



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

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

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

**JULY 2023**

**INQUIRY REFERENCE: APP/M3645/3319149**

**LPA REFERENCE: 2022/685**

## 1. **SUMMARY PROOF OF EVIDENCE**

- 1.1 My name is Alun Evans. I hold the degree of Bachelor of Arts (with Honours) in Environmental Planning from the University of Strathclyde. I am a chartered member of the Royal Town Planning Institute.
- 1.2 I have 19 years' experience in the field of town planning. I am one of three Board Directors at ROK Planning, a specialist independent planning consultancy based in London.
- 1.3 I appear at this Inquiry on behalf of the appellant, having been the agent for the planning application, and prior to that having been involved in all pre-application engagement with the Council and the Design Review Panel. I am therefore familiar with the appeal scheme, the appeal site, and the surrounding area.

### **The Council's Case**

- 1.4 The appeal is against against Tandridge District Council's (TDC) failure to determine the planning application, lodged on 23<sup>rd</sup> March 2023 for the proposed development at Land at the Old Cottage, Station Road, Lingfield, RH7 6PG.
- 1.5 Following the lodge of the appeal, the following putative reasons for refusal were given by the LPA within its Statement of Case:
- I. *The proposed development would constitute inappropriate development in the Green Belt causing significant harm to the openness and visual amenities of the Green Belt. No very special circumstances exist to clearly outweigh the harm by reasons of inappropriateness and other identified harm. As such, the proposal is contrary to the provisions of Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies (2014), and Section 13 of the National Planning Policy Framework 2021 with respect to protection from built development of Green Belts.*
  - II. *The proposal would fail to preserve or enhance character and appearance of Lingfield Conservation Area and would be harmful to the setting and significance of designated and non-designated heritage assets. The application fails to set out clear and convincing justification to outweigh the harm. Therefore, the proposal fails to accord with the above identified national, regional and local policies and legislation, in particular Policy DP20 of the Tandridge Local Plan Part 2: Detailed Policies (2014), and Section 16 of the National Planning Policy Framework (2021);*
  - III. *The site as open countryside falls largely within the Lingfield Conservation Area and is a valued landscape and the development proposals would fail to contribute to and enhance the natural and local environment as required by paragraph 174 of the NPPF 2021 and would be contrary to policies CSP21 and DP7 of the development plan.*
- 1.6 The represent the principal points of dispute between parties and largely form the basis and structure for the proof of evidence.
- 1.7 It is noted that the reasons for refusal listed above differs from those given in the Officers Report as listed above. The Officer Report published on 21<sup>st</sup> April included six reasons

for refusal. The latter three reasons for refusal relate to technical matters that all parties have since agreed can be controlled via planning conditions as outlined within the Statement of Common Ground (SoCG).

- 1.8 The third reason for refusal as cited in the LPA's Statement of Case is materially different to that given in the Officers Report. It omits explicit referenced to density, layout, form or circulation spaces. It also omits references to policies CSP18, CSP19 and DP7 of the Development Plan.
- 1.9 The focus of the Appellants evidence seeks to address issues raised in both iterations of the third reason for refusal, as well as reasons one and two as cited above; certain further matters subsequently raised by the Council in its Statement of Case (SoC); matters raised by third party representations to the appeal; and providing such other information as may be required to enable the Inspector to understand fully the proposals and to address any other queries which may arise.
- 1.10 I consider that the main issues in dispute arising from reasons for refusal one and two are:
- The effect of the proposed development on the Conservation Area and the setting of nearby listed buildings and non-designated heritage assets;
  - The effect on the character and appearance of the surrounding area, including whether the appeal site is a part of a valued landscape;
  - The effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
  - Whether harm to the Green Belt by reason of inappropriateness, and any 'other harm' identified as arising from the appeal proposal, would be clearly outweighed by 'other consideration', so as to amount to Very Special Circumstances.
- 1.11 The weight which can be given to each benefit is discussed in detail in the 'Harm, Benefits and Overall Planning Balance' section. Aside from material benefits of the scheme, the supporting evidence demonstrates the reasons for refusal have been incorrectly applied by the LPA.

## The Appellant's Case

### *Reason for Refusal 1:*

- 1.12 In accordance with this definition, the Appellant's evidence seeks to demonstrate that the Appeal Site constitutes 'Very Special Circumstances'.
- 1.13 The Appellant's evidence acknowledges that the Appeal Site proposal represents inappropriate development in the Green Belt in policy terms as per paragraph 147 of the NPPF which states that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."
- 1.14 With regards to impact on openness it is undisputed that limited impact or harm to the openness will be caused by the appeal proposal. However, the evidence presented demonstrates the proposed site boundaries are defensible and robust, which subject to sensitive design and relevant buffers would result in limited harm to the openness of the Green Belt.
- 1.15 With regards to the five purposes of Green Belt, the evidence presented in both mine and Ben Croot's supporting landscape proof of evidence, it is determined that proposal upholds purposes 1, 2, 3 and 5. There is acknowledgement from both evidence that there would likely be limited harm to purpose 4 'preserve the setting and special character of towns', however, this is partly mitigated by the proposals ability in creating opportunity to appreciate Lingfield's historic core.
- 1.16 In relation to 'Other Harm' the evidence acknowledges that with regards to heritage assets the harm will be 'less than substantial' whilst there will be some limited landscape and visual harms. This is largely dealt with in both Dr Jonathan Edis' and Ben Croot's supporting evidence.
- 1.17 In assessing the benefits of the scheme, paragraph 11(d) of NPPF is of relevance and in particular footnote 8 which directs that development plan should be considered out of date what either:
- LPA cannot demonstrate a five-year supply of deliverable housing sites
  - Where the housing delivery test indicates that the delivery of housing was below 75%
- 1.18 My evidence turns to the Council's position of being able to demonstrate a five-year supply of deliverable housing sites. I consider the Council can only demonstrate a realistic supply of 1.57 years, principally questioning their forecast delivery rate.
- 1.19 The evidence presented for housing delivery demonstrated TDC to be failing with regards to both market and affordable housing - this is against the backdrop of highly unaffordable areas in which the average house price is over double the rest of the UK.
- 1.20 Likewise, the Housing Delivery Test results which demonstrate TDC to be operating at a rate of just 38% have therefore required the Council's to provide an 'Action Plan' to address historic under-delivery. Although this 'Action Plan' was published in September 2022, there is no evidence to support that any action has been taken to meet this acute

and pressing housing need.

- 1.21 With regards to Green Belt policy balance it is determined that great weight should be awarded to the provision of market and affordable housing in light of the absence of suitable or deliverable sites to meet the acute housing need.

*Reason for Refusal 2*

- 1.22 This reason for refusal is principally addressed in Dr Edis' proof of evidence.
- 1.23 There is no dispute by either main party that the appeal scheme would result in a level of harm to local assets including Lingfield Conservation Area. This is found to be in the range of 'less than substantial', albeit to a different degree within that range.
- 1.24 The proposed development is considered to deliver material public benefits, as outlined in paragraph 9.13 of the supporting evidence. As such, in accordance with paragraph 202 of the NPPF the harm to heritage assets is outweighed by these public benefits of the scheme.

*Reason for Refusal 3*

- 1.25 This reason for refusal is principally addressed in Ben Croot and Neil Deely's proof of evidence.
- 1.26 Overall, although the Appeal Scheme will undoubtedly have a visual impact to the site, the effect will be restricted largely to within close proximity to the southern and eastern boundaries of the site.
- 1.27 Likewise, evidence presented includes a strong rebuttal to TDC's claim that the Site is a 'Valued Landscape', which therefore demonstrates that the site and its surrounding area cannot be afforded this designation, as per paragraph 174 of the NPPF's definition.

*Harm, Benefits and Overall Planning Balance*

- 1.28 Overall, I consider that the Appeal Scheme represents an appropriate form of development in a highly sustainable location. Although it is **inappropriate development** by definition, given its designation as Green Belt, and affects openness, limited GB purposes, the proposal provides a **very considerable package of public benefits. Most notably of these is the provision of a significant number of market and affordable homes** which will make an important contribution to meeting acute need locally, for which there is **no plan-led approach to meeting or realistic alternative sites** within the district.
- 1.29 Cumulatively, these benefits clearly constitute VSC to justify Green Belt development. Overall, the benefits clearly outweigh the limited harms which the development would generate and are not clearly and demonstrably outweighed by any adverse impacts of the development.
- 1.30 In addition to the provision of much-needed housing, the Appeal Scheme will make significant contribution to the local economy, environment and social infrastructure. The Appeal Site proposal is therefore an exemplar form of sustainable development.