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**LINGFIELD PARISH COUNCIL**

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**TOWN & COUNTRY PLANNING ACT 1990**

**TOWN AND COUNTRY PLANNING (INQUIRIES  
PROCEDURE) (ENGLAND) RULES 2000**

**SECTION 78 APPEAL**

**Statement of Case**

**Appeal by:** Woolbro Group and Morris Investment

**Appeal Site:** Land at The Old Cottage, Station Road, Lingfield, RH7 6PG.

**Appeal Against:** Refusal of planning permission for:

**“Outline application with all matters reserved except for access and layout for a residential development of 99 dwellings (40% affordable) with associated access, formal open space, landscaping, car & cycle parking and refuse. (The application site is located within Lingfield Conservation Area and affects the setting of Listed Buildings and Structures).”**

**LPA REF: TA/2022/685**

**PINS REF: APP/M3645/W/23/3319149**

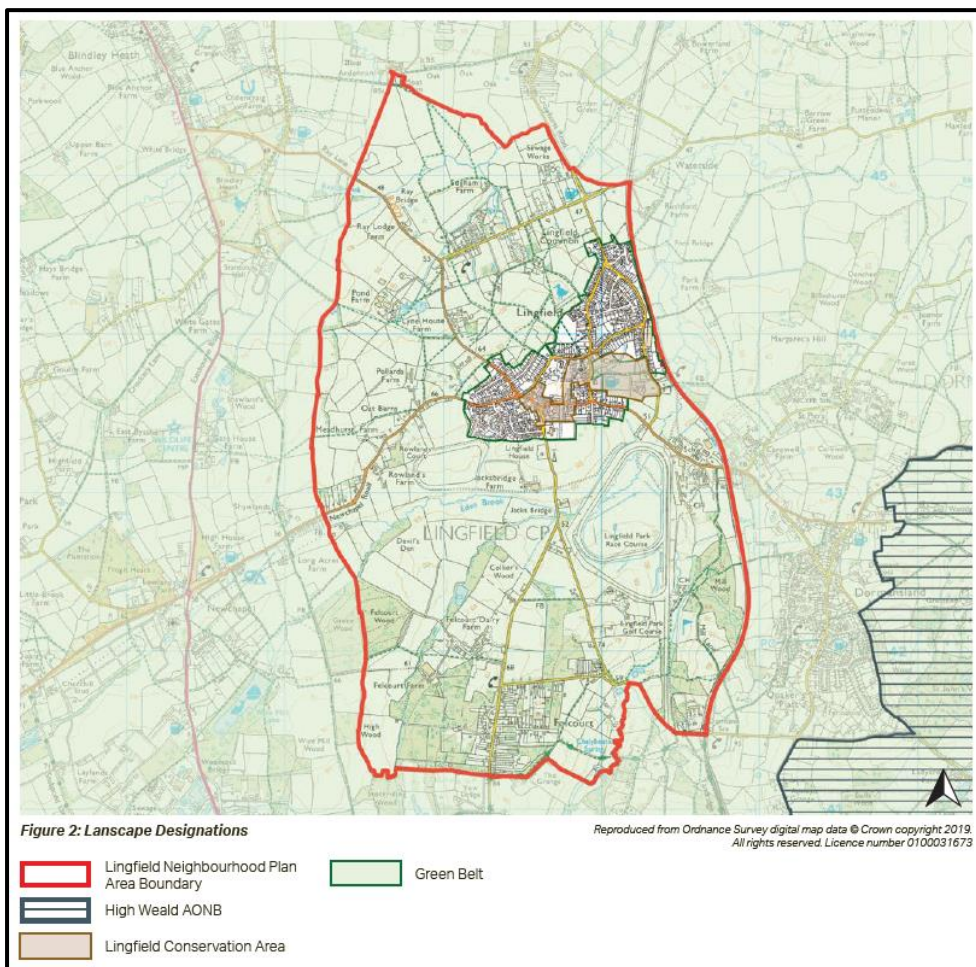
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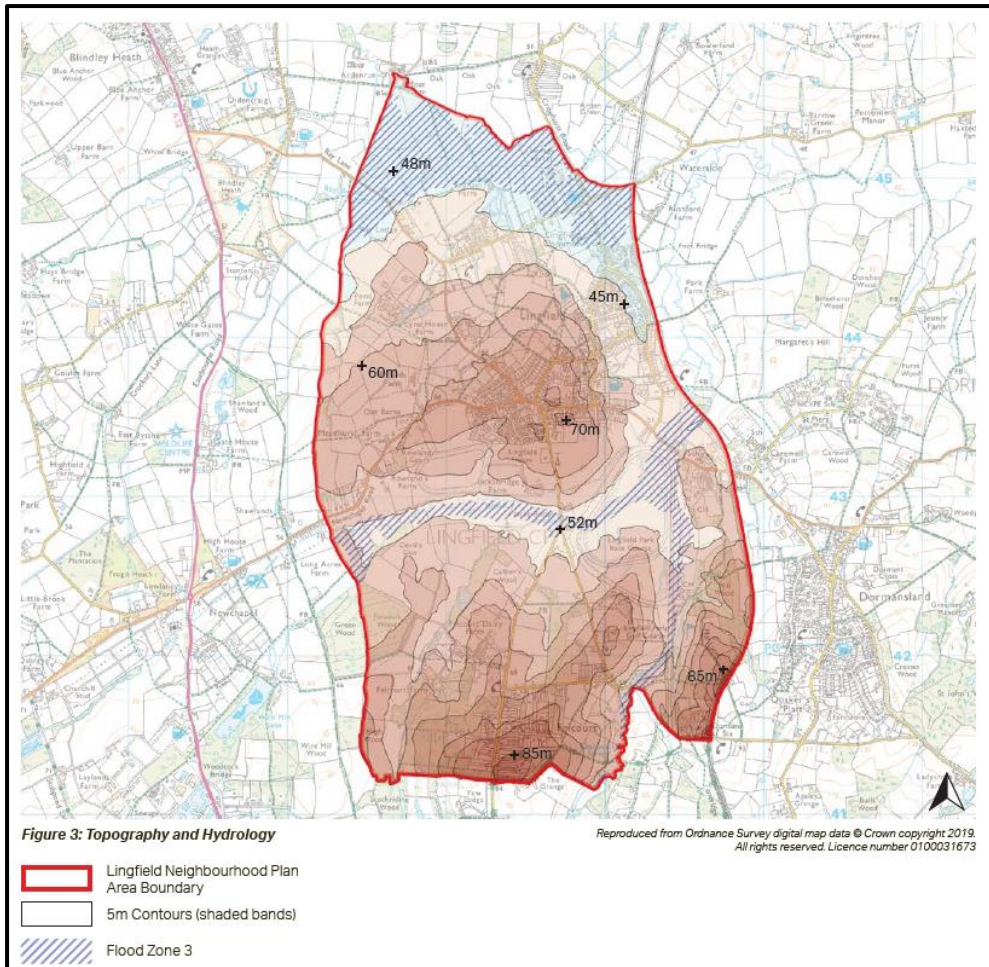
## 1. History of site in context of Old Town & growth of village

1.1 The village of Lingfield has a long and well documented history, with the old centre around the ancient church and “Lingfield College”, a college for secular chaplains, founded in 1431. The central core of medieval and Tudor buildings, referred to as the “Old Town”, has remained intact as the rest of the village has grown over the centuries outwards along the ridges and away from the flood risk areas to the east and north of the village.

1.2 The railway line opened in the 1884 and further growth continued to be constrained by flood risk and the subsequent outline of the village boundary reflects this historical growth. Thus, this appeal site has retained its rural character and openness, even throughout the pressures of growth through the last five decades, because of its inherent value in providing the setting and context for the heritage assets that are closest to it. It is the original open countryside that has been part of the local landscape viewed from the Old Town since the 15<sup>th</sup> century.



**Map showing Lingfield Parish Council Area with planning policy designations (from Lingfield Heritage and Character Assessment 2019 AECOM)**



**Map showing the topography and Flood Risk Zone 3 (from Lingfield Heritage and Character Assessment 2019 AECOM)**

## 2. History of Conservation Area & Appraisal.

2.1 Before the 1973 designation of two distinct Conservation Areas in Lingfield, there has been a long tradition of historians and philanthropists taking an interest in the heritage of the village. The Hayward bequest of the Guest House in 1954, to accommodate the donated Hayward Collection of historical local documents, to be used for the benefit of local residents, now houses the Lingfield Community Library. A well-heeled contingent of supporters of the Society for the Protection of Ancient Buildings, such as Messrs Hayward and Hazell<sup>1</sup>, facilitated considerable restoration and protection of all the heritage assets in the village, especially in the Old Town area during the early 20<sup>th</sup> century.

2.2 The RH7 History Group continues the research into the people, buildings, and countryside around Lingfield and engages regularly with residents

<sup>1</sup> Hayward, Arthur B, & Hazell, Stanley (1933) A History of Lingfield

through a well-attended annual exhibition and regular talks. The frequent dissemination of accessible knowledge about the village heightens people's awareness of the wealth of heritage and when the two conservation areas were proposed to be merged into one in 1990, further areas were included, with the active support from the public who were consulted at the time. The Heritage Officers from Surrey County Council have responded as Statutory Consultees to planning applications within the Conservation Area and for all the designated Heritage Assets, including those on the Local List.. From about 2015, they took the opportunity whenever they could , to remind Tandridge Council, and Lingfield Parish Council, the need for the statutory appraisal of the Conservation Area to be undertaken to keep the designation up to date, as required by the legislation<sup>2</sup>.

2.3 Once the Tandridge Strategic Planning officers started to concentrate on producing the emerging local plan, from 2015 onwards, the team was not able to resource this work. Limpsfield Parish Council, whose emerging Neighbourhood Plan recommended an appraisal of their Conservation Area obtained agreement from Tandridge Council for Limpsfield Parish Council to fund the works required to undertake it. Lingfield Parish Council (LPC) followed suit and made the same approach to Tandridge, following the recommendation in the emerging Lingfield Neighbourhood Plan (LNP), for a similar undertaking for Lingfield. This was agreed by Tandridge on 24<sup>th</sup> of November 2022, funding had already been allocated by LPC in an Extraordinary Meeting on the matter, in January 2021. The intention to undertake this Appraisal was escalated in priority in 2018, when the site was allocated in the Regulation 19 Consultation edition of the Tandridge Local Plan. The work on the Conservation Area Appraisal is ongoing.

### **3. The Value of the Landscape**

3.1 A local description of Star Fields is that it is the "green lungs" of the village. For many commuters travelling home on the train from office jobs in the city, it is appreciated for being the first breath of fresh air after leaving the station. Stepping into the unspoilt countryside in the green belt, is part of the reason why many have moved here; to be close to the countryside. The path is unkempt and poorly lit but that is part of the attraction as it allows the commuters coming home from work and children coming back from Oxted and other schools, to be surrounded by nature. The bats forage over the open fields and deer emerge from the woodland at dusk; badgers and foxes are resident in the area and during the day, the hedgerows and fields are full of birds. The value of the ecology of the fields is not just of value to local residents but is an active green corridor to the Lower Churchyard and the

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<sup>2</sup> Planning (Listed Buildings and. Conservation Areas) Act 1990

large gardens which back onto them. The proposal will isolate pockets of greenbelt and no amount of biodiversity improvement on site is going to replace what is currently openly and visibly accessible to residents of all ages.

3.2 The view of the fields leading up towards the Old Town is a classic view of a village church, all the better for having the church spire visible. It is the gateway view travelling into Lingfield from Dormansland and it is the view thousands of visitors attending the busiest racecourse in the country see when they park their cars or clamber off their coaches to attend the race days. There is also the view out of the village across the open fields from the Star Inn towards New Place, the stone mansion rebuilt in 1617, with its flag flying and the oast building and cluster of traditional farm buildings adjacent. There are glimpses of the fields through the hedgerows for the thousand or so pedestrians who use the public footpath every day; Lingfield station had about half a million passengers in the year pre Covid and the numbers of commuters is rising again<sup>3</sup>. The general perceived view of Lingfield residents is there is green belt and then there is Star Fields. Star Fields has an emotional value because of all the connections residents have with it in all the different ways.

3.3 If it had not been allocated in the Local Plan, there was sufficient local support and evidence for it to be designated as a Local Green Space in the LNP. The interest in Star Fields by Sunley Homes in the 1980s and 90s, even triggered an attempt to make the area common land, but the final application for only part of the larger site, allowed at appeal, prevented that going through by rendering it unnecessary. Star Fields is very much a “valued landscape”(Para 174, NPPF, 2021 and in the Stroud Case<sup>4</sup>) in that it is more to the community than just the view into the village from the eastern gateway.

3.4 Star Fields has a special place in the community. It is where people used to take their dogs for a walk around the fields before the recently installed anti-pedestrian barbed wire and Heras fencing was put up to keep people out. Indeed, there is sufficient evidence in the community to make a substantive claim for a right of way by prescription, and this is being sought. The tracks used by the (dog)walkers can be seen etched into the edges of the field in Google Earth Pro images from 1999. The value of the landscape here is deeply etched into Lingfield family life one way or another with younger children building dens and older children being able to walk safely.

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<sup>3</sup> <https://dataportal.orr.gov.uk/statistics/usage/estimates-of-station-usage>

<sup>4</sup> Stroud District Council v SSCLG v Gladman Developments Limited [2015] EWHC 488 (Admin)

#### 4. History of site in the Local Plan Process and relationship with LNP

4.1 Lingfield Parish Council was fully engaged throughout the consultation stages of the Local Plan process from 2015 attending workshops and briefings offered by the Council as part of their Community Consultation <sup>5</sup>. The LPC had the parish area designated as a Neighbourhood Plan area on June 18, 2014<sup>6</sup>, and instructed a Steering Group to complete the Lingfield Neighbourhood Plan (LNP). The Steering Group of the LNP engaged with the Tandridge Strategic planning officers on a regular basis to ensure the emerging LNP followed due process and the officers put considerable emphasis on ensuring that the emerging LNP must be in conformity with the **emerging** Local Plan <sup>7</sup>.

4.2 At the Reg 18 Sites Consultation stage (2016) <sup>8</sup>, the LNP engaged constructively with the community to ensure the residents contributed to the Local Plan Statutory Consultation process with a well-attended “Open Day” (26 November 2016). It encouraged a positive approach to the residents being able to have their say about where the housing should go, including on the green belt, as opposed to refusing to accept new development. At that stage the consensus view of attendees at the public engagement was that new development was acceptable in principle

4.3 The Reg 18 Sites Consultation identified several sites around the village, offering suggested “traffic light” criteria for suitability. At the LNP engagement, these sites were assessed by attendees to establish their preferences for where the development should go and identify the areas they wished to avoid. Planning consultants who had worked with the LNP in a “Visioning Exercise” early on suggested that for a village the size of Lingfield, it might be more practical to allocate development sites at a strategic level. The results from the November 2016 public meeting identified that the preferred area for development should be broadly in the south-west “quadrant” of the land around the village which provided a strategic approach for the LNP to follow for site allocations. Star Fields was identified as unacceptable <sup>9</sup>. Coincidentally, the “less acceptable” areas naturally avoided the sensitive areas prone to flood risk, or which were also highly valued for their landscape or ecological qualities.

4.3 At this engagement, the site listed as LIN030, or Star Fields, had been very effectively ruled out of the Sites Consultation shortlist because of the

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<sup>5</sup> Tandridge Local Plan (2033) Regulation 22 Statement of Consultation January 2019

<sup>6</sup> <https://www.tandridge.gov.uk/Planning-and-building/Planning-strategies-and-policies/Neighbourhood-Plans>

<sup>7</sup> LNP Minutes of Meeting 27 April 2015

<sup>8</sup> Tandridge Local Plan Regulation 18 Sites Consultation

<sup>9</sup> Section 8, page 54, LNP Reg 14 Consultation Document

importance it had in the setting of the Conservation Area, which was recorded in the documents at the time<sup>10</sup>. However, for good measure, note was made of this site and several consultation responses, including that of the LNP<sup>11</sup>, submitted very strongly stated opposition to this site ever being considered for any housing going forward, because of the proximity of the clustered heritage assets and the open space having an important function in enhancing the setting of the whole of that part of the Conservation Area.

4.4 A previous application on an adjacent site, (TA/97/1019), now New Place Gardens, was widely objected to, even though only a very small part of the Conservation Area was included within the development proposal and all the housing was contained within the village boundary, with some of the gardens overlapping into the green belt as a compromise. The original developer, Sunley Homes, had intended to put in a much larger development across the whole of the site including the current Star Fields and has retained ownership of many of the protected trees around New Place Gardens. The developer options were retained on the Title Deeds on the land they didn't use and sold on. This is common knowledge.

4.5 Whilst the Council continued working on the Local Plan, the LNP wasn't given any information about the sites being considered by the Council, although they were kept aware of the progress of the LNP, including their intention to include sites. The LNP continued working on the draft to the policy writing stage and by monitoring the output of the Council's Planning Policy Committee Meetings, the LNP was able to maintain conformity with the emerging Local Plan, although the process was very long and drawn out.

4.6 The release of the identity of the sites allocated in the Regulation 19 edition of the Local Plan in June 2019 was a complete bombshell. This application site, referred to as HSG12, was enlarged to include some more acreage, most of which is in Flood Zone 2 and a Biodiversity Opportunities Area and would not be able to deliver many houses. It was included in the Local Plan on the "exceptional circumstances" that there was an acute need for housing<sup>12</sup>. 60% of the site lies inside the Conservation Area and the rest of the site had the potential to cause harm to the Locally Designated Heritage Assets (New Place Farm). Other sites, which were not anywhere near the Conservation Area and had no flood risk or priority habitat concerns, were rejected because the need for housing was fulfilled by Star Fields. Many commentators, including those at the Local Plan public hearing, referred to

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<sup>10</sup> Tandridge Local Plan Green Belt Assessment (Part 2) Appendix 2 Areas for Further Investigation

<sup>11</sup> LNP Consultation response to Tandridge Local Plan Reg 18 Sites Consultation

<sup>12</sup> Tandridge Local Plan Green Belt Assessment (Part 3) Exceptional Circumstances and Insetting 2018



the inclusion of this inappropriate site when there were others nearby, which did not have the same constraints, as “perverse”.

4.7 The LNP steering group met with the Strategic Planning Officers to try to negotiate a site “swap”<sup>13</sup>. that would not reduce the housing number allocation, bearing in mind Star Fields had not been consulted on in the Sites Consultation and that the other sites had been. The case was made that the other sites offered a more favourable solution, and which would have more support of the community. The officers admitted that, in hindsight, they should have consulted with the LNP about allocations for Lingfield but would not change the draft in any way.

4.8 The Parish Council organised some meetings of a Working Group of interested parties to raise objections to the allocation of Star Fields and organised an initial public meeting on 26 July 2018. The response from the public was overwhelmingly against the use of Star Fields for housing and due to the size of the audience the first public meeting had to be diverted to the church, which was completely packed. The meeting was recorded by the local newspaper. From that first meeting and a subsequent equally packed public meeting (5 September), a strong message was sent through the consultation process about the unsuitability of the site from all parties.

4.9 The concern regarding the potential for development to cause harm to the setting of the heritage assets, and to their significance, was not overlooked by the Local Plan Inspector, who heard at length in the hearing from interested parties on the matter. His initial finding (ID16<sup>14</sup>) suggested that the site may not be found sound to be included within the plan going forward. He asked the Council to undertake a detailed assessment of the significance of the Heritage Assets and the potential harms to their significance of including it in the Local Plan.

4.10 With a change in the political administration of the Council to the Residents Alliance, which was in part a collective response from voters to their unhappiness with the emerging Local Plan, the Council has reviewed the site allocations. It has reverted to the original Council position in 2016, that the site is unlikely to be found sound or suitable for development and has chosen not to include it going forward<sup>15</sup>.

4.11 In the meantime, the Council has been more proactive working with the LNP, confirming that it needed to be **in general conformity with the current adopted** Local Plan<sup>16</sup>. This has provided a degree of confidence for the LNP

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<sup>13</sup> LNP Meeting Minutes 28 June 2018

<sup>14</sup> ID16 Examination of Tandridge Local Plan 2033 Inspector's Preliminary Conclusions and Advice

<sup>15</sup> TED56a Local Plan Examination Progress Update July 2022

<sup>16</sup> Email from Strategic Planning Officer at TDC 13 January 2021

Steering Group to finish the draft LNP. With all its supporting documents already in place, the LNP has been approved by the LPC for the first, Reg 14 Public Consultation, due to finish on 28 June 2023. At the soft launch of the draft Reg 14 edition in June last year, considerable local support was found for development in principle, and mostly supported the sites allocated by the LNP. There was almost unanimous opposition to the Star Fields site being built on at all.

## **5. The appeal site and its conflict with Conservation Area, Heritage Assets and the Green Belt**

5.1 An application for housing was expected for this site; the applicants had commissioned a pre-application report from the Council for 209 dwellings in the spring of 2018<sup>17</sup>. The current application is for outline consent including layout. The final design and potentially the final number and mix of housing is not known at this stage. Viability and other factors are an unknown element and for such a sensitive site, these factors make an outline consent very challenging as there is no degree of certainty in the final outcome of how many houses there will be nor what they will look like.

5.2 The opinion of the Parish Council is that the proposed layout and delivery of housing does not outweigh the combined harms to the significance of the Heritage Assets and to their setting and considerable harm to the Conservation Area as a whole. The layout will destroy forever the views into and out of the village at a key historical location. The rural landscape viewed from the upstairs of a Grade I listed dwelling, from the days it was built in the 15<sup>th</sup> century, will be lost, as will the setting for the heritage assets of New Place. The Locally Listed converted farm buildings, including the distinctive oast at New Place Farm will only be visible from over a car park and with the new development right up to these buildings. This set of agricultural buildings have been very sensitively converted to retain their rural character, will suffer the greatest harm.

5.3 The heart of a unique and historic ancient rural settlement will be altered irreplaceably and in just one decision, the real significance of the setting of the Old Town and the Heritage Assets is hugely diminished. For the Grade 1 Listed humble butcher's shop with the context of the proximity of the fields that were there when it was built, its significance is not just damaged, it is destroyed.

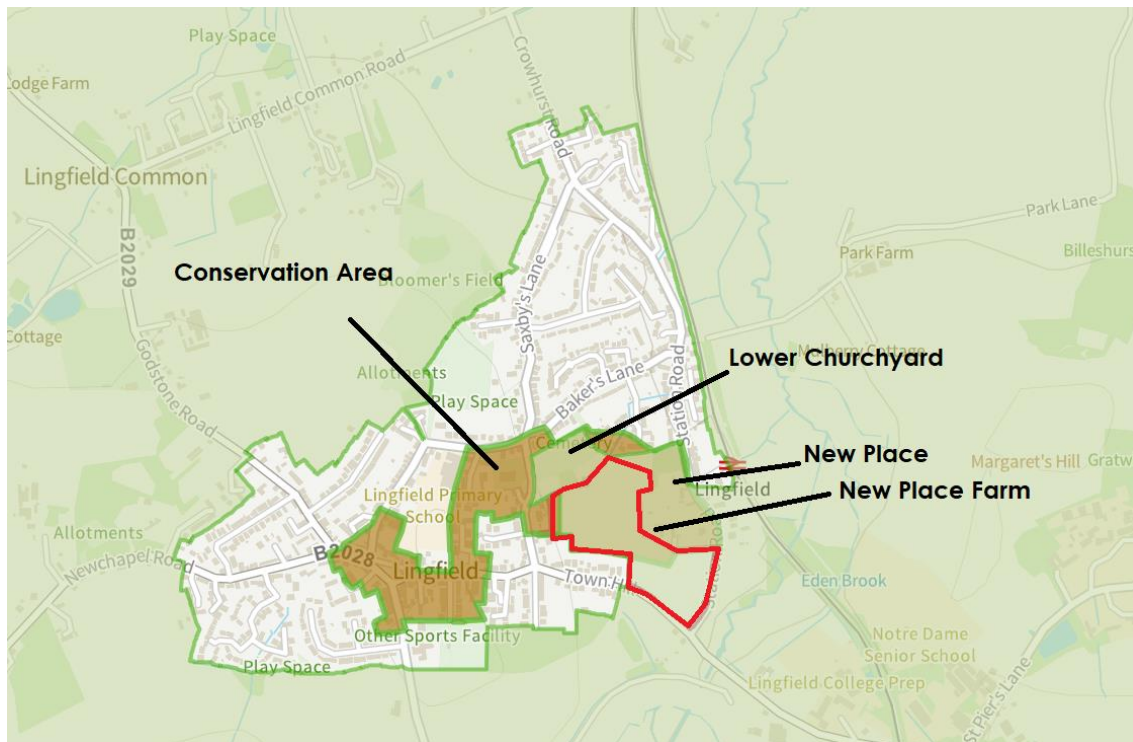
5.4 The current open view in all directions from public rights of way will be changed to narrow views along residential streets and only one will have a single focal point, the church spire and that looks as if it will only be achieved

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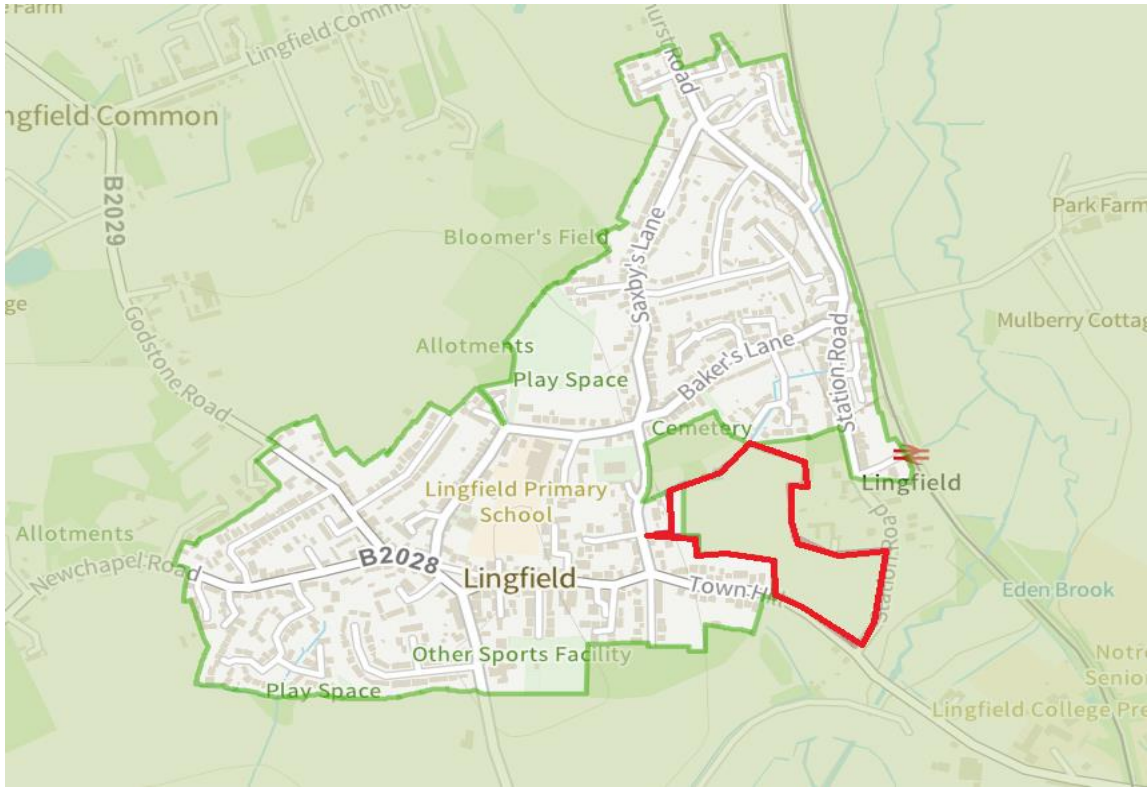
<sup>17</sup> TDC Pre Application Report PA/2018/1008 25 May 2018

from one place along Station Road. The view from Town Hill towards the east and New Place will be lost as will the view from the public footpath and the Star Inn towards New Place as it would be blocked from ground level by the intervening houses. The green belt at this location is particularly important, not just to preserve the settings of the Heritage Assets, but it also prevents the built form in Town Hill merging into Station Road. It would leave isolated pockets of green belt such as the Lower Churchyard and reduce the gap between Lingfield and Dormansland.

5.5 This portion of green belt serves a hugely important function of preventing the sprawl of Lingfield into the existing built form of Lingfield College, Tannery Gardens and the Lingfield Park Estate. It serves the essential function of preventing settlements merging. Currently the railway line forms a distinct boundary to the east of the village. The green belt very effectively contains the built form of the village but the open land at the site, makes the functions of the green belt at this section all the more important. Filling this site as proposed would cause harm to the openness of green belt, and to its role in separating development and preventing sprawl. This harm would be very significant and no amount of housing delivery to meet any housing needs, including affordable, would overcome these harms to the green belt.



Map 1 of Lingfield showing the relationship between the green belt (light green shading), the Conservation Area (brown), the heritage assets most impacted labelled, and the application site (red)



Map 2 of Lingfield showing the relationship between the site (red) and the green belt boundary (green)

5.6 The maps clearly show that the inset of the green belt towards the Old Town serves the purpose of separating the growth of Victorian Lingfield on both Town Hill and Station Road. The pattern of development avoids the land prone to surface water and fluvial flood risk, and has served over the last 100 years, to protect the setting of the heritage assets, which is why so much of the site is inside the boundary of the Conservation Area as well. The historic growth of Lingfield has led many to suggest the outline resembles the wings of a butterfly or bat, shaped by the growth being constrained by the railway line and avoidance of the areas that flood almost annually. The growth of the village since the Victorian era has been towards the north and to the south-west along the low-lying ridge of higher ground.

5.7 The inlet of green belt towards the Old Town has been incredibly successful in retaining the importance of the old buildings in the Conservation Area and the relationship between the inclusion of open green belt so close to the heart of the Old Town and the national importance of some of the buildings with it are now inseparable. If the open space within the Conservation Area had not been so well protected from development in the past, then the importance of the heritage assets would not have been maintained, as it forms part of the context of their origin. Therefore, an additional harm to the green belt is the loss of its function to preserve the

setting and character of the Old Town and this is not outweighed by the delivery of housing.

## **6. Development and the Lingfield Neighbourhood Plan**

6.1 The LNP has from its inception not taken the view that it is going to be allowed to say no to all development located in and around Lingfield. It has worked hard since 2014 to encourage everyone to understand that the principal motive for undertaking a neighbourhood plan is that residents can choose where the housing should go, what it should look like and the type of housing it should be. From the Local Plan Sites Consultation in 2016, it was clear to residents that the Council would be allocating sites or a housing target for the LNP. This was broadly accepted, helped with the bonus of additional Community Infrastructure Levy (CIL) payments being paid to parishes with neighbourhood plans that are “made”. This aspect would enable the parish to ensure some of the CIL could be spent on local infrastructure improvements that were desperately needed to cope with the increased pressures on local services.

6.2. Therefore, the LNP has undertaken work and contracted professional companies to assess sites, originally proposed in the Sites Consultation and ones that were submitted following a ‘call for sites’. This work established there was local support for the sites identified through those processes and almost unanimous opposition for the Star Fields site. Thus, the principle proposed by Michael Gove in his plans to shake up the planning system<sup>18</sup> to enable local communities to determine where the development should go, is clearly identified through the outcome of the LNP, in its Regulation 14 Consultation document. That principle seems to have continued support from Central Government, although the promise to protect green belt from council’s housing targets has not<sup>19</sup>.

6.3 In following the guiding rules in the NPPF regarding development sites for neighbourhood plans (Paras 29 and 140), there are 4 potential sites that have been identified and included for consultation. Each of these 4 sites can contribute positively to the needs identified through the LNP evidence, including the required infrastructure, to support the development as well as improve the facilities, amenities and services for the rest of the community. Each of those 4 potential sites in the LNP will be able to demonstrate Very Special Circumstances, unlike Star Fields, to outweigh the harm to the green

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<sup>18</sup> <https://www.gov.uk/government/news/communities-put-at-heart-of-planning-system-as-government-strengthens-levelling-up-and-regeneration-bill> 5 December 2022

<sup>19</sup> <https://inews.co.uk/news/michael-gove-refuses-rule-out-building-green-belt-2347629> 23 May 2023

belt, will deliver the required infrastructure as well as satisfying the criteria as set out in Para 140 of the NPPF.

## 7. The Parish Council's views on the Appeal

7.1 The allocation of Star Fields as a HSG12 in the Reg 19 Local Plan was justified by the council on the grounds of the "exceptional circumstances" identified to release **this** site from the green belt over and above the other sites that the Council assessed as being deliverable and developable<sup>20</sup>. None of the other sites have such a significant impact on the Conservation Area and one has been suggested as a potential site by the LNP which in complete contrast to Star Fields, has support from the community (LIN 020). It is listed in the Local Plan documents as having a potential yield of 100 homes, when at the time of publication, HSG12 was set to only deliver 60 dwellings,

7.2 On the grounds that the Council had acted unreasonably at the time of including Star Fields in the final allocation of sites for the emerging Local Plan, the LPC considers it is right to support the current position of the Council that as Star Fields has not met the criteria for soundness by the Local Plan inspector, it will not be taken forward. Therefore, weight that could have been afforded to the site having been included in the allocations in 2018, has less weight now as the amended site allocations do not include Star Fields going forwards.

7.3 The LPC would ask the inspector determining this appeal to give at least some weight to the emerging LNP, as the public consultation will have been completed and a Consultation Statement could be presented before the enquiry date. The LNP Steering Group has followed due process to get to the Regulation 14 consultation stage, ensuring compliance with the NPPF and relevant legislation. The delays in getting to this stage were matters outside of the control of the LNP, specifically the Covid Pandemic and the Council's previous stance on the LNP having to be compliant with the **emerging** Local Plan; the latter being subject to continuous delays whilst the Council were working on it. The LPC would like to emphasise clearly that the main premise of the LNP is that there are sites supported by a significant number of the residents and they have been kept engaged throughout the process and that Star Fields is not supported.

7.2 The LPC concludes that the proposal does not have any Very Special Circumstances to outweigh the harm to the green belt and all the other harms. Firstly, by virtue that as an outline application, it provides insufficient information about the bulk, massing, design, materials, final number of units

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<https://www.tandridge.gov.uk/Portals/0/Documents/Planning%20and%20building/Planning%20strategies%20and%20policies/Local%20plan/Local%20plan%202033/Examination%20library/SAD/SAD6.pdf>

and mix of housing, for any reasonable understanding on the extent of the all the harms listed by the Council, STAG and the LPC.

7.3 Secondly, that the identified harms of this outline proposal are so significant and overarching, especially on the Heritage Assets, their significance, their setting and the Conservation Area and its setting, that any development, however much the housing is needed, will not ever outweigh those harms. The site crucially fulfils 4 out of the 5 five purposes of including land within the green belt incredibly well and in the opinion of the LPC, the Council should not have included it in the Local Plan in 2018 when less than 2 years previously it had ruled it out. The extra acreage is immaterial in the view of the LPC, as the planning constraints (flood risk, biodiversity action plan) render that part of the site much less suitable for housing delivery in the first place.

### **8 Footnote: Position of LPC in representing the village.**

8.1 The current members of the LPC were all elected after the contested election in May this year. All the candidates duly elected had unanimously expressed within their election publicity and leaflets, their strong opposition to the Star Fields site being developed and all stated clearly, they would endeavour to support the case for the dismissal of this appeal. As all the candidates have expressed this same view, the LPC wishes to state that it has therefore been provided with a mandate from the electorate to work together to oppose this appeal on behalf of the residents of the parish.