

Statement of Common Ground – Reasons for Refusal 1, 2 and 5

Appeal Reference: APP/M3645/W/24/3354498

Land South of Kenley Aerodrome, Victor Beamish Avenue, Caterham, Surrey, CR3 5FX

Parties entering in Statement of Common Ground:

Croydon and District Education Trust and Tandridge District Council

1. This Statement of Common Ground (SoCG) has been prepared by Croydon and District Education Trust (CADET) (the appellant) and Tandridge District (the Council) to accompany the appeal with reference APP/M3645/W/24/3354498 against the refusal by Tandridge District Council for outline planning permission for development of the site for 80 dwellings with all matters reserved aside from access at the Land off Salmon's Lane West to the south of Kenley Aerodrome , Victor Beamish Avenue, Caterham, Surrey, CR3 5FX (the Site).
2. On 27 February 2025 the Council confirmed that the County Highway Authority and the Appellant have now agreed that the site can be made sustainable via a package of measures and that, subject to those measures being secured, the site will be sustainable and will not give rise to unacceptable highways impacts. This is detailed in a separate Statement of Common Ground (SoCG).
3. In addition, the Council had previously explained through the evidence of Mr Lee (see section 10) why it was that he considered that the additional information provided in relation to trees had now satisfied him that there was no unacceptable impact on landscape character and as such why the LPA was no longer seeking to pursue reason for refusal number 5.
4. A unilateral undertaking under s.106, agreed with the Council, has been submitted in final draft form.
5. Following confirmation of the County Highway Authority's position, the Council has reviewed its reasons for refusal and now considers that as a matter of planning judgement, permission should be granted for the appeal scheme.
6. This addendum SoCG therefore sets out the additional areas of agreement as follows:
 - i. No unacceptable impacts arise in relation to on landscape character. The Council no longer pursues reason for refusal number 5.
 - ii. The revised proposals to be secured by condition will ensure that the site is sustainable and will avoid unacceptable impact upon highway safety or the

residual cumulative impacts on the road network. The Council no longer pursues reasons for refusal 3 or 4.

- iii. The revised proposals, including the agreed conditions and the final draft section 106 agreement, now meet the Golden Rules test set out in paragraph 156 and 157 of the NPPF and is appropriate development in the Green Belt in accordance with paragraph 155. The Council no longer pursues reason for refusal 2.
 - iv. No weight is to be given to any harm to the Green Belt, in accordance with footnote 55.
 - v. No footnote 7 policy now provides a strong reason for refusal so the tilted balance in paragraph 11 d) ii) of the NPPF applies such that permission should be granted unless:

“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination”
 - vi. The Council accepts that the benefits of the revised proposals, as set out in Mr Lee’s proof of evidence and the Main SoCG (dated 27 January 2024), are now added to by the significant weight to be given to compliance with the Golden Rules in accordance with paragraph 158 of the NPPF; and
 - vii. The additional sustainable transport benefits provided so far as they also benefit other local residents.
7. Taking these together, the Council agrees that the benefits would not be significantly and demonstrably outweighed by any remaining areas of harm, including the loss of the southern parcel of land as a playing field.
 8. Accordingly, the parties agree that planning permission should be granted, subject to the Appellant entering into the Unilateral Undertaking and the imposition of the conditions set out previously and in the additional Highways SoCG. The Council no longer seeks to rely on any of the reasons for refusal.
 9. The question of whether the southern parcel of land attracts protection as a playing field for the purposes of paragraph 104 of the NPPF remains in dispute, but the parties agree this does not need to be determined on the appeal given their agreement that even on the Council’s case the breach of paragraph would not be sufficient to outweigh the benefits.

<p>Signed on behalf of the Council</p> <p><i>Peter Lee</i></p>	<p>Signed on behalf of the Appellant:</p> <p><i>CyW.</i></p>
<p>Date: 27 February 2025</p>	<p>Date: 27 February 2025</p>
<p>Name: Peter Lee</p> <p>Position: Planning Development Manager</p>	<p>Name: Charlotte Yarker</p> <p>Position: Partner, Daniel Watney LLP</p>