



STATEMENT OF CASE

In respect of

LAND AT THE OLD COTTAGE, STATION ROAD, LINGFIELD, RH7 6PG

On behalf of

WOOLBRO GROUP AND MORRIS INVESTMENT (THE APPELLANT)

Prepared by: **GT/WF**

*Authorised
by:* **AE**

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1. INTRODUCTION

1.1 This Statement of Case (SOC) is submitted by ROK Planning on behalf of Woolboro Group and Morris Investment (“the Appellant”).

1.2 This SOC is submitted in support of an appeal against Tandridge District Council (“TDC”) decision to refuse permission of outline application ref: 2022/685 (“outline application”) at Land West of Station Road, Lingfield, RH7 6PG (“the Appeal Site”).

Proposed Development

1.3 The outline application was submitted by the Appellant to TDC on 14th April 2022.

1.4 The description of the development as validated by the Local Planning Authority (LPA) is as follows:

“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).”

1.5 It is highlighted that the sentence in parentheses was added unilaterally by the LPA upon validation of the application. The appellant objected to this at the time via email to the case officer on the grounds that it was not a factual description of the development – introducing a subject element of pre-assessment of the impact of the proposals – and was contrary to the format of development descriptions as validated on similar sites. However, no timely response was received and thus consultation proceeded on this basis.

1.6 The application was validated on 20th June 2022, with a statutory determination date of 19th September 2022. Following discussions with the LPA, an extension of time was agreed until 2nd March 2023.

1.7 The planning application comprised the documentation listed in **Appendix 1**.

1.8 During the course of the application, the Appellant has responded to comments raised by consultees and the planning officer, including Archaeology, Heritage, Surrey Wildlife Trust, Surrey County Council Highways.

1.9 Following consultee feedback, several amendments and additional information have been made to the planning application and its supporting documents.

1.10 The Appellant has engaged with TDC throughout the application process, including several meetings with the Planning Officer, Sean Scott. The most recent

meeting took place on 23rd February 2023 in which it was advised that the Outline Application would be recommended for refusal.

- 1.11 A further meeting between the Appellant and the Planning Officer was arranged for 1st March 2023 to discuss the draft recommendation. However, this meeting was cancelled with no attempt from the Planning Officer or Authority to re-schedule or contact the Appellant. There has been no further response to correspondence from the Appellant to the LPA since this date, nor has any decision been issued. As such, this Appeal is submitted on the grounds of non-determination.

Main issues and Appeal Procedure

- 1.12 Several issues have been identified throughout the consideration of the outline application that require examination. The debate of the core issues will form the argument for this appeal.
1. Whether there are very special circumstances that justify the proposed development within the Green Belt;
 2. Whether the proposal will have an adverse impact on the character, appearance and significance of the Lingfield Conservation Area (CA) and neighbouring heritage assets, in particular the Grade I listed Church of St Peter and St Paul and views from Station Road;
 3. Impact of the development on the local highway network;
 4. Impact of the development on local ecology and biodiversity.
- 1.13 With regards to Annexe K of the Planning Inspectorate's Procedural Guide: Planning Appeals – England (12th April 2022) requests an Inquiry, reasons for which are set out below.
- 1.14 The Applicant considers the inquiry procedure to be the most relevant in order to test this appeal given the need for testing of evidence and the complexity of issues, particularly, when assessing Green Belt development and what constitutes VSC.
- 1.15 Given the issues raised by the Council and consultees, it is considered that several witnesses will be required to present evidence in support of the appeal and in respect to the main issues raised. The LPA too is likely to need to present evidence through several witnesses. This evidence, on both sides, will need to be fully tested order for the Inspector to be given the best evidence in order to determine the appeal. As such, the Appellant considers the Inquiry procedure the most appropriate and required route for the determination of this appeal.
- 1.16 The Appellant intends to call evidence from not less than 4 expert witnesses. At present, expert witnesses will be called to address planning, architecture and design, landscape and visual impact and heritage.

- 1.17 Taking account of the matters on which evidence shall be presented, the need to appropriately address Section 106 and conditions, and allow for opening and closing statements, it is estimated that 5 sitting days will be required.

Statement of Common Ground

- 1.18 A draft Statement of Common Ground (SoCG) is submitted with this appeal. Details of this are enclosed in **Appendix 2**.
- 1.19 A Core Document List (CDL) is proposed to be appended to the draft SoCG.
- 1.20 This draft SoCG and CDL will continue to evolve following liaison between the Appellant and TDC prior to the start of the Inquiry.

Reasons why the appeal should be allowed and the planning balance

- 1.21 The planning benefits of the Appeal Scheme can be summarised as follows:
- Delivery of 99no new homes in a District with a severe housing shortage and consistent under-delivery of new housing;
 - Provision of 40% affordable housing to meet acute local need;
 - Provision of family housing to meet the highest priority need for housing within the local area;
 - Creation of an attractive, distinctive place that provides high-quality and sustainable housing integrated with the existing established settlement;
 - Provision of a Biodiversity Net Gain of a minimum of 10% overall, including wider enhancements;
 - Provision of a landscape-led scheme which will provide significant areas of public open space;
 - Enhancement to local transport connectivity via off-site highways works and improvements to pedestrian and cycling routes between Church Town and Lingfield Railway Station; and
 - CIL and S106 contributions, including provisions towards local specific infrastructure improvements.

2. SITE DESCRIPTION AND PLANNING HISTORY

Site Description

- 2.1 The Appeal Site is located within Lingfield and is approximately 6.3ha in size. It currently comprises of a small cluster of fallow fields with a Public Right of Way (PROW) running to east-west bisecting the northern field. The ground level falls from a high point in the northwest corner to a low point in the southeast corner.



- 2.2 The Appeal Site is within the Green Belt.
- 2.3 There are no statutory or locally listed buildings contained within the Appeal Site, however, it is partly located within the Lingfield Conservation Area (CA). Various listed buildings and heritage assets are located within the surrounding area, including a Grade II* listed mansion, a Grade II listed garden wall and the Grade II listed Old Cottage to the East.
- 2.4 The nearby Grade I listed Church of St Peter and St Paul lies to the west of Church Road, with some headstones in the churchyard that are separately Grade II listed. It is the most visually prominent building of the group of listed building around the Appeal Site because of its tower spire, which can be partially viewed from Station Road and the Site.
- 2.5 The Appeal Site is located within Flood Zone 1 indicating a low chance of fluvial and surface water flooding (0.1%). A very small area in the south of the Site is located within Flood Zone 2 and therefore has an annual chance of flooding between 0.01%

and 0.1%. A tiny portion of the Site boundary adjacent to Station Road has medium risk of flooding, indicating a chance of 1% and 3.3% annually.

- 2.6 The adopted Local Plan for TDC identifies that a very small area of the Site (southeast corner) is within a Biodiversity Opportunity Area.
- 2.7 The Appeal Site is well-connected to existing local amenities and services in Lingfield including shops, services, community facilities and schools within a 15-minute walk.
- 2.8 Lingfield Railway Station is located within 5-minutes from the Appeal Site. Services to London and East Grinstead operate every half an hour.
- 2.9 There are numerous bus stops located within a short distance from the Site. This includes two bus stops in the southeast corner of the Site. Regular bus routes operate to Crawley, Dormansland, Tunbridge Wells and Oxted.
- 2.10 Thus, it is clear that the Appeal Site is in a highly sustainable location with excellent access to public transport and local amenities.

Surrounding Area

- 2.11 The Appeal Site is located southeast of the Lingfield settlement and is adjacent to rear gardens of residential dwellings to the north and south. A cemetery lies to the northwest of the site and The Star Inn Public House to the west. The grounds of New Place and former Oast House are located to its east.
- 2.12 The Centenary Fields and Lingfield Wildlife Area are located approximately 0.3 km northwest of the Appeal Site. Tom's Field and Lingfield Orchid Meadow are approximately 0.7 km from the Appeal Site.
- 2.13 To the north and west of the Appeal Site, the area is predominantly residential, consisting of detached and semi-detached dwellings and gardens.
- 2.14 To the south and east of the Appeal Site is predominantly agricultural land.

Planning History

- 2.15 The Appeal Site has no relevant planning application history.

Pre-Application Engagement

- 2.16 The proposed development was subject to numerous pre-application discussions and correspondence with TDC and other stakeholders including Surrey County Council Highways.
- 2.17 The LPA's pre-application response dated 25th May 2018 (**Appendix 3**), advised that given the Site's location with the Green Belt - and in the absence of a site

allocation for residential development - the principle of development was not supported by planning policy.

- 2.18 The response included consultation from Surrey County Council's Historic Buildings Officer. The feedback considers the Appeal Site to be a suitable location for an enlargement of the settlement. It advises that the development of the Appeal Site is not considered to have a major adverse impact on the CA itself, and instead has concerns relating to the setting of New Place and other listed buildings.
- 2.19 Despite this, the report notes that New Place is on the edge of Lingfield, and its setting can be preserved through the retention of existing hedgerow, including the footpath set inside of this. Both the retention of existing hedgerow and potential for new planting is welcomed from both a heritage and biodiversity perspective.
- 2.20 Pre-application advice was additionally sought from Surrey County Council Highways (**Appendix 4**). The response notes that there are several opportunities in which adverse impacts on the local highway network can be mitigated including:
- Safe site access through the provision of a new priority junction onto Town Hill.
 - Policy compliant car-parking provision.
 - Adequate cycle parking provision.
 - Electric vehicles charging points and the use of Car Club vehicles.
 - Public transport improvements through a review of current bus stop locations and frequencies.
 - Enhancements to the Public Right of Way.
 - Improvements to Lingfield Railway Station car park, car park provision at Station Road.
 - Contribution towards a mobility impaired persons bridge at Lingfield Railway Station.
- 2.21 The recommendations above are fully incorporated in the appeal scheme, as detailed below and will be amplified in terms of demonstrating compliance with planning policy, in evidence.

3. APPEAL PROPOSAL

3.1 The Appeal Site proposed development comprises:

- Erection of 99 dwellings with a mix comprising 1–5-bedroom homes, including 40% affordable housing (both social rented and intermediate shared ownership);
- An attractive, design-led development;
- High quality landscape scheme including retention of existing mature landscaping and additional landscaping across the Site;
- Policy compliant levels of car and cycle parking;
- New pedestrian and vehicular access point

3.2 The unit mix is as follows:

Unit Size	Market	Affordable	Total
1-bed	N/A	5 (12.5%)	5 (5%)
2-bed		21 (52.5%)	21 (21.2%)
3-bed	21 (36%)	14 (35%)	35 (35.4%)
4-bed	31 (53%)	N/A	31 (21.3%)
5-bed	7 (11%)		7 (7.1%)
Total	59 (59.6%)	40 (40.4%)	99 (100%)

3.3 It is highlighted that the Appeal Scheme is for outline consent, with all matters reserved except for layout and access. Indicative heights are included within the submitted Design and Access Statement and inform the Landscape and Visual Impact Assessment.

Layout

3.4 The proposed layout of the scheme has been carefully designed taking into account both the opportunities and constraints of the Site and feedback from the LPA and other stakeholders during the pre-application process. The Appeal Scheme promotes a design-led approach, preserving and enhancing where possible the character and visual amenities of the Site and wider locality.

3.5 The proposed development is detailed in full within the Design and Access Statement and subsequent addendum (March 2022) prepared by OMEGA Architects and submitted with this appeal.

3.6 Key components of the design of the Appeal Scheme include:

- Generous set-backs and screening along the south-eastern boundary bordering Town Hill and Station Road to create a defensible boundary to the settlement;

- Large separation distances between the new and existing built form on Town Hill;
- Mature existing hedgerow retained and incorporated into the layout and design;
- Retention of existing trees along the western boundary;
- Extensive new public open spaces (31% of the site area), wildlife habitat areas, and landscape enhancements designed to preserve and enhance the character of the Lingfield Conservation Area and surrounding area.
- Maximum building heights of two and a half storeys, minimising the visual impact of the Appeal Scheme;
- Improved and retained green infrastructure around the existing PROW;
- Integrated use of sustainable drainage systems, including ditches and ponds, to manage surface water drainage and water quality; and
- Key focal buildings are incorporated within the design and layout of the scheme to enhance the character and legibility of the scheme.



3.7 As presented in the Design and Access Statement, the proposed masterplan incorporates five different residential character areas in response to the individual constraints and character of the surrounding area:

1. The Retreat: a small cluster of larger family homes whose character is largely defined by the Conservation Area and the existing properties located further north;
2. Meadow View: within the Conservation Area and designed principally to respond sensitively to the surrounding context and existing PROW to the north. These properties are 3- and 4-bedroom detached houses;

3. The Green Corridor: comprises the green corridor stretching through the Appeal Site in the alignment with the view to the Church of St Peter and St Paul together with the building located on the edge of this corridor;
4. The Entrance Avenue: formed around the vehicular access to the Appeal Site and designed to utilise the open space between the development line and existing road to create an attractive entrance that is characterised of lower-density rural development;
5. The Rural Edge: principally defined by the boundary between the end of the Appeal Site and Green Belt located beyond Town Hill and Station Road. The design and layout actively seek to create a clear and defensible transitional boundary.

Landscaping

- 3.8 The Appeal Scheme promotes a landscape-led approach. It seeks to retain existing mature landscaping to ensure the proposal is suitably screened in local and wider views.



- 3.9 This is complemented by additional landscaping to both the northern and southern sections of the Site, particularly to the southern and northeast corner which comprise large areas of open space.

- 3.10 A total of 31% of the site area is retained as open green space, retaining a sense of openness, and providing visual buffers to the fringes of the Site to minimise the impact from surrounding views.

Access

- 3.11 The Site has several pedestrian access points and incorporates new and enhanced pedestrian and cycle routes, improving connectivity between Lingfield rail station and the existing settlement.
- 3.12 The Site will be accessible from a new priority junction onto the B2028 Town Hill to the south of the Site, as per Surrey Design Guide standards. This includes a segregated footway (2-metre) and an internal road (5.5-metre) and kerb radii to aid entry for HGV's and refuse vehicle (6-metre). This approach was supported by Surrey County Council during pre-application discussions.
- 3.13 Additional details are enclosed in the Transport Assessment submitted with the Outline Application.

4. PLANNING POLICY CONTEXT

Development Plan

- 4.1 TDC's Development Plan is formed of:
- Tandridge Core Strategy (2008);
 - Local Plan Part 2 – Detailed Policies (2014)
- 4.2 TDC Core Strategy and Tandridge Local Plan Part 2: Detailed Policies (2014-2029) are the overarching development document for Lingfield.
- 4.3 The following TDC Core Strategy Policies (CSP) are considered most relevant:
- CSP 1 Location of Development
 - CSP 2 Housing Provision
 - CSP 3 Managing the delivery of housing
 - CSP 4 Affordable Housing
 - CSP 7 Housing Balance
 - CSP 11 Infrastructure and Services
 - CSP 12 Managing Travel Demand
 - CSP 14 Sustainable Construction
 - CSP 18 Character and Design
 - CSP 19 Density
 - CSP 21 Landscape and Countryside
- 4.4 The following Development Policies (DP) in Tandridge Local Plan: Part 2 are also relevant:
- DP1 Sustainable Development
 - DP7 General Policy for New Development
 - DP10 Green Belt
 - DP13 Buildings in the Green Belt
 - DP20 Heritage Assets

Emerging Local Plan

- 4.5 TDC are in the process of preparing a new Local Plan. The draft new Local Plan was submitted to the Planning Inspectorate (PINS) in January 2019. Public Hearing examination and consultation took place in October and November 2019.
- 4.6 The emerging Local Plan provides a spatial strategy for Tandridge including the identification of strategic development sites and plan to meet housing demand in the district across the plan period.

- 4.7 Given that 94% of Tandridge is allocated as Green Belt, it is recognised within the emerging Local Plan that there is a need to release Green Belt land for housing allocation in order to meet housing requirements.
- 4.8 The emerging Local Plan has been informed by an evidence base which includes the following documents:
- Annual Monitoring Reports – including Housing Land Supply Statement;
 - Housing and Economic Land Availability Assessment (HELAA);
 - Green Belt Assessment.
- 4.9 The Green Belt Assessment (**Appendix 5**) (which comprises three parts) identifies what the Council considered to be exceptional circumstances and the methodology for assessing this. It identifies the sites that meet these criteria and makes recommendations as to which sites should be removed from the Green Belt. The Appeal Site is identified within this document with site ref. LIN030.
- 4.10 In accordance with the Council's evidence base, the Appeal Site has been allocated within the draft Local Plan for residential development with an indicative capacity of approximately 60 dwellings, with site allocation reference HSG12.
- 4.11 An examination note (TED17) prepared by TDC in October 2019, recommends modification to the wording in the policy document to state the 'Minimum Number of Units', as well as recommending a significant uplift in the capacity for the draft site allocation HSG12 (the Appeal Site). The report suggests a revised capacity of 151 residential units, based on a further assessment of the Site. This establishes that the site capacity as described in the emerging Local Plan is not a maximum and that there is significant scope to increase this.
- 4.9 The following policies within the Emerging Tandridge Local Plan (TLP) are considered to be of relevance to this appeal:
- Policy TLP20 Presumption in favour of Sustainable Development
 - Policy TLP03 Green Belt
 - Policy TLPO8 Rural Settlements
 - Policy TLP10 Responsive Housing Strategy
 - Policy TLP12 Affordable Housing Requirements
 - Policy TLP13 Rural Housing Exception Sites
 - Policy TLP18 Place-Making and Design
 - Policy TLP19 House Densities and the Best Use of the Land
 - Policy HSG12 Land at The Old Cottage, Station Road, Lingfield
- 4.12 The draft Local Plan provides the most up-to-date spatial strategy for the district. Given advanced stage of the draft Local Plan, and that it has been informed by several evidence-based processes, as well as undergone a high-level of scrutiny from numerous consultees in addition to PINS, this document is a material consideration in this appeal.

4.10 Additionally, the evidence base that supports the draft Local Plan, including the HELAA and Green Belt assessments, form the most up-to-date assessment of the District's housing needs and most suitable spatial strategy. As detailed below, this provides further weight to the conclusions within the emerging Local Plan with regards to the Appeal Site.

NPPF

4.13 The chapters of the NPPF considered relevant are listed below:

- Chapter 2 Achieving sustainable development;
- Chapter 4 Decision-making
- Chapter 5 Delivering a sufficient supply of homes;
- Chapter 8 Promoting healthy and safe communities;
- Chapter 9 Promoting sustainable transport;
- Chapter 11 Making efficient use of land;
- Chapter 12 Achieving well designed spaces;
- Chapter 13 Protecting Green Belt land;
- Chapter 15 Conserving and enhancing the natural environment; and
- Chapter 16 Conserving and enhancing the historic environment.

Changes to National Planning Policy

4.14 On 6th December 2022 the Secretary of State for the Development of Levelling Up, Housing Communities (DLHUC), Michael Gove announced changes to the current system of planning in both the NPPF and development of Local Plans.

4.15 Given that the proposed changes to national planning policy are at an early stage and have not undergone adequate scrutiny, it is not considered that these draft changes can be given weight at this time.

5. THE APPELLANT'S CASE

5.1 This section addresses the principal grounds of disagreement with the LPA (as currently understood) and confirms areas of detailed assessment that will be addressed in Evidence, demonstrating compliance with relevant development plan policy and other material considerations. The following are considered:

- Principle of development within the Green Belt
 - Land supply and housing delivery
 - Affordable housing
 - Impact on the Green Belt
- Impact to Heritage Assets
- Transport impacts
- Ecology
- Archaeology
- Other planning benefits
 - Landscape-led approach
 - Public Right of Way (PROW)
- Prematurity of the scheme
- Third-party comments

Principle of development within the Green Belt

5.2 The Site is located within the Green Belt. As per paragraph 147 of the NPPF, inappropriate development is harmful to the Green Belt and should not be approved except under Very Special Circumstances (VSC).

5.3 The Appellant does not dispute that the Appeal Scheme constitutes inappropriate development within the Green Belt. Notwithstanding this, it is considered that clear VSC exist in the case of the Appeal Scheme. This is outlined below and will be further evidenced as part of the Appellant's proof.

Land Supply and Housing Delivery

5.4 In accordance with paragraph 74 of the NPPF, LPAs are required to annually identify and update a supply of deliverable housing sites in providing a minimum of five-years' supply. As the policies are greater than 5-years old, the target is in relation to local housing need.

5.5 The latest Authority Monitoring Report AMR for 2021-2022 notes an annual housing requirement of 642 homes, based on the standard method (2014 household projections). This equates to a five-year requirement of 3,850 homes, including the 20% buffer a set out in paragraph 74 of the NPPF. The buffer is added as there has been a significant under delivery of housing over previous three years (defined as less than 75% as per the Housing Delivery Test (HDT)).

- 5.6 The 2022 AMR confirms there is a **1.57-year supply of housing land** in TDC (including the 20% buffer), against the prescribed requirement for at least five years' supply. This reflects historically poor performance on housing land supply in TDC, with a material under-delivery being recorded in each of the preceding years during the plan preparation:
- a) **1.93** years for 2018-2019,
 - b) **1.95** years 2019-2020, and
 - c) **2.24** years 2020-2021.
- 5.7 In addition, TDC is in the top ten worst performing LPAs in England in terms of housing delivery, with the most recent HDT indicating a delivery rate of just 39% of its target in 2021.
- 5.8 There is currently no adopted local plan which appropriately addresses housing need, which is reflected in the consistent under-delivery of housing and failure to adequately allocate land. This presents significant issues for the local area with regards to access to and choice of suitable housing.
- 5.9 Paragraph 11 of the NPPF states that Development Plan policies which determine the application are out of date when:
- The LPA cannot demonstrate a Five-Year Housing Land Supply (5YHLS)
 - Where the Housing Delivery Test (HDT) result over the previous three years is less than 75%
- 5.10 As seen above, TDC meets both criteria and its adopted housing supply policies should be considered out-of-date accordingly. Thus, adopted Local Plan policies relating to housing supply should be given very limited weight in the determination of this Appeal.
- 5.11 As required where housing delivery is below 75%, TDC produced a Housing Delivery Test Action Plan (HDTAP) in 2022. This outlines several measures that the Council will take to improve its housing delivery.
- 5.12 The HDTAP includes an Interim Policy Statement for Housing Delivery relating to sites which have been allocated in the emerging plan and which have been assessed via the HELAA and Green Belt assessments. It encourages planning applications to come forward on these sites, noting that the Statement "will be an important material consideration in the determination of planning applications". Thus, the allocation of the Appeal Scheme in the emerging plan, in light of the positive assessments within the HELAA and Green Belt assessments should be given weight accordingly.
- 5.13 It is considered that the proposed provision of 99 dwellings will make a significant contribution towards local housing supply, materially addressing the severe shortfall of housing delivery in Tandridge. Furthermore, this should be given great

weight in the absence of an adopted plan-led approach to meeting housing need locally.

Affordable housing

- 5.14 The Tandridge Housing Strategy (2019-2023) calculates the need for 456 affordable homes per annum over a 5-year period. It is highlighted that this is significantly above the total annual housing requirement which includes both market and affordable housing.
- 5.15 A report by Turley's on Affordable Housing Products in Tandridge, as referenced in the Tandridge Housing Strategy, shows 12 units of affordable housing delivered in 2016/2017, 56 in 2017/2018, and 111 units in 2017/2018. This represents a severe under-supply of affordable housing. In the absence of a plan-led approach, it is unclear how TDC intends to address this.
- 5.16 The provision of 40% affordable housing within the scheme (equating to 40 units) would make an important contribution, both within Lingfield and the district as a whole, towards meeting this identified local need. It is noted that this exceeds the minimum requirement for 34% affordable housing as per Policy CSP 4 of the Local Plan. This should be given great weight.

Impact on the Green Belt

- 5.17 Approximately 94% of the land in Tandridge District is within the Green Belt, which is the highest of any Local Authority in England. This represents a material constraint to new development within the local area.
- 5.18 TDC note an extensive assessment of the Green Belt throughout the plan-making process has resulted in limited alterations to the Green Belt boundaries. Those that have been proposed for release are therefore considered to be the most appropriate with regards to ensuring that the key purposes of the Green Belt are still met.
- 5.19 In order to deliver the housing needs of the District, TDC accepts that there is a need for targeted and specific Green Belt release in order to accommodate development. This is reflected by the allocation of 10 Green Belt sites of the 20 total allocations within the Emerging Local Plan, which includes the Appeal Site.
- 5.20 The Green Belt Assessment Part 3 which forms part of the LPA's emerging Local Plan evidence base includes an assessment of the Site for an illustrative residential development of 50 units. In summary, the assessment finds that:
- The Appeal Site is a sustainable location with “access to a GP surgery, employment opportunities and public transport”.
 - “The site is strategy compliant and would have a significant role to play in achieving sustainable patterns of development across the district.”

- “Whilst the area is generally open, it is also contained by built form and accordingly development is likely to have a limited impact with respect to its encroachment on the countryside, sprawl, merging with other settlements and, subject to a robust and defensible boundary being identified, the wider Green Belt.”
- It would, by infilling the existing open area within the context of the settlement of Lingfield, “make a positive contribution to settlement form”.
- "The impact of development could be reduced through buffers, landscaping and sensitive design, in particular it could be designed such that it conserves the setting of the Lingfield Conservation Area.”

- 5.21 The assessment concludes that, “as a matter of planning judgement, the site does justify the exceptional circumstances necessary to recommend amendment of the Green Belt boundary”.
- 5.22 In particular, the report’s conclusion that potential adverse effects such as landscape, ecology, heritage, or flood risk issues could be “adequately mitigated” is highlighted.
- 5.23 Following this assessment, the Appeal Site was included as an allocation (HSG12) within the draft Local Plan with an indicative capacity of 60no. residential dwellings (Use Class C3). Notwithstanding, it is reiterated that examination note TED17 suggests a revised capacity of 151 residential units based on further site assessment.
- 5.24 Thus, it is considered that the principle of development and release of the Site from the Green Belt is acceptable in principle, as robustly demonstrated through the LPA’s own assessment and evidence base.
- 5.25 Moreover, given that high proportion of Green Belt allocated land across the district, TDC have not and cannot provide alternative means or land in order to address the acute housing shortfall present across the District. As such, the release of Green Belt allocated land, including the Appeal Site, is essential in meeting TDC’s housing targets and this must be awarded great weight.
- 5.26 This is in accordance with the approach taken by the Planning Inspectorate elsewhere, including in a recent appeal in Beaconsfield, Buckinghamshire (Appeal ref: APP/N0410/W/22/3299849 - **Appendix 6**). The decision relates to a site which was allocated within the draft Local Plan for Chiltern and South Bucks, which was withdrawn prior to the consideration of the appeal. When assessing the significance of the draft allocation within the withdrawn draft Local Plan, the inspector concludes that “the contributory documents identified above, as a considered re-evaluation of Green Belt boundaries in order to meet development needs, carry significant weight”. Similarly, it is considered that the assessment of the suitability of the Appeal Site for development via the HELAA and Green Belt Assessment should be given significant weight.

- 5.27 Appeal ref. APP/V1505/W/22/3298599 (**Appendix 7**) for the erection of up to 200 homes on a site within the Green Belt in Basildon provides further precedent. The subject site had been allocated within the emerging Local Plan, which was withdrawn prior to the appeal. In the assessment of the validity of the Council's Green Belt review, the inspector's report concluded that although the withdrawn plan carries no weight, in the absence of an up-to-date local plan and the demonstration of material change in circumstances which justifies a different conclusion to be reached in respect of this site, the Council's Green Belt Review evidence base weighed heavily in favour of the appeal. It is highlighted that Basildon had a similarly poor housing land supply position (1.89 years). The scheme's contribution in addressing this shortfall in housing land supply and delivery was awarded significant weight in the consideration of the appeal.
- 5.28 Furthermore, the Green Belt Assessment (GBA) prepared by LDA Design that was submitted with the Outline Application includes an assessment of the Appeal Site against the **key purposes of the Green Belt** as per para. 133 of the NPPF. These are:
1. To check the unrestricted sprawl of large built-up areas;
 2. To prevent neighbouring towns margining into one another;
 3. To assist in safeguarding the countryside from encroachment;
 4. To preserve the setting and specialist character of historic towns; and
 5. To assist in urban regeneration by encroaching the recycling of derelict and other urban land.
- 5.29 With regards to point 1, the GBA concludes that the Appeal Scheme **would not result in urban sprawl**. This is aided by the railway line between Dormansland and Lingfield which provides a physical barrier, the significant distance already between Dormans Park and Felbridge, and the tree coverage which screens Felbridge and East Grinstead.
- 5.30 Furthermore, it is highlighted that notwithstanding the Green Belt designation, the Appeal Site is located in a highly accessible and sustainable location. This is supported by TDC's Green Belt assessment which finds that the development of the Appeal Site would be in accordance with its spatial strategy. The sustainability of the Appeal Site is demonstrated by the following:
- It is well-served by public transport and close to Lingfield Railway Station and other modes of transport including regular bus services.
 - There are a range of well-established local amenities in Lingfield Village including shops, pubs, cafes, restaurants, beauty, education, and sport.
 - The Appeal Site is in walking distance to Lingfield Village, thus the development proposal allows for a genuine opportunity in reducing car dependency.
- 5.31 With regards to point 2, the GBA finds that the Appeal Scheme **would exert no impact on the performance of the Green Belt in preventing neighbouring towns merging** into one another.

- 5.32 On point 3, the Appeal Scheme is **not found to encroach on the countryside** given the contained nature of the Site.
- 5.33 On point 4, the GBA finds that there is likely **to be a limited level of impact on the existing character of the town**. However, it further notes it is likely to create enhancements and new opportunities for appreciation of Lingfield’s historic core.
- 5.34 In reference to point 5, the Appeal Scheme **would not compromise other brownfield sites coming forward**, and it is widely recognised by TDC that there is a requirement to release Green Belt land in order to meet the unmet housing need.
- 5.35 The GBA concludes, subject to appropriate design, the development of the area is likely to make a positive contribution to the settlement and provide an opportunity to enhance the Lingfield Conservation Area through townscape design. Therefore, on balance, the proposed development is considered to constitute VSC that would justify development within the Green Belt or an amendment to the boundary thereof, in accordance with the same conclusions reached by TDC in their own Green Belt Assessment (Part 3) referenced above.
- 5.36 An explanation of the impact of the Appeal Scheme on the openness of the Green Belt will be provided as part of the Appellant’s evidence in support of the appeal. Notwithstanding this, overall, it is noted that the design and layout of the Appeal Scheme effectively mitigates any impact on the Green Belt (in addition to impacts on the character of the existing settlement and local heritage assets) in particular through the following elements:
- Visibility of the development is likely to be limited and restricted to largely within proximity of the Sites southern and eastern boundaries; and long-distance views are not possible due to the existing built form and vegetation.
 - The development is set within the landscape of well-established boundary vegetation that will be retained and further enhanced with additional planting.
 - The character of the views would be reduced from the new built form, however, the provision of new public and open space is likely to mitigate any visual impact and openness of the Site on the wider locality.

Impact to heritage assets

- 5.37 A Heritage Statement prepared by HCUK Group in support of the application assesses the impact of the proposal on Lingfield Conservation Area and nearby statutory listed buildings.
- 5.38 Three main heritage assets have been considered in assessing the development on the setting and significance of heritage assets, these are 1) Lingfield CA, 2) the Church of St Peter and St Paul, and 3) New Place.

- 5.39 The heritage statement was additionally assessed against several other locally significant features, including the former Oast House, the connecting pathway and garden wall to New Place and the Parish Church and other core buildings.
- 5.40 The impact of the housing development scheme was measured against:
- Proximity to heritage assets;
 - Position in relation to key views;
 - Orientation of the development;
 - Prominence, dominance, and conspicuousness;
 - Competition with the asset;
 - Dimension, scale, and massing;
 - Visual permeability;
 - Diurnal change;
 - Change to the surrounding, space, and general character;
 - Impact on skyline and silhouette
- 5.41 The Heritage Statement states that “although part of the application site is included within the Conservation Area, no evidence has been found to suggest that any of it is intrinsically of special heritage interest”.
- 5.42 With regards to the heritage impact of the proposal, it concludes:
- The residual effect on the proposal would, on current evidence, be of non-material significance;
 - Overall, the effect of the proposal on the special interest of the designated heritage asset would affect their significance, causing less than substantial harm to that significance;
 - The effect on the significance on the CA would be a medium level of less than substantial harm; and
 - The effect on the locally listed group of building at New Place Farm would not be determinative in itself, given that the principal effects relate to the statutory considerations of the CA and the grade I listed Church.
- 5.43 Crucially, the assessment notes that the adverse impacts and effects of the proposal can be mitigated through the benefits of the scheme in providing public access to Star Field, new views towards the heritage assets, and the introduction of high quality, sensitively designed architecture. This supports the stated opinion of TDC as cited elsewhere in this Statement (for example, within the Green Belt Assessment Part 3) that any adverse impacts of the development of the Appeal Site, including those impacts relating to the Conservation Area and local heritage assets, can be adequately mitigated.
- 5.44 Further detail regarding the Appellant’s assessment of the heritage impact of the Appeal Scheme will be provided as part of the Appellant’s proof of evidence.

- 5.45 Statutory correspondence was submitted in response to the planning application by Christopher Reynolds, a Senior Historic Buildings Officer at Surrey Council on 19th August 2022.
- 5.46 The Officer notes that the scheme would result in the infilling of a small part of the Conservation Area which is important in understanding the historic interest of the development of Lingfield. The Officer draws several conclusions in relation to impacts on the surrounding heritage assets:
- A high degree of less than substantial harm to Lingfield Conservation Area owing to the infill between Church Town and New Place, loss of views from Station Road and views of modern housing along Church Road.
 - A moderate degree of less than substantial harm to the Grade I listed Church of St Peter and St Paul owing to the loss of views of the spire and reduction in prominence.
 - A low level of less than substantial harm to the Grade I Pollard Cottage and Grade II* Church Housing owing to the loss of rural views from windows in the buildings which enable the isolated development of Church Town to be understood.
- 5.47 It is highlighted that the officer's response notes the need to take the identified heritage impacts into account "as part of an overall planning balance to assess the benefits of providing housing in the district". As such, the response does not explicitly recommend that permission is refused.
- 5.48 A further response was provided by Christopher Reynolds, with correspondence dated 15th February 2023 and 30th January 2023. This does not significantly alter the view as outlined above, although it does note that "should the oast houses also be removed from the illustrative layout then I would be willing to consider any harm to the views of the church to be low".
- 5.49 Notwithstanding that the scheme is illustrative and that the final design, scale, and layout would be subject to reserved matters approval, a minor amendment is nonetheless submitted with this appeal to remove the Oast houses from the illustrative scheme (drawing references 2661/C/1053/SK/A, 2661/C/1050/SK/B & 2661C/1054/SK/D).
- 5.50 It is noted that feedback received on 25th May 2022 in relation to the Environmental Impact Assessment (EIA) screening application (ref. 2022/235/EIA) confirmed that the impact of the proposal to heritage assets did not warrant an EIA.

Transport impacts

- 5.51 A Transport Assessment and a Travel Plan have been prepared by Motion. These reports demonstrate that the principle of development is acceptable with regards to:

- Access
- Vehicle parking
- Trip generation
- Access to amenities and public transport

5.12 Illustrative Aerial Sketch



Illustrative aerial sketch showing view through the site from the east towards the Church of St Peter and St Paul

- 5.52 The Appeal Scheme proposes a single vehicular access point from the Appeal Site to Town Hill (B2028). This approach was supported by Surrey County Council during pre-application discussions.
- 5.53 Four pedestrian access points are also provided including Station Road, the existing and to be retained PROW, and the vehicular access point.
- 5.54 An initial consultee response from Surrey County Council (SCC) Highways advised that further information was required for SCC to assess the transportation of the proposed development and its impact on the surrounding public highways. Subsequently, additional information was submitted during the course of the Outline Application, including the following:
- Traffic surveys/ junction analysis
 - Proposed level of car parking
 - Public Transport Improvements
 - Widening of the footway along the frontage of the site
 - Pedestrian visibility splays to be added for the two informal crossing points on Town Hill and Station Road
 - Swept Path Analysis to demonstrate that removal/ refuse/ delivery/ emergency vehicles can turn with the site and exit in forward gear onto Town Hill
 - Full access drawing should be provided with width/radii etc. notated
 - A Stage 1 Safety Audit should be submitted with the planning application. The CV's of the auditors will need to be provided prior to this being commissioned so the CHA can check they comply with the team competencies required by GG119

- A Transport Note prepared by Motion conforming the Appellant's agreement to provide a range of improvements to local highways and transport infrastructure, as requested by SCC.
- 5.55 A further response was received from SCC Highways on 6th February which confirmed that the additional highways response and information submitted "is considered acceptable and addresses the comments raised by the Highway Authority.
- 5.56 Notwithstanding the above, the response referred to above included some additional minor points for clarification. The Appellant provided a further response to this on 23rd February, including a further access plan (drawing no. 1912026 - 01 B) showing visibility according with a 40mph road. As indicated, the extended visibility splay can be accommodated, which can be further secured by a planning condition attached to planning permission.
- 5.57 At present, no further correspondence from the LPA or SCC Highways has been received in response to the furth access plan. This is, however, not considered to prejudice the overall conclusion in the 6th February response that the Outline Application is acceptable on highways grounds.
- 5.58 Detailed evidence will demonstrate therefore that the appeal scheme is acceptable in highways terms and will not prejudice highway safety, in accordance with NPPF Paragraph 110.

Ecology

- 5.59 An Ecological Appraisal prepared by LUC was submitted in support of the Appeal Scheme.
- 5.60 The report confirms and concludes that the Appeal Site does not share functional ecological connectivity to statutory or non-statutory designated sites. Thus, no impacts to designated sites are predicted as a result of the proposed development.
- 5.61 The submitted appraisal further confirms the majority of the Appeal Site is of relatively low-value, and largely comprises species-poor grasslands which have been regularly cut, to remain fallow.
- 5.62 Although the report determines the grass is low value, it is acknowledged that the approval of the proposal will lead to an extensive loss of grassland, thus mitigation and enhancement measures are recommended to ensure the overall ecological value of the Appeal Site is neither lost nor reduced.
- 5.63 The proposal therefore takes a landscape-led approach which incorporates the following mitigation measures:
- Hedgerow in-fill planting;

- Planting of native tree and shrubs;
 - Provision of wildlife friend grassland; and
 - Best practice construction measures.
- 5.64 As per Policy CSP 17 of the Adopted Core Strategy and Policy TLP 35 of the Emerging Local Plan, proposals for development should protect biodiversity, and maintain, enhance, restore and create semi-natural environments, as well contribute to the geodiversity, and to wider green and blue infrastructure network.
- 5.65 A Biodiversity Net Gain (BNG) Statement was submitted in support of the Appeal Scheme. This demonstrates that the Appeal Scheme will achieve an BNG of 5.31% of habitat units and 20.25% of hedgerow units. It is proposed to secure habitat creation and enhancement measures through an appropriate mechanism to achieve a minimum gain of 10% overall.
- 5.66 The most recent statutory correspondence from the Surrey Wildlife Trust (SWT) dated 24th January 2023 requested the following additional information:
1. Bat roost presence/ likely absence surveys if trees of with high or moderate suitability to supporting roosting bats are to be subject to any works;
 2. Outline reptile mitigation strategy;
 3. Provision of further information to demonstrate how BNG will be achieved;
 4. Tree officer to assess whether an Arboricultural Impact Assessment, Tree Protection Plan and Method Statement is required.
- 5.67 A detailed response was provided to the LPA setting out that points 1 and 4 are already addressed by the information submitted with the Outline Application, including Arboricultural Impacts Report, Tree Protection Plan, and Outline Arboricultural Method Statement and Ecological Appraisal. These demonstrate that all existing trees identified as having more than negligible bat roost suitability will be retained and that none are identified for pruning works.
- 5.68 An Outline Reptile Mitigation Strategy prepared by LUC is submitted with this Appeal, in order to address commentary raised in the consultee feedback received in January 2023.
- 5.69 The strategy notes that the proposed development will result in the loss of approximately 0.3 Ha of habitat that is potentially suitable for supporting common reptiles such as lizard and grass snakes (most of which is located on the southern edge of the site). However, the Outline Application for the Appeal Site includes the provision of public open green space which exceeds the 0.3 ha of potential reptile habitat that will be lost. As such, on-site mitigation is considered feasible and represents the preferred approach. This will, however, require a detailed design of greenspace, together with a commitment to appropriate management and monitoring subject to further discussions with SWT and the LPA. The enclosed report indicates the circumstances in which on-site mitigation can be achieved.

- 5.70 It should be highlighted that offsite mitigation is also considered a viable option; however, this approach is more complex and is dependent on the ability to create, identify and manage a suitable receptor site.
- 5.71 As noted in the Biodiversity Net Gain Statement submitted with the Outline Application, the Appellant is willing to make a financial contribution towards off-site habitat creation and enhancement measures to meet the overall target of 10% net gain.
- 5.72 A meeting between the Applicant and Surrey Wildlife Trust has been confirmed to discuss specific mitigation opportunities. It is anticipated that the precise mechanism and financial contribution to achieve this will be agreed as part of the Statement of Common Ground.
- 5.73 The ecological impact of the Appeal scheme will be addressed as part of the Appellant's proof of evidence at the Inquiry stage. Evidence will demonstrate the appeal scheme provides suitable on-site and off-site mitigation in terms of ecological impact and in accordance with Policy CSP 17 of Adopted Core Strategy, The Environment Act (2021) and NPPF Paragraph(s) 174 (d) and 179.

Archaeology

- 5.74 An Archaeological Assessment was prepared by HCUK and submitted in support of the Appeal Scheme.
- 5.75 The report determined and assessed the archaeological potential of the Site, as well as assessed the significance of any relevant heritage assets identified. This information was informed by a site inspection, and desk-based research including relevant historical information and data collection.
- 5.76 The report finds that based on the Surrey Historic Environment Records, and supplementary historic mapping and documentary research, the Site is considered to have a high potential for archaeological remains relating to the Medieval, Post Medieval and Modern periods.
- 5.77 However, the report further notes that the proposal does not impact any designated archaeological sites or areas of importance within the Local Plan. Given the available evidence, the proposed development is seen to accord with current legislation at both national and local levels, including the NPPF and adopted Local Plan. The report concludes that any required archaeological mitigation that may be needed can be secured by planning condition.
- 5.78 Consultee comments from Surrey County Council's Archaeology Officer were submitted in July 2022. However, this was not provided by the LPA to the Appellant until 23rd January 2023. Following discussion, the comments were subsequently amended on 22nd February. The most recent response includes the following recommendation:

- Recommended that an earthwork survey and geophysical survey be conducted and their results submitted to the Planning Authority for approval and consideration prior to the determination of this Outline application. Both surveys will need to be defined by a Written Scheme of Investigation (WSI Method statement) that has been submitted to and approved in writing by the Planning Authority.

5.79 The Appellant has instructed HCUK to complete these surveys which will inform the extent and nature of earthworks within the Appeal Site and further demonstrate that the Appeal Scheme can be implemented without unacceptable impacts to non-designated heritage assets..

5.80 The Appellant was not aware of any request for additional archaeological information prior to the 23rd January 2023.

5.81 The archaeological impact and mitigation measures of the Appeal scheme will be addressed as part of the Appellant's proof of evidence.

Other Planning Benefits

Landscape-led approach

5.82 The proposed development is set within established boundary vegetation which will be retained and enhanced by additional planting.



Illustrative sketch vignette

5.83 The Appeal Scheme incorporates the provision of new public open space which will mitigate the visual impact of the proposal from surrounding views. The proposed layout concentrates the built development in the part of the Appeal Site adjacent to the existing built form as per the recommendations in the draft site allocation HSG12.

5.84 A Landscape and Visual Impact Assessment has been prepared by LDA Design and was submitted with the application to demonstrate the quality of the space.

The assessment finds the visibility of the proposed development as being very limited, restricted within close proximity of the southern and eastern boundaries. Longer distance views (approx. 200m plus) are not possible given intervening-built form and vegetation.

- 5.85 In close range views, the proposed development is set within the landscape amongst established boundary vegetation which would be retained and enhanced with new planting. The provision of new public open space would mitigate to some extent the reduction of visual openness within the Site and the visual openness of the wider locality would be unaffected.
- 5.86 Overall, it is considered that the landscape-led development and the provision of extensive areas of open space within the Appeal Scheme result in a development that would be in keeping with the character of the surrounding area and would form a natural extension to the existing settlement of Lingfield, without causing significant interruption to longer-range views. As such, it represents a high-quality, attractive development that would enhance the surrounding area.
- 5.87 Evidence will demonstrate the visual impact of the proposal is limited to its immediate vicinity only. The submitted LVIA outlines the proposal has taken a landscape-led design which retains existing vegetation and trees within the Site wherever possible, whilst providing new open space and tree planting to soften and frame views. The effect of this is to assimilate the development in the wider and existing context and retain a sense of openness to the surrounding area. There are no designated landscapes that would be affected by the Appeal Scheme, with no views possible from the High Weald AONB to the east, and effects from medium and longer-range views are low to negligible. As such, the landscape-led approach is considered to comply with Policy CSP 21 of the Adopted Core Strategy and the NFFP Paragraph 174 (a).

Public Right of Way (PROW)

- 5.88 The PROW runs through the Site and connects the settlement to Lingfield Railway Station, providing a substantial short-cut between these, when compared to alternative routes on foot.
- 5.89 The Appeal Scheme seeks to deliver significant improvements and retention of the footpath. In its current form, the quality of the PROW prejudices usage, namely, it is currently unmarked and not sufficiently lit. The proposal not only commits to the retention of the footpath, but seeks to improve its quality, through ensuring it is well-maintained and well-lit to serve both new and existing members of the community.
- 5.90 The retention and improvement to the existing PROW should be awarded significant weight and further contribute towards the case for VSC and planning benefits of the Appeal Scheme.

Prematurity of application

- 5.91 Paragraph 49 of the NPPF outlines that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
- a) The development proposed is so substantial, or its cumulative effects would be so significant, that to grant permission would undermine the plan-making process by predetermining decision about the scale, locations or phasing of new development that are central to an emerging plan; and
 - b) The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 5.92 The Appeal Scheme is for a development of 99 dwellings. While there would be a significant contribution towards meeting local housing needs, it is not so substantial that it would undermine the plan-making process or the wider spatial strategy for the district. Additionally, it is recognised by TDC in its Green Belt Assessment Part 3 that the Appeal Site is in a sustainable location and its development would be in accordance with its preferred spatial strategy, given that it would effectively infill the existing settlement at Lingfield. Evidence will demonstrate the appeal proposal reflects the overall spatial strategy, rather than conflict with it.
- 5.93 At the time of submission of this appeal, the emerging Local Plan has not been formally adopted. However, given the uncertainty regarding the current status of the Emerging Local Plan or a realistic timescale for adoption, it was not considered reasonable for the Appellant to await formal adoption prior to the submission of their application. This approach would result in an effective moratorium on the delivery of new sites for housing across the District.
- 5.94 Thus, under the criterion as per paragraph 49, the application is not considered to be premature and this should not weigh against the merits of the Appeal. This will be demonstrated in detailed evidence subsequently submitted.

Third-Party Comments

Public objection

- 5.95 It is noted that various public representations have been received in relation to the outline application, largely in objection to the proposed development. The responses predominantly cite issues relating to heritage impact, the Green Belt, impacts to the character of Lingfield, impact upon local infrastructure, transport and environmental impacts. These considerations have been addressed within this Statement and where relevant will be amplified in detailed evidence, demonstrating any impact can be mitigated and / or the benefits of the proposal outweigh cited harm.

6 PLANNING CONDITIONS AND OBLIGATIONS

Planning Conditions

- 6.1 The Outline Application has not been determined by TDC and therefore no list of suggested planning conditions has been provided in the event of an appeal. However, a full set of planning conditions will be agreed with TDC prior to the opening of the Inquiry by way of a Statement of Common Ground.
- 6.2 It is suggested that the starting point for these conditions is those suggested via consultee comments at determination stage.

Planning Obligations

- 6.3 Planning obligations will be discussed between the parties as the appeal progresses and agreed via a Statement of Common Ground.
- 6.4 A S106 agreement will be revised in order to contribute to local infrastructure and mitigate any adverse impact of the development and ensure that the planning proposal is acceptable in planning terms.
- 6.5 This will be informed by TDC's Infrastructure Delivery Plan (2019) among other evidence. The following heads of terms are considered likely to be included:
- Provision of 40% Affordable Housing;
 - Provision of a Travel Plan;
 - Securing off-site habitat creation and biodiversity enhancement;
 - Financial contribution towards the provision of a mobility impaired persons bridge at Lingfield Railway Station;
 - Financial contributions towards car parking provision at Station Road; and
 - Financial contributions towards Lingfield surgery rebuild.
- 6.6 TDC have an adopted Community Infrastructure Levy (CIL) Schedule and thus the CIL payment arising from this development proposal is as follows:
- £120 per sqm for all residential development.

7 PLANNING BALANCE

- 7.1 As referenced earlier in this Statement, TDC has measured below 75% on the HDT in each of the last three years. Furthermore, the most recent measurement of housing land supply in the District as per the 2021-22 AMR indicate the provision of just 1.57 years. As such, the housing supply policies within the adopted Local Plan should be considered out-of-date for the purposes of assessing the Appeal Scheme and should be given very limited weight.
- 7.2 Although it is noted that each appeal will be assessed on its merits, recent appeals are cited within this Statement relating to Local Planning Authorities without a demonstrable 5YHLS where the provision of housing within the Green Belt has been given great weight. Accordingly, it is considered that the contribution of the Appeal Scheme to meeting a significant part of Tandridge's unmet housing need and affordable housing need should be awarded great weight in the consideration of this appeal.
- 7.3 Furthermore, it is considered that significant weight should be given to the deliverability of the Appeal Scheme. A statement of delivery (**Appendix 8**) was agreed between TDC and the Appellant in November 2018 as part of the emerging Local Plan process, confirming that both parties view it as being deliverable for residential development within 5 years. Thus, it is clear that the Appeal Scheme could make a significant contribution in addressing the immediate shortfall of housing supply in Tandridge.
- 7.4 This approach is supported by an appeal decision (ref. APP/B1605/W/21/3273053 – **Appendix 9**) in Cheltenham for a Green Belt development comprising up to 250 residential dwellings. In their assessment, the Inspector recognised that various Green Belt sites have been allocated with the Emerging Local Plan, however, the failure to deliver these in a timely manner undermined their ability to address the urgent housing need of area. As such, **significant weight was awarded to the deliverability of the proposed development**. This approach should be similarly applied to the Appeal Scheme, given the immediate housing need in Tandridge.
- 7.5 When assessing the impact on Green Belt, the case for VSC as outlined above is considered to demonstrate compliance with paragraph 147. Given TDC's recent decision **to not continue with further work on the Emerging Local Plan**, and thus the absence of a plan-led approach in meeting the district's housing need, it is considered that the significant contribution to local housing supply through **the provision of 99no new homes should be given great weight**.
- 7.6 A recent appeal (ref. APP/N0410/W/22/3299849) in Buckinghamshire (**Appendix 6**) is considered to be relevant in this respect. The inspector's decision considers the site to have **strong sustainability credential with regards to accessibility, facilities, amenity, and proximity to public transport**. Moreover, when

considering the absence of “any current basis for meeting substantially changed housing needs” and the lack of a plan-led approach which would remedy this in the near-term, it is concluded that “some green field release appears to be an inevitable consequence”. This is considered to weigh heavily in favour of the subject appeal within the planning balance. Given the similarities in housing need and planning policy context in Tandridge, it is considered that a similar approach would be appropriate in the assessment of the impact to the Green Belt and overall planning balance.

- 7.7 The impact on the heritage of the area was assessed in accordance with paragraph 202 of the NPPF which states, “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of proposal including, where appropriate, securing its optimum viable use.”
- 7.8 As per paragraph 197, in determining applications LPAs should take account of:
- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
 - c) The desirability of new development making a positive contribution to local character and distinctiveness.
- 7.9 It is established in *Palmer V Hertfordshire Council (2016)* (**Appendix 10**) that an “internal heritage balance” exercise may be undertaken to determine the residual heritage impact of a development in relation to its cumulative harms and benefits. Thus, while it is acknowledged that there would be less-than-substantial harm to heritage assets resulting from the development, these are offset in part by the heritage benefits identified in terms of the provision of public access to open space within the conservation area, which also permit views towards the spire of the Church of St Peter and Paul and the historic core of Lingfield, which will be better appreciated as a result of the proposed development.
- 7.10 This approach has been applied in the submitted Heritage Statement which concludes there to be some residual heritage impact within the less than substantial scale of harm. When weighed against the significant public benefits of the Appeal Scheme as outlined above, these are considered to clearly outweigh the residual heritage impact.
- 7.11 In light of the above, it is not considered that the NPPF policies relating to the Green Belt nor designated heritage assets would clearly direct refusal of permission. Thus, we consider that there is a case that the presumption in favour of sustainable development (the “tilted balance”) in paragraph 11(d) should apply in this instance. This is supported by the ruling in *Redrow Homes Ltd v Martin Dawn (Leckhampton) (2016)* (**Appendix 11**), which confirms that where the harm to protected assets (in this case heritage assets) is not found to give rise to a clear

reason for refusing planning permission the proposal, the “tilted balance” should apply. This will be further evidenced as part of the Appellant’s evidence.

- 7.12 Furthermore, it is demonstrated and will be further evidenced as part of the Appellant’s evidence that Appeal Scheme mitigates potential adverse impacts as to an acceptable level, including through careful consideration of the proposed layout and quantum of development to preserve the openness of the Green Belt and the setting and significance of local heritage assets. Further mitigation will be secured via appropriate planning obligations as indicated within this Statement and to be finalised via the Statement of Common Ground.
- 7.13 An assessment of the planning balance would weigh the substantial public benefits of the development as noted in section 15 against the limited adverse impacts in relation to the Green Belt, local heritage assets, and other less weighty impacts. We consider that, if applying the presumption in favour, this balance would clearly fall in favour of the benefits of the scheme and thus permission should be granted.

8 CONCLUSION

- 8.1 This Appeal is submitted by the Appellant on the grounds of non-determination in the absence of a decision by TDC. The Appellant requests the Appeal be appropriately examined at an Inquiry.
- 8.2 In evidence, the Appellant will seek to demonstrate that the Appeal Scheme constitutes Very Special Circumstances as per paragraph 149 of the NPPF, whereby any adverse impact to the Green Belt by way of the proposed development is clearly and demonstrably outweighed by the significant benefits of the scheme.
- 8.3 The Appellant will seek to demonstrate that the development constitutes a high-quality design which reflects the character of Lingfield and does not unacceptably impact the Lingfield Conservation Area or the significance of other local heritage assets.
- 8.4 Given the consistent under-delivery, severe housing land supply shortfall and that the Adopted Local Plan is out-of-date, the Appellant submits that significant weight must be awarded to the site allocation within the emerging Local Plan and the consistency of the proposed development with the NPPF.
- 8.5 Ultimately, the Appellant intends to demonstrate that the proposed development is acceptable in planning policy terms and will make a significant contribution to housing need and economic, social, and environmental benefits.
- 8.6 Accordingly, the Appellant invites the Planning Inspectorate to allow the Appeal and grant planning permission for the proposed development.