. It is therefore likely that either

condition 3 would have been breached for a period in excess of four years from the time the works were undertaken and would, in all probability, have become immune from enforcement action through the passage of time.

9.9 In their Statement of Case the appellants indicate that they consider that the use of the land as a playing field only occurred 'informally' and without the benefit of planning permission, has not occurred for a period of 10 years and was always unlawful with reference to Section 191 of the Town and Country Planning Act 1990 (as amended).

9.10 Section 191 (2) of the Town and Country Planning Act 1990 (as amended) confirms that:

For the purposes of this Act uses and operations are lawful at any time if-

(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and

(b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

9.11 The formation of the playing field raises three distinct issues: 1. Did the 'development' involve operational development; 2. Has a material change of use of the land occurred; and, 3. Has there been a breach of a planning condition(s) imposed on the original permission. Whilst it is acknowledged that the change of use of the land and the breach of planning conditions would be subject to the 10-year time limit before any development would become lawful, it is my opinion that the works to create the playing field, including the levelling of the land and its dressing in top soil prior to seeding with grass would constitute operational development that would be subject to the four-year time period before it would become lawful through the passage of time.

9.12 A review of aerial photographs of the site (see Appendix PL3) show that the first image available of the site having been marked out as a playing field date from April 2017, but earlier images, dating back to 2008 indicate that the site has been levelled and laid to grass and that time and was being regularly mowed. In these circumstances, it is considered that the playing field can be considered to be lawful under the terms of Section 191 of the Planning Act as no enforcement action may be taken as the time for enforcement action has expired and the development does not constitute a contravention of the requirements of any enforcement notice.

9.13 In terms of the impact of the loss of the planning field and the effect on local provision of sport facilities, as part of their consideration of the appeal application Sport England consulted

the Football Federation/FA and received the following comments. *“The Football Federation indicated that the Playing Pitch Strategy (PPS) for Tandridge from 2018 states that based on demand at the time, there was relatively minimal capacity existing on youth and mini pitches. However, with the increased participation numbers in the last couple of years within the area is likely to have had an impact on the demand and capacity of the pitches. The PPS is now considered out of date. Therefore, with no update PPS there is no current evidence for the loss of grass pitches. The plans show the loss of a grass pitch therefore we would expect mitigation for this via replacement of the grass pitch provision to equal or better scale and quality, or contribution into appropriate alternative facilities to mitigate the loss (i.e. 3G pitch provision) within the area”.*

9.14 Sport England therefore confirm that they consider the proposal will result in the loss of the playing field/pitch at the site without any proposed replacement provision. There is no evidence which justifies the loss of the playing field as surplus to requirements.

9.15 As indicated by the Football Federation, they consider the PPS is now over five years old and is at the end of its life in terms of representing a robust and up to date assessment of need.

9.16 Sport England therefore indicate that, given the above considerations, they raise a statutory objection to the appeal application because it is not considered to accord with any of the exceptions to their Playing Fields Policy and would be contrary to paragraph 104 of the Framework.

9.17 In terms of local playing field provision it should be noted that the Council does provide two playing fields within the Caterham area that provide grass pitches for booking. These facilities are located at Queen’s Park, Queen’s Park Road, Caterham, CR3 5RB and at Valley Sports Ground, White Knobs Way, Caterham, CR3 6RH. These facilities are, however, located 2.8 kilometres (1.7 miles) and 4.1 kilometres (2.5 miles) respectively from the centre of the appeal application site.

9.18 The Council published an Open Space Strategy 2021-2025 in 2021 (CD 06.48), and this indicates that: *“The existing position for all sports is either that demand is broadly being met or that there is a shortfall, whereas the future position shows the creation of some additional shortfalls and the exacerbation of some existing shortfalls. There are current and future shortfalls of sand-based AGPs for hockey, 3G pitches and rugby union pitches and future shortfalls of football pitches and cricket squares.”* It goes on to indicate that: *“It must be noted that the shortfalls evidenced are relatively minimal when compared to other local authorities nationally. For the most part, no new provision is required; although it is considered that*

shortfalls can be met through the better utilisation of existing provision, such as via pitch re-configuration and encouraging or enabling access to unused/unavailable provision.”

9.19 Whilst it is recognised that the playing field is currently unused/unavailable it is nonetheless considered to represent a valuable facility that could contribute to addressing any shortfall in football pitch provision for junior players and its permanent loss would have an adverse impact on the provision of outdoor sports facilities in the local area. Its loss would also conflict with the requirements of paragraph 104 of the Framework which clearly indicates existing open space or playing fields should not be built on unless three criteria are met. These comprise a) that an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; b) that the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) that the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use. None of these criteria have been met by the appeal proposal, as confirmed by Sport England.

9.20 As such, it remains the position of the LPA that the loss of the playing field would conflict with Policy CSP13 of the Tandridge District Core Strategy 2008, Policy DP18 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014, Sport England’s guidance contained within their Playing Fields Policy and paragraph 104 of the Framework.

10. Effect of the proposal on the character and appearance of the landscape, including from loss of protected trees:

10.1 In the light of additional information received from the appellant, including details of increased replacement/compensatory tree planting, a canopy spread analysis detailing how the new tree planting will grow out over the next 30 years and more extensive details of the age of the trees to be removed and the confirmation that the majority of the trees planted on the aerodrome as part of the planned landscape around the main buildings would be retained, it is the LPA’s position that it is no longer seeking to pursue reason for refusal number 5 relating to tree loss.

10.2 It is considered that the issue could be reasonably addressed through the imposition of appropriate planning conditions should the Inspector be minded to allow the appeal.

11. Effect on the historical significance of nearby designated and non-designated heritage assets, including the Kenley Aerodrome Conservation Area:

11.1 The LPA has reviewed its position on this matter and has concluded that the issue can be reasonably addressed through the imposition of appropriate planning conditions should the Inspector be minded to allow the appeal.

11.2 It is recognised that the Historic Buildings Officer from Surrey County Council concluded that, subject to the reserved matters being acceptable, he considered the scheme could result in an overall benefit to the conservation area. Following discussions with the appellant appropriate conditions have been drafted to secure the provision of detailed information as part of any Reserved Matters application to address the issues raised by the Historic Buildings Officer relating to the provision of the proposed commemorative feature, the reinstatement of paths, the provision of better connectivity with the airfield and the arrangement of buildings along Victor Beamish Avenue, as well as to secure appropriate recording of the non-designated heritage asset (the former workshop building) which is to be lost as part of the appeal proposal. (See Appendix PL4).

11.3 With the imposition of these conditions, it is considered that the effect of the development on the historical significance on nearby designated and non-designated heritage assets, including the Kenley Aerodrome Conservation Area, and the proposed 'mitigation' measures put forward by the appellant, can be satisfactorily addressed and the LPA is no longer seeking to pursue reason for refusal number 6.

12. Effect of the proposal on biodiversity, including protected species and habitats, and whether an appropriate quantum of biodiversity net gain would be delivered:

12.1 Following the submission of further information including an addendum note to the Preliminary Ecological Appraisal, a Dormice survey, an evaluation of woodland habitat, and a species rich grassland creation plan it has been concluded that sufficient initial information has now been provided to allow the LPA to withdraw reason for refusal 7, subject to the imposition of appropriate planning conditions on any permission granted.

13. Transport Sustainability:

13.1 As detailed in the evidence provided by Mr. James Lehane the County Highway Authority consider that the proposed development should be refused on the grounds that it would be unsustainable in transport terms, would represent a material detriment to the safe and effective operation of the highway network and that it fails to provide adequate safe pedestrian and cycle infrastructure. Therefore, the application in its current form is unacceptable in highway terms. This is also considered to be a form of 'harm' in planning balance terms.

14. Very Special Circumstances and the Planning Balance:

14.1 Turning to the issue of whether there are any very special circumstances that would outweigh the harm to the Green Belt and any other harms that would result from the development, the Framework does not provide guidance as to what can comprise 'very special circumstances'. However, some interpretation of very special circumstances (VSC) has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether 'very special circumstances' exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being 'very special circumstances'. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-taker.

14.2 In their Statement of Case the appellants provide a list of what they consider to be very special circumstances, at paragraph 9.44, and this runs to 13 matters, whereas the comments made within the original Planning Statement only related to 3 matters that should be considered to be very special circumstances at that time:

- *Previously Developed Land and Lack of Alternative Sites*
- *Character of the Scheme and the Heritage Benefit*
- *Socio-Economic Benefit*

14.3 The Statement of Case submitted by the appellant now indicates that they consider the following issues to constitute very special circumstances:

- *Substantial weight given to the site being previously developed land, in a sustainable location and making as much use as possible of that land in a district where 94% of the land is Green Belt (the highest of any authority in England) (NPPF Paragraph 123 and 124(c)).*
- *Substantial weight should be given to the fact that Tandridge is without an up-to-date development plan. The site was formerly proposed for removal from the Green Belt by the Council, but the draft Local Plan's withdrawal means this site is currently without this draft allocation. Nonetheless, the local area needs housing and addressing demand in the short term through suitable, deliverable and available sites should be favoured and supported.*
- *Substantial weight should be given to the lack of alternative sites, particularly since the withdrawal of the draft Local Plan.*
- *Substantial weight should be given to the dire housing shortage and inability for the Council to demonstrate a five-year supply, and its failure to have identified sufficient housing sites to meet its Objectively Assess Housing Need.*
- *Substantial weight should be given to Paragraph 129 of the NPPF which states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that decisions avoid homes being built at low densities and ensure that development makes optimal use of the potential of each site.*
- *Substantial weight should be given to the proposed 32 affordable homes (40%) being delivered through the Appeal Scheme, of which all would be family sized, meeting local need. Significant weight should be given to the sustainable location of the development, within walking and cycling distance of a railway station as outlined above, alleviating pressure on the local road network.*
- *Great weight should be given to the positive impact the scheme will have on the Kenley Aerodrome Conservation Area and former NAAFI Building.*
- *Moderate weight should be given to the increased number of residents in the area will contribute to the local economy.*
- *Moderate weight should be given to the improved accessibility through the conservation area.*
- *Moderate weight should be given to the provision of new landscaped open spaces for the enjoyment of the local community.*

- *Weight should be given to the environmental improvements as a result of the proposed development, from the various SuDS and other environmental enhancements to the provision of new trees and vegetation.*
- *The provision of housing will make an important contribution to local construction Employment.*

14.4 I would wish to respond to these issues as follows:

14.5 Previously Developed Land – This matter is discussed in the ODR and above;

14.6 Lack of an up-to-date development plan and the fact that the site has previously been proposed to be removed from the Green Belt – These matters are acknowledged, but the fact remains that the proposed ‘Our Local Plan 2033’ never progressed to adoption as it was withdrawn following the Local Plan Inspector’s finding that the plan was unsound. As such, the appeal site remains in the Green Belt and any application must be determined on that basis. In my opinion, the proposal constitutes inappropriate development in the Green Belt and should be refused on that basis, in accordance with development plan and the guidance in the Framework;

14.7 Lack of Alternative Sites – The Council has adopted an Interim Policy Statement for Housing Delivery (IPSHD) and will determine planning applications for new residential development on a case-by-case basis taking into account the guidance in the Framework and those development plan policies which are in accordance with the Framework. The Council is preparing a Local Development Strategy which will be presented to the Government in early March 2025 which will detail how it intends to meet its identified housing supply requirements;

14.8 Housing Shortage – The provision of 80 new residential dwellings was given substantial weight in the decision-making process but the harm caused to the Green Belt by the proposal was not considered to be outweighed in this case;

14.9 Optimal Use of Land – This is considered to be a standard requirement for any planning application for new residential development and does not constitute a very special circumstance;

14.10 Affordable Housing Provision – This matter was given substantial weight in the decision-making process, and the increase in proposed provision now indicated is welcomed. However,

the harm to the Green Belt that would result from the proposal is not considered to be outweighed by the affordable housing provision that would result;

14.11 Impact on Heritage Assets – The views of the Surrey County Council Historic Buildings Officer that, subject to the reserved matters, he was of the opinion that the scheme overall will result in a benefit to the conservation area owing to the proposed commemorative feature, reinstatement of paths, better connectivity with the airfield and the arrangement of buildings along Victor Beamish Avenue are acknowledged. He did, however, note that such a benefit is modest, and this will need to be taken into account with regard to other matters raised by consultees. Given the modest nature of this benefit it is not considered to represent a very special circumstance and any development would be expected to preserve and enhance the character and appearance of heritage assets;

14.12 Economic Benefit from Residents – This benefit would result from any new residential development and this modest benefit is not considered to represent a very special circumstance;

14.13 Accessibility through the Conservation Area – As indicated in the Kenley Aerodrome Conservation Area Proposals Statement one of the Council's aspirations is to improve public access to the aerodrome but that it has no powers to secure public access over private land. The Council has therefore indicated that it will encourage private landowners to look for opportunities to improve public access where possible. This would be a consideration in any development proposal in the Conservation Area and therefore would not be considered to constitute a very special circumstance;

14.14 Landscaped Open Spaces – Again, this would be a standard requirement for any development proposal and would not therefore be considered to represent a very special circumstance;

14.15 Environmental Enhancements – Again, these would be standard requirements as part of any development proposal;

14.16 Construction Jobs – This economic benefit would carry some weight but would be relatively short term and would only carry moderate weight.

14.17 Overall, therefore, my view remains that whilst the benefits of the proposed new dwellings and affordable housing provision are acknowledged and should be given substantial

weight the overall harm that would result from the proposed development in terms of the openness of the Green Belt, and other harms, would need to be given substantial weight in accordance with paragraph 153 of the Framework. The appeal development would represent inappropriate development in Green Belt terms and would not accord with any of the exceptions detailed in the Framework. The proposal would also conflict with a number of the purposes of the Green Belt and would impact on openness. As such, it is not considered that the very special circumstances put forward by the appellant individually or cumulatively would represent very special circumstances of such weight that they would outweigh the harms to the Green Belt.

14.18 In undertaking this balancing exercise, the weight I afford to each planning consideration will be, from highest to lowest:

- Substantial
- Significant
- Moderate
- Limited.

14.19 My assessment is that within an overall planning balance, the inappropriateness of the development in Green Belt terms, the associated definitional harm, the harm to Green Belt openness and the harms identified to the purposes of the Green Belt should all carry substantial weight against the grant of planning permission in accordance with paragraph 153 of the NPPF. The harm to the level of potential provision of youth sport facility provision in an area where deficiencies have been identified through the loss of the grass playing field, which could accommodate two 7-a-side youth football pitches and other facilities, would also attract separate substantial weight against the grant of planning permission. The concerns raised regarding transport sustainability and highway safety issues should also be afforded substantial weight.

14.20 The absence of a five-year housing land supply, and the contribution to affordable housing needs in Tandridge District that development of the appeal site would provide would be public benefits attracting substantial weight. However, the Council's position that the appeal site is in an unsustainable location and that insufficient provision would be made toward local infrastructure improvements to meet the needs of the development would limit the weight that could reasonably be afforded to these factors.

14.21 It is acknowledged that the appeal site was proposed to be allocated as a development site within the now withdrawn 'Our Local Plan 2033' produced by the Council. This document

was based on circumstances in place some 10-years ago. Whilst it is noted that the only issue of concern raised by the Local Plan Inspector was on heritage grounds and this matter has now been addressed through the submission of a detailed Heritage Impact Assessment and through a review by the Surrey County Council Historic Buildings Advisor who has concluded that the development would result in a marginal benefit in heritage terms, and, as such, the proposal could be considered to accord with the Council's Interim Policy Statement for Housing Delivery, it is my opinion that, in the light of the greater emphasis on sustainability issues, the site is not currently sustainably located and insufficient provision has been made to provide local infrastructure improvements to facilitate ease of access to and from the site by means other than the private car;

14.22 The other very special circumstances put forward by the appellant, as detailed above, are not considered to either individually or cumulatively attract sufficient weight to address the harms to the Green Belt and through the loss of the playing field.

14.23 If, however, the Inspector were to find that the proposed development did not constitute inappropriate development in the Green Belt for the reasons put forward by the LPA in respect of harm to openness, and harm to the other purposes of the Green Belt identified, and concluded that the site was not in an unsustainable location and could be provided with the necessary local infrastructure to make the development acceptable, namely off-site highway, footway and cycleway improvements, then the planning balance would clearly change.

14.24 Nevertheless, the LPA would still request that the appeal be dismissed due to the statutory objection from Sport England relating to loss of a playing field, given that the proposal makes no provision for a replacement facility of equal or better quality.

15. Conclusion:

15.1 Applying the decision-making framework set out in s.38(6) of the 2004 Act and paragraph 11 of the NPPF this leads me to the view that the appeal should be dismissed. Within the context of the development plan itself the proposal is clearly contrary to it as a whole. Under the NPPF, paragraph 11(d) is engaged because an important policy for determining the appeal, Tandridge Core Strategy housing policy CSP2, is out of date. However, in my view, footnote 7 of the NPPF disengages paragraph 11(d) because the policies in the NPPF that protect areas or assets of particular importance (in this case Green Belt) provide clear reasons for dismissing this appeal.

15.2 In addition, the loss of the playing field would conflict with paragraph 104 of the Framework and has resulted in a statutory objection from Sport England.

APPENDIX PL1

Consultation Response from Sport England

Tandridge District Council

FAO: Sean Scott

By email only

25th September 2023

**Town & Country Planning (Development Management Procedure) (England)
Order 2015**

Application Reference: 2023/878

Site: KENLEY AERODROME, VICTOR BEAMISH AVENUE, CATERHAM, CR3 5FX

Proposal: Development of the site for 87no. residential dwellings including 40% affordable housing, associated landscaping, amenity space and car parking (outline application all matters reserved aside from access) (This is a major planning application and a Departure from the Development Plan. The site is located within the Kenley Aerodrome Conservation Area, it affects the setting of Listed Buildings, and affects the Setting of Scheduled Monuments)

Sport England Reference: PA/23/SE/TN/65609

Thank you for consulting Sport England on the above application.

Sport England – statutory consultee role and policy

We understand that you have consulted us as a statutory consultee in line with the above Order. Therefore, we have considered the application in light of the National Planning Policy Framework (NPPF), in particular paragraph 99, and Sport England's Playing Fields Policy, which is presented within our 'Playing Fields Policy and Guidance Document': www.sportengland.org/playingfieldspolicy

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field land remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England the development as a whole meets with one or more of five specific exceptions. The exceptions are provided in the Annex to this response.

The proposal and impact on playing field

The proposal will result in the loss of the existing playing field at the site. Sport England notes that the playing field has been marked out and used for football

and rounders. The pitch does not conform to FA recommended size guidelines and measures 66m x 41m. Given the constraints of the playing field site, Sport England considers that only a 7 x 7 FA recommended sized pitch can be accommodated (61m x 43m inc 3m run/off) in this area.

Sport England notes that there is no proposal to replace the playing field.

We have consulted the Football Foundation/FA on the application and we have received the following comments. The FF comments that the Playing Pitch Strategy (PPS) for Tandridge from 2018 states that based on demand at the time, there was relatively minimal capacity existing on youth and mini pitches. However, with the increased participation numbers in the last couple of years within the area is likely to have had an impact on the demand and capacity of the pitches. The PPS is now considered out of date. Therefore, with no update PPS there is no current evidence for the loss of grass pitches. The plans show the loss of a grass pitch therefore we would expect mitigation for this via replacement of the grass pitch provision to equal or better scale and quality, or contribution into alternative appropriate facilities to mitigate the loss (i.e. 3G pitch provision) within the area.

Assessment against Sport England's Playing Fields Policy and NPPF

The application will result in the loss of the playing field/pitch at the site without any proposed replacement provision. There is no evidence which justifies the loss of the playing field as surplus to requirements.

Sport England considers that the District Council's Draft Local Plan policy TLP39 is relevant to the application and supports Sport England's position.

"TLP39: Providing Playing Pitches and Built Leisure Facilities

Existing Facilities

All existing playing pitches including those on the Policies Map, and built leisure facilities as depicted on the Policies Maps, will be protected for their current use unless they are appropriately replaced in a suitable location, or where demonstrated they are surplus to requirement. All applications for development must be in accordance with the Council's most up-to-date Playing Pitch Strategy."

As indicated by the Football Foundation, the PPS is now 5 years old and is at the end of its life in terms representing a robust and up to date assessment of need.

Sport England's position

Given the above considerations, Sport England raises a **statutory objection** to the application because it is not considered to accord with any of the exceptions to

Annex

The Five Exceptions to Sport England's Playing Fields Policy

Exception 1

A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.

Exception 2

The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.

Exception 3

The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch;
 - result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
 - reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
 - result in the loss of other sporting provision or ancillary facilities on the site;
- or
- prejudice the use of any remaining areas of playing field on the site.

Exception 4

The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.

Exception 5

The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

The full 'Playing Fields Policy and Guidance Document' is available to view at:
www.sportengland.org/playingfieldspolicy

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our Playing Fields Policy; paragraph 99 of the NPPF; or Tandridge District's Draft Local Plan policy TLP39.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s).

If you would like any further information or advice, please the undersigned.

Yours sincerely,

Owen Neal (MRTPI)
Planning Manager

E: owen.neal@sportengland.org
T: 07788396293

APPENDIX PL2

Letter from application number TA/2004/903



Council Offices, Station Road East
Oxted, Surrey RH8 0BT
Tel: 01883 722000, Fax: 01883 722015, Dc: 39359 OXTED
Monday-Thursday 8.30am-5pm, Friday 8.30am-4.30pm
www.tandridge.gov.uk
E-mail: the.council@tandridge.gov.uk



INVESTOR IN PEOPLE

Mr A Warner
7 Gainsborough Drive
South Croydon
Surrey
CR2 9AX

If calling please ask for :
P Mason

Direct dial : 01883 732893
Fax : 01883 732888

Our ref : 2004/903

Your ref :

Date: 14 December 2004

Dear Mr Warner,

Application No. : TA/2004/P/903
Site : FORMER NAAFI BUILDING, CATERHAM CLOSE, CATERHAM
Proposal : CHANGE OF USE TO PROVIDE DAY SCHOOL, INCORPORATING
USE OF PARADE GROUND AS PLAY AREA AND UPGRADING OF
FIELD TO USE AS PLAYING FIELD

I refer to the above application and your letter of 3 December.

I can confirm that the implementation of works required by condition 3 of the above permission as set out in your letter has been considered and is hereby approved for implementation subject to receipt of further details of the depth of top-soil to be spread over the land.

Yours sincerely,

P Mason
Assistant Planning Applications Manager
Directorate of Environmental Protection

Director of Environmental Protection – Robert Evans, BA, DMS, MRTPI

APPENDIX PL3

Aerial Photographs of the Site Showing the Playing Field



Google Maps Image Dated 26/09/2018



Google Maps Image Dated 15/04/2020



Google Maps Image Dated 06/09/2021



Google Maps Image Dated 05/05/2022

Google Maps

Victor Beamish Ave

Caterham, England

Google Street View

Oct 2008 [See latest date](#)



Image capture: Oct 2008 © 2024 Google

Google Street View Image October 2008

Caterham, England

Google Street View

Apr 2017 [See latest date](#)



Image capture: Apr 2017 © 2024 Google



Google Street View Image April 2017



Google Street View Image September 2017

Caterham, England

Google Street View

Jun 2019 [See latest date](#)

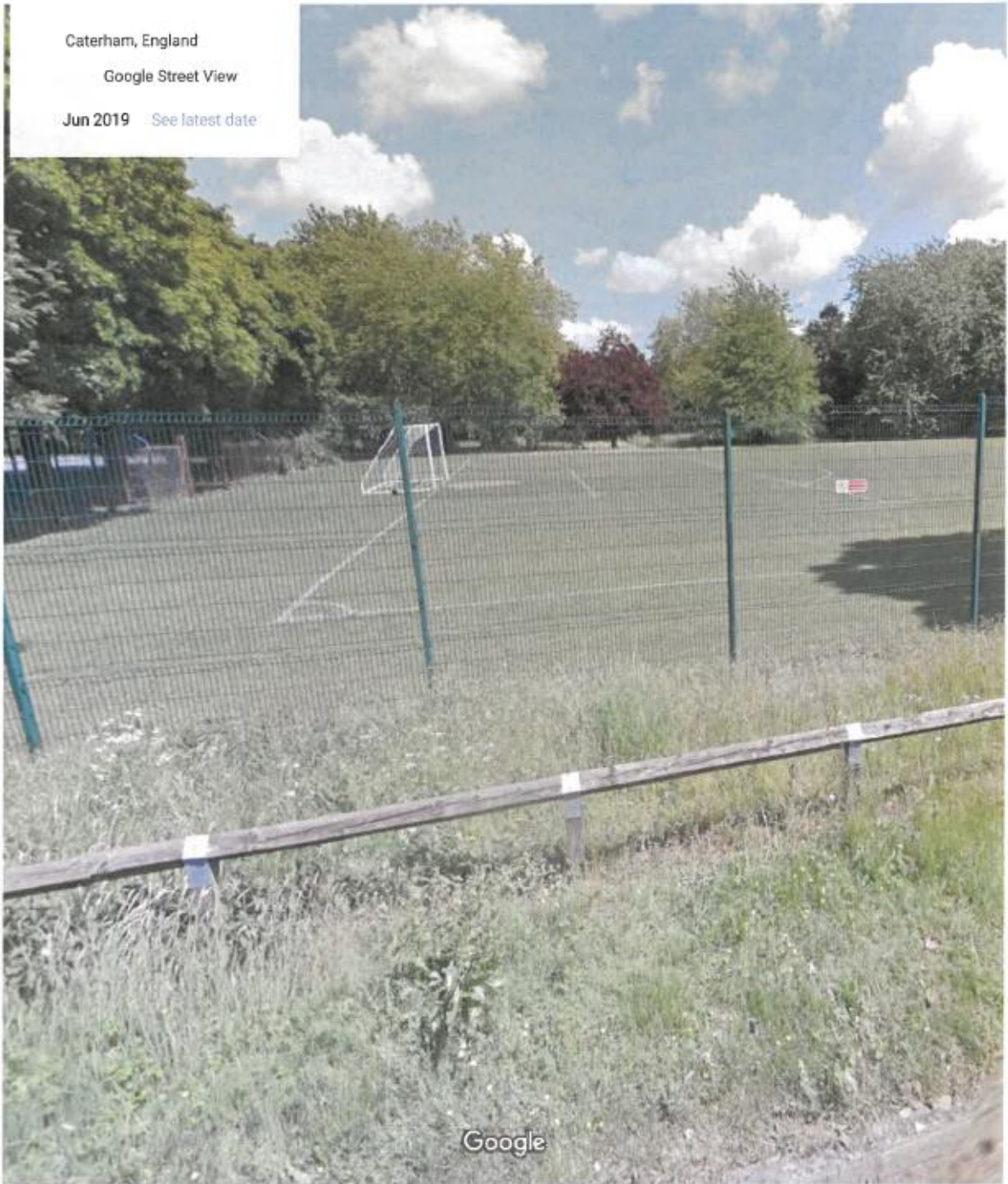


Image capture: Jun 2019 © 2024 Google



Google Street View Image June 2019

APPENDIX PL4

Comments from the Surrey County Council Historic
Buildings Officer