

# **BARROW GREEN ROAD, OXTED**

## Appellant's Opening and List of Appearances

### **Appearances**

**Zack Simons KC & Isabella Buono** instructed by **Steven Brown** of Woolf Bond Planning will call:

- (i) **Paul Cranley** BA (Hons) CMILT, director of NEO Transport Planning (transport).
- (ii) **Elizabeth Bryant** MA (Cantab) CMLI, founder and director of Bryant Landscape Planning (character and appearance).
- (iii) **Neil Jaques** BEng (Hons) MCIWEM MCIHT, director at Motion Consultants Limited (drainage).
- (iv) **Brian Cafferkey**, BEng (Hons) MSc CEng MICE MIEI MCIWEM, director at Ardent Consulting Engineers (hydrology).
- (v) **Alexia Tamblyn** MA (Oxon) MSc CEcol CEnv MCIEEM FRGS, Managing Director of The Ecology Partnership (ecology).
- (vi) **Thomas Copp**, BA(Hons) MA, director of TCMS Heritage Ltd (heritage).
- (vii) **Steven Brown** BSc Hons DipTP MRTPI, managing director at Woolf Bond Planning Ltd (planning policy and the balance).

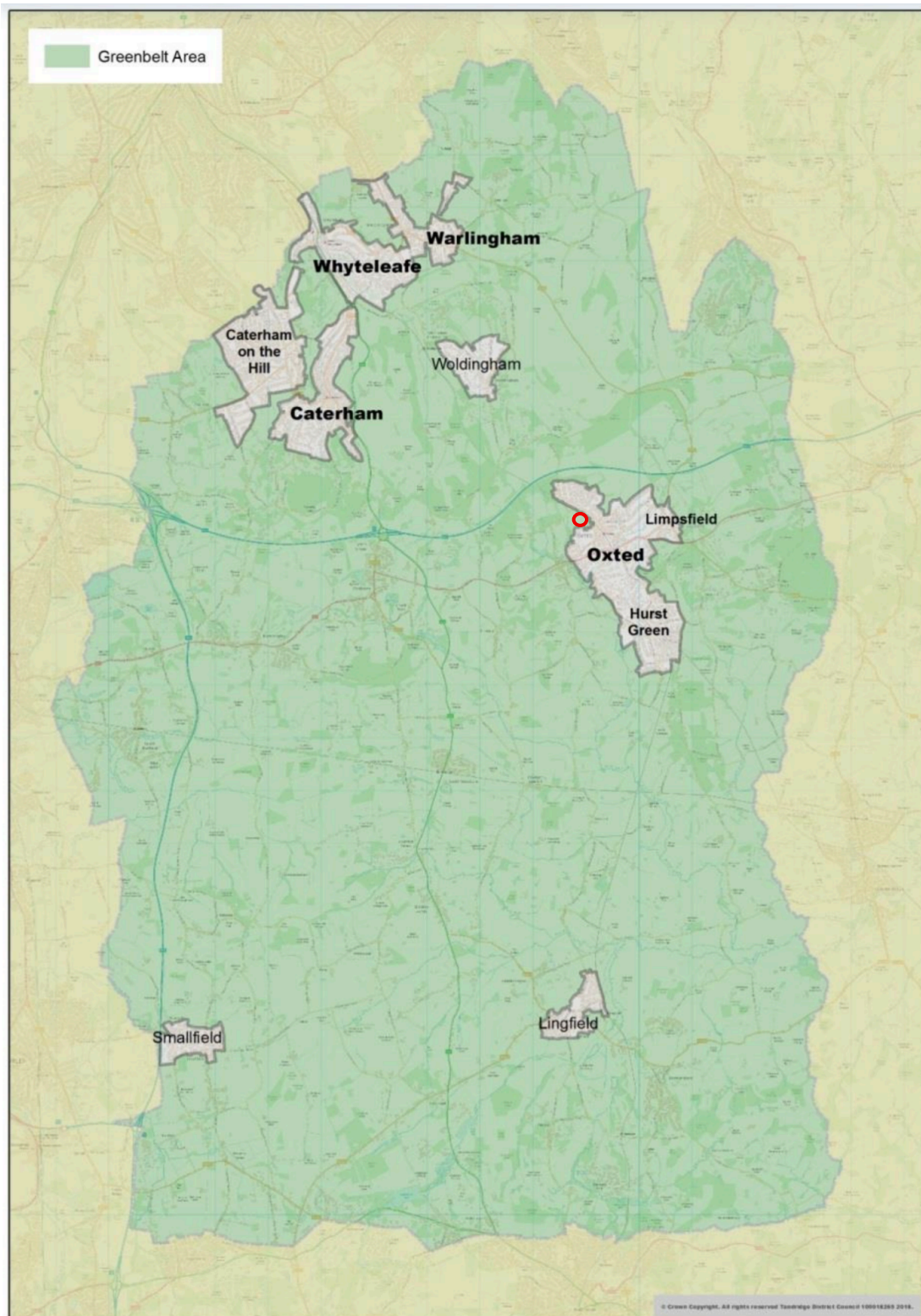
## Opening



1. For generations, this part of east Surrey has been let down by the planning system.
2. Years go by – decades pass – national policies come and go. But through it all, Tandridge has managed to keep its head buried firmly in the sand. For too long, this district has been frozen in aspic.
3. 23,300 of the 24,820 hectares of land in Tandridge – some 94% - is washed over by the Metropolitan Green Belt drawn up in the 1950s to curb the outward sprawl of Greater London. That 94% is the most of any authority in England. It covers everything outside the settlement boundaries:

---

<sup>1</sup> Approximate area of appeal site circled in red.



2

<sup>2</sup> Approximate area of appeal site circled in red.

4. In any event, given that constrained geography (before we even come to other constraints like e.g. the 2 areas of National Landscape in Tandridge), the position is clear: if this Council is to come anywhere *near* meeting its needs (and in particular its needs for housing), use of land currently washed over by London's Green Belt land isn't a choice. It's a certainty. There is literally no other option.
5. The Council has recognised that fact for several years, noting e.g. in the evidence base for its now-abandoned local plan that "*development within the Green Belt is necessary*" given, among other things, "(i) *the acuteness/intensity of the objectively assessed need for housing, (ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development and (iii) the consequent difficulties in achieving sustainable development without impinging on the Green Belt*".<sup>3</sup> The use of land in the Green Belt to meet housing needs here is inevitable.
6. In those circumstances, national policy expects the review and amendment of Green Belt boundaries to happen through the local plan process, i.e. at least every 5 years, so that needs are properly accommodated.
7. But here, the Metropolitan Green Belt boundaries around Oxted have been essentially **unaltered** since they were established in 1958. **67 years ago**. In a totally different local, regional and national policy context. Those belt boundaries were not drawn up all those years ago (decades before the opening of the M25 motorway) to reflect any particular landscape, ecological, historic or environmental qualities of Tandridge. Their purpose was simple. They were drawn up for a basic spatial planning reason: to curb London's outward

---

<sup>3</sup> CD4.17E, p.48, §4.19.



sprawl. Reviewing that plan on the previous page: how much of a role does *this site* play in that core spatial function for which this green belt was designated? None whatsoever.

8. In any event, what is remarkable about this authority is that, generations later, despite needs of all kinds (and in particular needs for housing) having ballooned, the Green Belt boundaries around Oxted have essentially frozen since then.
9. And that creates a Catch-22 which has stalled sensible development proposals in Tandridge for decades. It is inevitable that land which is currently within the Green Belt will be required for new homes. National policy generally expects the release of that Green Belt land to be managed in a plan-led way. But there is no plan-led mechanism to release Green Belt land in Tandridge to meet housing needs, and there has not been for a long time.
10. As we will explain, the current development boundaries reflect the requirements of another generation, and we are still years away from a new plan to update them:
  - (i) The Council's Core Strategy was adopted in 2008, 4 years before even the first version of the NPPF. That plan reflects the housing needs of another era – in particular, it did not meet the now long-standing requirement in national policy to meet full objectively assessed needs for housing (NB its housing requirement at policy CSP 2 of 125 dpa is 12.5% of its **current** requirement under national policy).<sup>4</sup>
  - (ii) And it did not review Tandridge's green belt boundaries.

---

<sup>4</sup> See Table 1, p.3 of the Housing Land Supply SoCG CD10.2, which confirms the current requirement of 993 dpa.

- (iii) This is a Core Strategy predicated on housing numbers from the long-abolished South East Plan, which were themselves recognised as only a “*limited response*” to addressing household growth figures from as long ago as 2004.
- (iv) Indeed, Tandridge has **never** had a local plan which attempts to meet its objectively assessed needs. Its most recent failed attempt to adopt a plan was predicated on a figure which – the examining inspector found – was only a **fraction** of Tandridge’s true needs.<sup>5</sup> So it was a disappointment but no surprise that, after 5 years of examination, the Council’s 2019 attempt to update the Core Strategy (on which work had begun years before) was set aside as unsound 2024. And here we are, now back in the foothills of another plan-making exercise in Tandridge. But one with no early prospect of resolution. Even on the Council’s view,<sup>6</sup> we are not months but **years** away from the adoption of a new plan, and further still away from homes being delivered pursuant to allocations in that plan. And that says nothing of the likely disturbances to that timeline from e.g. local government reorganisation or the implementation of Strategic Development Strategies.
- (v) This is a paradigm case of when, as the Secretary of State said last year, we **cannot** wait for all green belt release to come through plan making.<sup>7</sup> On the contrary, in Tandridge, *if* the Council’s needs are to be addressed at all in the short-medium term, it must be through the development management process. Through planning applications just like this one – ideally on sustainable sites (like this one) which the Council’s team has itself

---

<sup>5</sup> CD4.22, pdf p.35.

<sup>6</sup> CD4.28, p.8.

<sup>7</sup> CD11.1, p.3.

identified as (i) suitable, achievable, available and developable for residential uses,<sup>8</sup> (ii) in accordance with the Council's preferred spatial strategy<sup>9</sup> and (iii) "*in principle, suitable for development from a landscape and ecology perspective.*"<sup>10</sup>

11. This break-down in the plan-led system in Tandridge has had real consequences for real people. Most of all, and for many years, this Council has not come anywhere *remotely* close to meeting its real housing needs, including needs for retirement or sheltered housing.
12. The shortfalls aren't marginal. They're staggering. We aren't talking about missing the mark by tens or even hundreds of homes. We're talking about thousands. Many thousands. With all the terrible social, economic and environmental consequences that failing to plan will bring: families unable to afford somewhere to live, more people languishing on the housing register, unsustainable solutions with people being forced to find a home further away from where they work, shop and socialise.
13. Of course, there is a wider regional and national housing crisis. We are, in this Government's view, in "*the middle of the most acute housing crisis in living memory*"<sup>11</sup>, borne of a "*failure over many decades to build enough homes of all tenures to meet housing demand and housing need*",<sup>12</sup> and those working in the planning system have not just a "*professional responsibility but a moral obligation to see more homes built*".<sup>13</sup>

---

<sup>8</sup> CD4.21, p.24.

<sup>9</sup> CD4.21, p.24.

<sup>10</sup> CD4.17.F, p.4.

<sup>11</sup> CD11.1.

<sup>12</sup> CD11.3.

<sup>13</sup> Angela Rayner MP's 30.7.24 letter to local authorities "*Playing your part in building the homes we need*".

14. But that the crisis is wider does not dilute the severity of what is happening – or rather, what is *not* happening – in Tandridge:
- (i) Looking backward, its housing delivery test score (41%) is one of the lowest in England.
  - (ii) Looking forward, its housing land supply is one of the lowest in England: the shortfall in housing delivery over the next 5 years will be 3,741 homes.
  - (iii) When it comes to housing for older people, the PPG tells us the need is **critical**. Mr Warner’s evidence explains a shortfall in Tandridge of hundreds of care beds.
  - (iv) On affordable housing, the situation is dire. As Mr Stacey explains, even over the last few years, there has been a shortfall in delivery of thousands of affordable homes in Tandridge.<sup>14</sup> Almost 2,000 households are languishing on the housing register – a number rising year on year as delivery continues to flat-line and needs compound. And those on the register are waiting on average not weeks or months but **years** for a home (almost 4 years on average for 3-bed homes.)<sup>15</sup> The Council spends almost £2million a year on temporary accommodation, over 90% of which is being spent to house families with children.
15. This position, which has endured for years here, should be unacceptable. It is antithetical to the proper functioning of a planning system intended to meet the needs of “*present and future generations*”<sup>16</sup>. And without any up-to-date local plan, it has gone on in Tandridge for far, far too long.

---

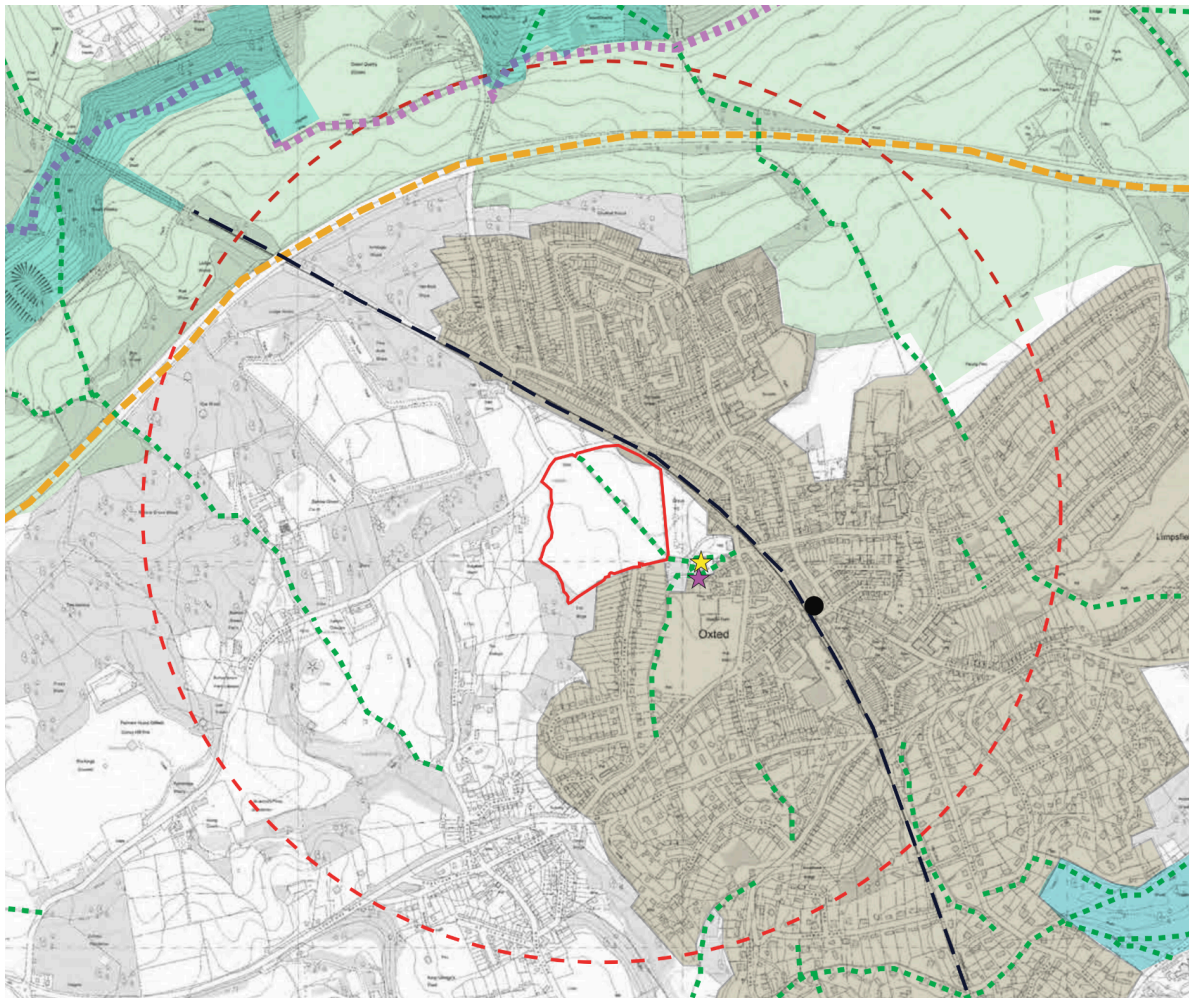
<sup>14</sup> Mr Stacey’s proof at pp.39-40.

<sup>15</sup> Mr Stacey’s proof at p.48.

<sup>16</sup> §8(b) NPPF.



16. So the real issue before this inquiry is whether the many people in need here now should have to wait another 5 years, another 10 years, or however long it takes, for Tandridge to actually adopt a plan, and then for sites to come forward in accordance with that plan. Or whether more urgent needs require more urgent solutions.
17. Which takes us to the appeal site on Barrow Green Road:



18. This is one of the most sustainably located development sites in Tandridge:

- (i) The Council has recognised Oxted as Tandridge's most sustainable settlement for many years.<sup>17</sup> It is the administrative heart of the area, and its range of services, facilities, retail, employment opportunities and transport connections is unmatched anywhere in this district.<sup>18</sup>
- (ii) The Council's spatial strategy dictates that growth should be focussed on sustainable locations like Oxted.<sup>19</sup>
- (iii) Which means that Oxted has to grow. The Council's own urban capacity studies have shown that growth cannot be restricted to brownfield sites alone.<sup>20</sup> Edge-of-settlement expansion is inevitable. And this site is Oxted's best opportunity for sustainable growth, located as it is only minutes on foot to the train station and the town centre, as well as a wide range of other services and facilities: see the SoCG which confirms the support of Surrey County Council as highways authority.<sup>21</sup>
- (iv) The site is not in a designated landscape at any tier of policy – national, regional or local. 16% of Tandridge is washed over by either the Surrey Hills (in the north) or High Weald (in the south-east) National Landscapes. To the (very limited) extent this site can be picked out from the Surrey Hills NL (which runs to the north of the M25), those views all take in the much wider panorama of Oxted's built-up townscape. And of course,

---

<sup>17</sup> See e.g. CD4.18 2018 Addendum, p.14.

<sup>18</sup> See e.g. CD4.18 2015 study, p.47.

<sup>19</sup> See e.g. policy CSP1, CDCD4.1, p.15.

<sup>20</sup> CD4.19.

<sup>21</sup> CD10.3.

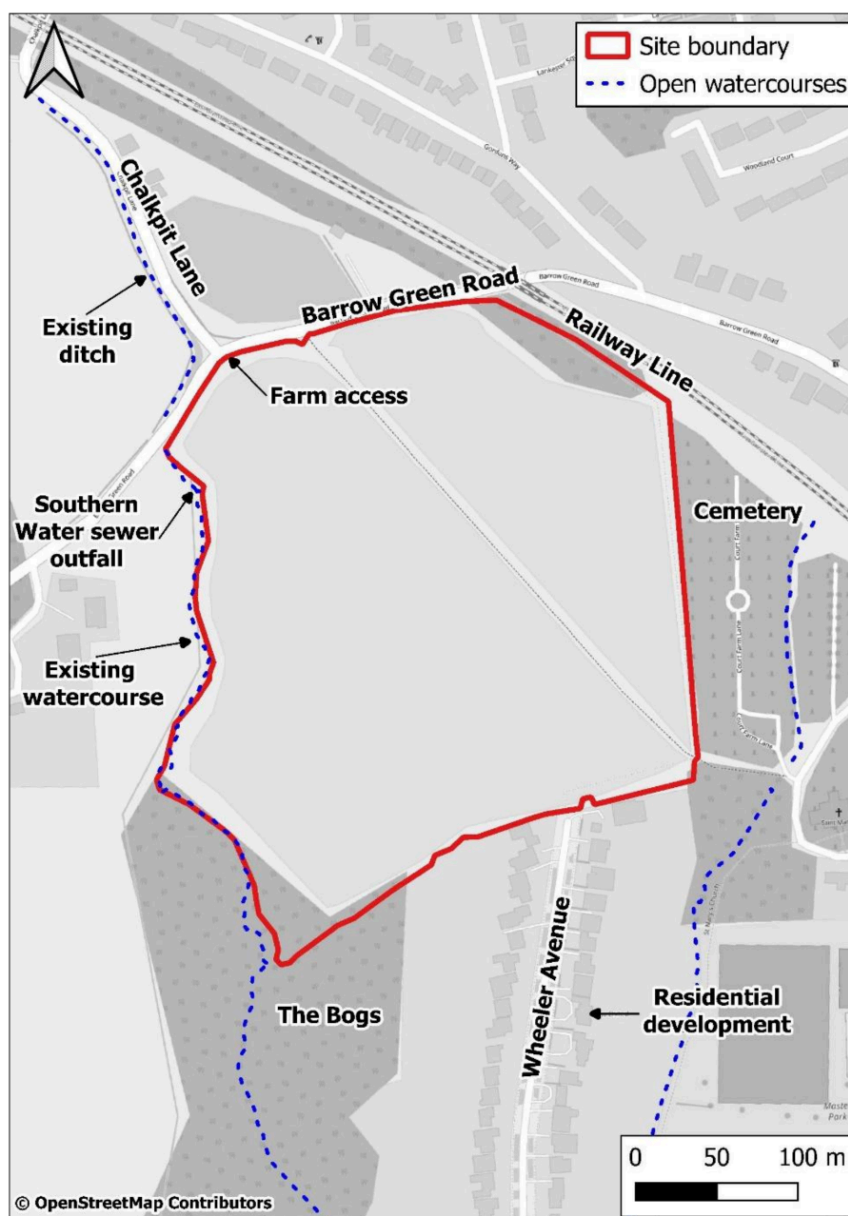
what matters is not whether the appeal scheme can be *seen* from the NL. What matters is whether it will harm the NL's special qualities that contribute to the reason for its statutory designation: i.e. its outstanding natural beauty. On that, Ms Bryant explains that the scheme would cause **no harm** to the landscape character, scenic quality or defined special qualities of the NL. A wider area that includes the site is being considered for inclusion in an expanded NL, but (a) the outcome of that process is not yet known and we cannot predict it, but in any event (b) Natural England are clear that its boundary review process will respond to decisions taken through the planning process at appeals like this one, not the other way around.<sup>22</sup>

- (v) The appeal scheme would cause, even on the Council's case, no more than low levels of less than substantial harm to two nearby listed buildings (on the Appellant's case, there is only impact on one of those buildings), and no harm to any conservation areas. As Mr Brown explains, the scheme's many, various and substantial public benefits outweigh that limited harm under §215 NPPF.
- (vi) The Council accepts that the proposals would not result in an increase in flood risk, and there is no objection from the relevant statutory authorities, i.e. Surrey County Council acting in their role as Lead Local Flood Authority or the Environment Agency (who confirmed the scheme is of "*low environmental risk*"<sup>23</sup>). Nonetheless, the Council raises concerns over the impacts on surface-water to an area called "the Bogs" to the south of the appeal site:

---

<sup>22</sup> CD15.5, p.24.

<sup>23</sup> CD3.2I.



The Appellant’s engineers – Ardent – have used industry-standard, technically robust conceptual modelling to assess flows and flood risk. All of the key hydrological pathways to The Bogs are covered by that model. The results are simple: there will be **no** material impact on flows to the Bogs. The scheme’s impacts on those flows is **neutral**. Dr Rodda’s request for yet further assessment work at this outline stage is not supported by statutory guidance, industry practice, or the position of the statutory consultees.

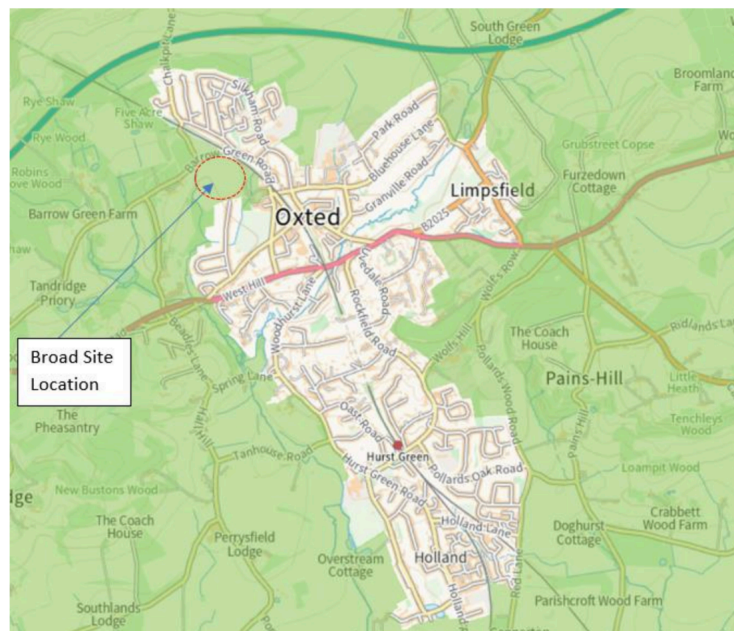


(vii) The site is not covered by any statutory nature conservation designations. No loss of woodland (ancient or otherwise) will occur and that the development will not impact upon the favourable conservation status of species that are present within the wider landscape. Indeed, the scheme will include the planting of around 235 new trees, and the scheme will achieve a net **gain** on site in biodiversity.

(viii) The site meets the Government's definition of "grey belt" land, as Mr Brown explains, because it makes no strong contributions to any of the relevant green belt purposes, i.e.

(a) It plays no role in separating towns.

(b) It has many physical features "in reasonable proximity" which serve to "restrict and contain" future development, e.g. the railway, the built-up edges of Oxted, and Barrow Green Road itself. Its form is congruent with Oxted's wider settlement pattern. Oxted's built form already extends to the north, east, south and west of this site:



(c) Green belt purpose (d) at §143(d) NPPF is about “historic towns” – these are places where the function of designating the green belt in the first place was, at least in part, to preserve their setting and historic character. Places like York, Oxford and Cambridge. Oxted is *now* a town. But it has not been a town for very long, and the Metropolitan Green Belt was not designated to protect its historic setting. It is not a “historic town” in the language of national green belt policy. It was, until the late 19<sup>th</sup> century, a collection of villages (e.g. Limpsfield and Hurt Green, along with New and Old Oxted) which were conjoined in the 20th century, first by development in the early 20th century around the railway station; then by post-war development along Church Lane and West Street. As Mr Copp explains, it was only with this post-war expansion that the historically distinct areas began to be seen as a single urban area. The designation of the green belt around Oxted in 1958 was about curbing the sprawl of London. It had nothing whatsoever to do with preserving Oxted’s historic character.

(d) As Mr Brown explains, there are no “strong” reasons to refuse planning permission within the meaning of §11(d)(i) and FN7 NPPF.

(ix) Further, the tests at §155 NPPF are all passed. The site meets the NPPF’s definition of “grey belt”. At around 9.7 hectares, it comprises around 0.0004% of Tandridge’s green belt: its development would have a negligible impact on the remaining green belt across the area of the plan (§155(a) NPPF). We agree with the Council that it would meet a range of demonstrable unmet needs (§155(b) NPPF), would be sustainably located (§155(c)) and would accord with all of the Golden Rules (§155(d)) – a point which must

be “*given significant weight in favour of the grant of permission*”: §158 NPPF.

19. For all the many documents before you, the real question is simple:

*Do the scheme’s adverse impacts significantly and demonstrably outweigh the benefits.*

Unless they do, permission should be granted: §11(d)(ii) NPPF. Even if, for whatever reason, you decide that the site falls outside the definition of “*grey belt*”, the appeal should succeed anyway because the scheme’s benefits clearly outweigh its harms: §153 NPPF.

20. In striking that balance, we must remember that even on the Council’s case, you are asked to give our benefits significant weight (in relation to at least the delivery of housing), the NPPF requires you to give further significant weight in the scheme’s favour to its accordance with the Golden Rules, and only recently the Council itself has identified the site as suitable for housing, and in accordance with its preferred spatial strategy.<sup>24</sup> Of course, on Mr Brown’s evidence, the weight to be attributed to the scheme’s benefits is very substantial – and include, in addition to the delivery of much needed care uses for older people, a range of health and wellbeing benefits, cost savings e.g. to the NHS, and the release of under-occupied homes.
21. In the end, our case is straightforward: given the disastrous scale of shortfalls in delivery of housing of all kinds in Tandridge, and the failures to plan to address them, this scheme’s benefits are profound, the imperative to bring them forward on a sustainable site is compelling, and they are not outweighed – still less significantly or demonstrably outweighed – by what will only be a localised impact to this appeal site and its immediate surroundings.

---

<sup>24</sup> CD4.21, p.24.

22. For those reasons, which we will develop in our evidence and in closing, the balance weighs decisively in favour of granting planning permission, and we will ask you to allow the appeal.

ZACK SIMONS K.C.

ISABELLA BUONO

Landmark Chambers

180 Fleet Street

London EC4A 2HG

**27<sup>th</sup> JANUARY 2026**