

TOWN AND COUNTRY PLANNING ACT 1990
LAND SOUTH OF BARROW GREEN ROAD, OXTED
APPEAL BY CROUDACE HOMES LTD
PINS REF. APP/M3645/W/25/3372747

STATEMENT OF CASE OF
OXTED & LIMPSFIELD RESIDENTS GROUP AND OXTED PARISH COUNCIL

Introduction

1. The Appellant has appealed against the decision of Tandridge District Council (**"the Council"**) to refuse outline planning permission for a proposed residential development of up to 190 dwellings (including affordable homes) (Use Class C3), an extra care facility with up to up 80 beds (Use Class C2), together with the formation of vehicular access, landscaping, parking, open space, green and blue infrastructure, and all other associated development works. All matters reserved except access (**"the appeal proposals"**) at Land South of Barrow Green Road, Oxted (**"the appeal site"**).
2. Oxted & Limpsfield Residents Group (**"OLRG"**) and Oxted Parish Council object to the appeal proposals. OLRG has more than 2,000 members from the Oxted and Limpsfield area. It submitted a detailed letter of objection dated 4 August 2025 (attached at Appendix 1), together with an additional technical note from hydrology specialists Hydro-GIS Ltd regarding Flood Risk (attached at Appendix 2) which should be read with this Statement of Case. Oxted Parish Council submitted a detailed letter of objection dated 30 July. OLRG and Oxted Parish Council were together granted "Rule 6 status" on 1 October 2025 (and, as such, they are referred to collectively as **"the R6"**).

The appeal site

3. The appeal site is an undeveloped agricultural field with an area of Ancient Woodland. It lies outside the settlement boundary of Oxted and in the open countryside. It is designated as part of the Metropolitan Green Belt.
4. The appeal site falls within the setting of the Surrey Hills National Landscape (formerly the Area of Outstanding Natural Beauty). Despite its physical proximity to Oxted, the site has a much greater affinity with its rural surroundings than with the built-up area. It forms an important part of the rural scene at the settlement edge and reflects the character of the wider landscape, and Natural England is recommending it is included in the new extended boundary for the National Landscape which Natural England will soon be submitting to Defra. The site has been assessed as a valued landscape by both the Council's and the R6's landscape architects.
5. The appeal site contains part of, and is adjacent to, The Bogs which is a priority irreplaceable habitat of Ancient Wet Woodland.
6. The appeal site is part of the setting of designated heritage assets, Grade I listed St Mary the Virgin Church and Grade II listed Court Farm House. The Historic Buildings Officer of Surrey County Council has concluded there would be a moderate degree of less than substantial harm to St Mary's Church and a lower end of less than substantial harm to Court Farm House. The site adjoins the parish burial ground.
7. The whole of the 9.7 hectares of the appeal site is Grade 3a best and most versatile agricultural land.
8. The appeal site includes Bridleway97/Public Right of Way which runs diagonally across it and is a very well used recreational resource and open space, a favourite with horse riders, dog walkers, hikers, runners, cyclists and local children.

Harm to the National Landscape, a Valued Landscape and landscape character

9. The appeal site lies within the setting of the Surrey Hills National Landscape, together with adjoining and nearby land. Development of the site, regardless of the outcome of the boundary review, would derogate from the setting on a wider basis than just the site itself. NPPF paragraph 189 states that development within the setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. Due to both its proximity and topography, the site has a very high degree of intervisibility with the existing Surrey Hills National Landscape and makes a strong contribution to its natural beauty.
10. The appeal site has been selected by Natural England for inclusion in the new extended boundary of the National Landscape. The boundary extension project, which began in June 2021, has now reached an advanced stage and is close to its conclusion. In September 2025, the Natural England Board gave approval for the Boundary Review to progress to the notice period, a major milestone for the project. Natural England have said they expect to launch the 28 day notice period before the end of the year and, after analysing the representations and if no more land is added to the proposal, they will then be able to submit the proposals to the Secretary of State who makes the final decision on whether to confirm the new boundary.
11. Natural England's boundary extension reports provide an up-to-date, expert assessment of this landscape. In particular:
 - a. The reasons for including Stoney Field and The Bogs in the boundary extension are set out in pages 7-15 of the Analysis Report for the second consultation. This references a Scoping Report that highlights *"the sensitive views from the site to the AONB, Church and scarp, as well as proximity to The Bogs"* and explains that *"These qualities contribute to the natural beauty of the area as a whole."*

- b. At Page 142 of their Natural Beauty Assessment, Natural England comment that: *“The landscape in this area blends seamlessly with the North Downs to the north”* (the full quote is included at paragraph 61 of Appendix 1).
- c. As noted by Natural England in their June 2025 second boundary consultation report, Stoney Field *“forms part of a sweep of agricultural landscape to the north and affords dramatic views of the chalk scarp.”*

12. These reports and the proposed extension of the boundary are material to the determination of this appeal. The appeal site is already subject to a number of protections and the direction of travel is towards greater protection due to the contribution that this site makes to both the local and wider Surrey Hills National Landscape. In Appeal Decision APP/M3645/W/24/3345915, Land at Chichele Road, Oxted, the Inspector found that Natural England’s decision to include the site as part of the Surrey Hills National Landscape Boundary Variation was a material consideration for the determination of the appeal. We are now a year further on in the boundary review process. Since that Appeal decision, this site has been re-assessed as part of the consultation process and its inclusion within the new boundary has been confirmed. It should therefore be given greater weight.

13. Irrespective of whether the appeal site becomes part of the Surrey Hills National Landscape or simply remains within its setting, the appeal proposals would be highly detrimental to the National Landscape. They would have a major and permanent adverse effect on views into and out of the National Landscape, including views from the North Downs Way and other public footpaths which criss-cross the area:

14. Appendix 3 is a Landscape and Visual Impact Assessment carried out by Louise Hooper Landscape Architect (LHLA), which states:

“The scarp slope of the Surrey Hills can be seen from the site, and the site can be seen from the Surrey Hills. The proposed development would impact adversely on views of and from the SHNL and its setting. There would be a major and permanent adverse impact on multiple

other landscape receptors including the site and its surroundings, the Chalk Ridge and its landscape character and qualities; there would be a major and permanent adverse impact on visual receptors including users of the bridleway crossing the site, local roads and the North Downs Way.”

15. These conclusions are confirmed by Natural England who, after reviewing the application and undertaking a site visit on 7 August 2025, commented:

“Natural England acknowledges the submission of an LVIA and accurate visualisations of the proposed development. The visualisations provide a useful impression of the visual impact of the proposed development on the setting to the National Landscape. The visualisations from the bridleway which crosses the Site illustrate the change to public views towards the National Landscape which would be significant. Views to the north west, towards the National Landscape, are currently open and unspoilt and the wooded ridge and unsettled lower slopes are a prominent feature in the views. These views contribute to the sense of being beyond the settlement edge and part of the wider landscape which makes up the setting to the National Landscape. The proposed development would disrupt these views significantly with only a small, narrow views of the wider countryside possible and framed by residential development.”

16. Natural England also advise that *“great weight is given to the advice provided by the Surrey Hills AONB Board regarding this application”*. In his advice, the Surrey Hills Board Planning Adviser states:

“In balancing the different relevant planning considerations the Planning Authority is asked to give substantial or even great weight to the proposed development spoiling the setting of the Surrey Hills National Landscape by harming important public views into it. The current Surrey Hills AONB Management Plan Policy P6, which is a material planning consideration, resists developments that would spoil the setting of the AONB/National Landscape. Further, the Planning Authority will need to be confident that if they were to grant permission that other relevant planning considerations outweighed the Council’s duty under the Levelling-Up and Regeneration Act 2023 that it must seek to further the purpose of conserving and enhancing the natural beauty of the National Landscape which includes its setting. That may be difficult. Lastly, some

significant weight should be given to Natural England and its experienced landscape advisers considering that the site meets NE's criteria of natural beauty and desirability for National Landscape designation in its proposals for extending the Surrey Hills National Landscape. I consider that collectively the above would justify a landscape reason for refusal."

17. In the circumstances, and contrary to paragraph 189 of the NPPF, the proposals are not sensitively located and designed to avoid or minimise adverse impacts on the National Landscape. They would be a high density and highly visible harmful intrusion into the setting of the National Landscape. They would fail to conserve the landscape and scenic beauty of this designated area. The National Landscape is a Footnote 7 asset and the harm to it (whether by reason of development within its setting or, if the boundary is extended, within the National Landscape itself) provides a strong reason for refusal for the purposes of paragraph 11(d)(i) of the NPPF.

18. In addition, the appeal site has high landscape sensitivity and value. Ms Hooper's LVIA (Appendix 3) concludes that the site is a valued landscape within the meaning of paragraph 187(a) of the NPPF, inter alia because:

"The site contains key features and indicators which provide strong evidence for its definition as a Valued Landscape; these include natural and cultural heritage, landscape condition, distinctiveness, recreational opportunities, scenic beauty & memorable views, tranquility and remoteness. The site meets the criteria (set out in the Landscape Institute's 'Guidelines for Landscape and Visual Impact Third Edition' and in the Landscape Institute Technical Guidance note 02/21) and as a result LHLA recommends that the site should be defined as a Valued Landscape."

19. Further harm would arise from the introduction of development into this valued landscape. The proposals would fail to protect a valued landscape and cause unacceptable harm to the landscape character and appearance, thereby undermining the purpose of conserving and enhancing the natural beauty of this area.

20. The appellant's Accurate Visualisations demonstrate the major adverse impact of the proposals. It is plainly incorrect to state, as at paragraph 140 of the appellant's Statement of Case, that: "*Existing public views towards the scarp would be maintained..*" Currently, a wonderful unspoilt and dramatic panoramic landscape view is gained of the scarp slope of the North Downs from the Bridleway/PRoW and from the informal footpaths around the field. That would be essentially wiped out by the development. Similarly, the Accurate Visualisations show the excellent views from the burial ground would also be lost. Although not as widely important as the above views, the visualisations show the view of the National Landscape from the end of Wheeler Avenue would also be obstructed by the proposed development.

21. The appeal proposals would also have a major and permanent adverse effect on Bridleway 97/Public Right of Way that runs through the centre of the field contrary to paragraph 105 of the NPPF. The urbanising effects of the development would inevitably cause harm to the experience for users of the PRoW, which is a high sensitivity receptor with a high susceptibility to change.

22. Finally, the proposals would mean the loss of a much-loved community space that supports mental and physical wellbeing. The site is prized for its recreational and amenity value. Many families from local housing estates, a number without gardens of their own, take their children to explore nature and enjoy the openness and views from Stoney Field. It is a place to walk, reflect, exercise and connect with nature. It is a much valued part of many people's daily lives as evidenced by the large number of comments to that effect submitted in objection to the planning application. In addition to the Bridleway, the field is part of a popular walking route and is the subject of a current rights of way application for three paths around the field. The R6 intend to call evidence on these matters including from The Ramblers. We agree with the objection from the Surrey Countryside Access Forum which states:

"The field (Stoney Field) under consideration has a Bridleway crossing it diagonally (BW97). This is much used by equestrians, walkers and cyclists. It is a pleasant rural path, with direct communication and forming the opportunity of a circular route, The ambiance and character of this path / route, which is used by many, would be completely ruined if it ended

up inside and dominated by a housing estate. Concurrently, the surrounding countryside would also be completely ruined with adverse impacts on the environment, wildlife etc etc; all of which contribute to the interest of this PROW. This rural area is due to become part of the extended Surrey Hills National Landscape. It is clearly Greenbelt and in no way could it be considered 'Greybelt'. This location is totally unsuitable to be considered for such a development as a housing estate, with all its inherent adverse impacts upon the rural setting, the countryside and the local countryside access, with established and formalised Public Right(s) of Way, and no suitable established infrastructure."

23. The appeal proposals are contrary to paragraph 96(c) of the NPPF which states that planning decisions should enable and support healthy lives, especially where this would address identified local health and wellbeing needs and reduce health inequalities. The major adverse effect of the appeal proposals would not just be limited to the loss of views of the National Landscape, but would also mean the loss of health and wellbeing benefits for local people and the loss of experience of open countryside and a valued landscape.

Character and appearance

24. This is an outline application with all matters reserved for subsequent approval, except access. The R6 consider this is inappropriate for such a sensitive location where the impact on the landscape and on the setting of the National Landscape is of critical importance. It means there is minimal information relating to the appearance of the development, the scale or the landscaping with no certainty about any of these. The applicant has provided a Land Use Parameter plan of the distribution of land uses across the site. It is clear from this that there would be an excessive quantum of development and that the proposed layout is symptomatic of a development which would not be sensitively located and designed to avoid or minimise adverse impacts on the National Landscape and its setting.

25. The proposal would have a major and permanent adverse visual effect at site level and on the retained trees and The Bogs. The character and appearance of the wider area would also experience a major and permanent adverse effect due

to the presence of a large incongruous development in open countryside and the resultant urbanisation.

26. The appeal site borders Wheeler Avenue where the buildings are set considerably back from their plot boundaries with generous frontages and sizeable rear gardens. Together with the numerous mature trees, some of which are very large, this results in a decidedly spacious and sylvan character to the area. In contrast, the proposal does not reflect and respect the character of the area or integrate effectively with its surroundings as required by Policies CSP18 (Tandridge District Core Strategy) and DP7 (Tandridge Local Plan Part 2: Detailed Policies). Residents of properties here and elsewhere would experience a major and permanent adverse effect. So too would users of Barrow Green Road, Chalkpit Lane and Wheeler Avenue.

27. The proposed development is contrary to paragraph 135 of the NPPF, in particular because it is not sympathetic to local character, history and landscape setting and will not add to the overall quality of the area.

28. In summary, the R6 consider the appeal proposals conflict with development plan policies CSP13, CSP18, CSP20, CSP21 (Tandridge District Core Strategy) and DP7 (Tandridge Local Plan Part 2: Detailed Policies), paragraphs 96(c) 135, 187 and 189 of the NPPF. In addition, they conflict with Policies P1, P2, P4, P9 and P11 of the Surrey Hills Management Plan 2025-2030, Part 4 The Policy Framework which was adopted by Tandridge District Council in October 2025 and the intentions behind s.85 (A1) of the Countryside and Rights of Way Act 2000.

29. The R6 case will cover the effects of the appeal proposals on the Surrey Hills National Landscape and its setting, on a valued landscape, on views, and on the local community. It will demonstrate that unacceptable harm would be caused to all of these.

Inappropriate Development in the Green Belt

30. The appeal scheme would be inappropriate development in the Green Belt, and would be material harmful to the openness of the Green Belt and four of the five

purposes of Green Belt. There are no “very special circumstances” which clearly outweigh that harm.

The Appeal Site is not Grey Belt

31. For the reasons set out in Appendix 1, the R6 rejects the appellant’s suggestion that the appeal scheme could be regarded as “appropriate” on the basis that the appeal site is “grey belt”. The appeal site was designated as Green Belt in the 1958 Surrey Development Plan. There have been no material changes “on the ground” that would affect this designation. The site is undeveloped, open, and, in the view of the R6, continues to fulfil four of the Green Belt purposes identified in paragraph 143 of the NPPF. They are:

- a. Paragraph 143(a) (“to check the unrestricted sprawl of large built-up areas”): The Planning Practice Guidance makes clear these purposes relate to large built up areas. Oxted, Hurst Green and Limpsfield is one of three large built up areas in Tandridge District with a latest population estimate of around 13,000. The appeal site is undeveloped open countryside and has a particularly strong role in checking the unrestricted sprawl of the large built up area of Oxted, Hurst Green and Limpsfield by containing development and preventing a northward expansion of the town.
- b. Paragraph 143(c) (“to assist in safeguarding the countryside from encroachment”): The appeal site is part of an extensive area of countryside to the northwest of Oxted. There have been no changes to the Green Belt boundary in this area, and so the appeal site is making a strong contribution to assisting in safeguarding the countryside from encroachment. Although adjacent to a large built-up area, the appeal site is physically isolated from the urban part of Oxted and the construction of a large housing estate and care home on this open, undeveloped field would represent a substantial intrusion of built development into the countryside and would result in an incongruous pattern of development.

- c. Paragraph 143(d) (to preserve the setting and special character of historic towns): recent work on the Council's new Local Plan has concluded that Oxted, Hurst Green and Limpsfield should be considered an historic town. This is also the conclusion of neighbouring Sevenoaks District Council. The surrounding Green Belt, particularly to the east and west plays an important strategic role in maintaining the setting of Oxted, Hurst Green and Limpsfield as an historic town and contributing to its special character.
- d. Paragraph 143(e) ("to assist in urban regeneration, by encouraging the recycling of derelict and other urban land"): The Green Belt encourages the recycling of derelict and urban land within Oxted and the wider district. An example of this is the redevelopment of the Oxted Gasholder site, which was a brownfield site within the settlement boundary of Oxted that was redeveloped to provide 111 new dwellings and associated car parking.

32. The above analysis is supported by the fact that the appeal site was not among the sites proposed for release in the now withdrawn "Our Local Plan: 2013:2033." The Council's Green Belt Assessment (Part 3): Appendix 1 (2018) confirms that the site makes a *"strong contribution to openness and the Green Belt purposes in this location"* and should not be considered further in terms of exceptional circumstances. This conclusion is explained here:

"What is the nature and extent of the harm to the Green Belt if the site is developed? Given that the Green Belt in this location serves the purposes of preventing sprawl and assists in safeguarding the countryside from encroachment, development in this location is likely to result in harm to the ability of the Green Belt in this location to continue to serve these purposes. In addition, there is potential for harm to the ability of the wider Green Belt to meet the Green Belt purposes."

33. This Assessment formed part of the evidence base for Our Local Plan: 2013:2033. While the Plan has now been withdrawn, the evidence base is still relevant as an expert assessment of the appeal site and a material consideration in the determination of this appeal. The Local Plan Inspector, although

recommending withdrawal of the Plan, was content with the Green Belt assessments carried out by the Council, finding them to be adequate (Inspector's final report, Annex 1 - ID16-paragraph 42). There have been no changes on the ground on the appeal site or in this area that would invalidate the assessment set out in the paragraph above.

34. Further, the NPPF makes clear that grey belt excludes land where the application of policies relating to the areas or assets in footnote 7 to paragraph 11 (other than Green Belt) would provide a strong reason for refusing or restricting development. This is the case with this site regarding footnote 7 policies relating to: the National Landscape, irreplaceable habitats, designated heritage assets, areas at risk of flooding. The site contains and adjoins an irreplaceable habitat of Ancient Woodland, This Ancient Woodland, called The Bogs, is a wet woodland with a water supply currently fed by surface water run-off from the application site and a stream running along the western boundary of the application site. The site is part of a fragile ecosystem and the proposal constitutes a high risk of causing irreparable deterioration to this ecosystem, so threatening its future.

35. The appeal proposals therefore constitute inappropriate development in the Green Belt and so are "by definition" harmful: paragraph 153 of the NPPF. The site does not meet any of the exceptions listed under paragraph 154.

Harm to the Green Belt

36. The Government attaches "great importance" to Green Belts: paragraph 142 of the National Planning Policy Framework ("NPPF 2024"). This states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of the Green Belt being its openness and permanence. There will be clear and significant harms to all of the factors used to assess the openness of the Green Belt:

a. Spatial openness

There will be very clear harm to the openness of the Green Belt in spatial terms arising from the introduction of a new housing development with 190 dwellings and an 80 bed care home, accompanied by extensive areas of new hardstanding, access roads, driveways and pathways, into what is currently an undeveloped field where there is currently no built form. Further harm will be caused by the subdivision of the area into individual plots and the creation of new curtilages and associated boundary treatments where none currently exist. This harm will be severe and permanent.

b. Visual harm

The site is highly visible in the wider and local landscape. It was reviewed in landscape terms during the preparation of “Our Local Plan: 2033” and the visual sensitivity of the site was judged to be substantial.

The open nature of the site means that the proposed development will be clearly visible from multiple public and private viewpoints. We believe that it is not possible to mitigate the impact on views resulting from this development. The proposal would be alien and out of keeping in this otherwise open, undeveloped, high quality landscape.

On page 141 of their Natural Beauty Assessment Report, Natural England have confirmed that there is a high degree of intervisibility with the National Landscape stating: *“The scenic qualities of the greensand vale are lifted by the proximity of this landscape to the distinctive and dramatic chalk scarp face to the north, within the AONB, and the rising land of the Greensand hills to the south.”*

The site is conspicuous in the wide, panoramic views obtained from footpaths and from the extensive areas of open access land in the National Landscape to the north. There are currently open views

northwards of the scarp from the bridleway as it crosses the site, and from the burial ground adjacent to the site. Looking south from the bridleway, there are views of St Mary's Church, a designated heritage asset. There is a comprehensive network of public footpaths and bridleways within the wider area, including the North Downs Way, from which the site is visible throughout the year. The views are of high scenic quality.

The proposal would urbanise this area of open countryside. This is a key green space reaching to the settlement edge. It brings the countryside closer to the town for residents to enjoy and its existence promotes wellbeing and improves mental health.

c. Intensification

The proposals will result in a substantial intensification of activity arising from traffic (residents, deliveries, etc), domestic activities and lighting. This is harmful to the openness of the Green Belt.

d. Duration

All of these harms will be permanent.

37.The appeal proposals would also cause harm to the four Green Belt purposes identified above.

38.In summary, the appeal site continues to play an important role in checking the unrestricted sprawl of the large built up area of Oxted, Hurst Green and Limpsfield; in safeguarding the countryside from encroachment; preserving the setting and special character of an historic town and assisting in urban regeneration.

39. As well as the harm by reason of inappropriateness, the harm which the proposal would cause to the openness and purposes of the Green Belt should be afforded substantial weight in accordance with paragraph 153 of the NPPF.

40. The question whether these harms (together with the other harms caused by the appeal scheme) are clearly outweighed by the benefits of the scheme is addressed under the heading “very special circumstances”, below. For the reasons set out there, there are no very special circumstances which would justify the grant of permission in this case. Green Belt is a Footnote 7 designation. The harm to the Green Belt in this case therefore provides a further strong reason for refusal for the purposes of para 11(d)(i) of the NPPF.

Ancient Woodland, The Bogs pSNCI and biodiversity

41. The Bogs Ancient Woodland is a priority habitat, part of which is within the appeal site. We have taken expert advice from Hydro-GIS, specialists in hydrology. Their findings are included as evidence in Appendices 1 and 2 and indicate that the appeal proposals pose a serious threat to this irreplaceable habitat.

42. The Bogs is sustained by the water running off the North Downs via Stoney Field. There is a complex, multi-faceted relationship between Stoney Field and The Bogs, and its habitat and biodiversity value.

43. The review of the appellant’s Flood Risk Assessment by Hydro-GIS specialists highlights that significant details which are relevant to the impact of the appeal scheme on The Bog are missing from the relevant text and information has been presented which is wrong and misleading. The report gives details of the limitations of what is found to be an “inadequate and incorrect assessment.”

44. Hydro-GIS also highlight that the Hydraulic Modelling Report shows a reduction in flood levels to the south of the site, which would also mean a reduction in flow to The Bogs. A reduction in flow and potential drying out is a very undesirable outcome which would significantly harm biodiversity and cause loss and deterioration of this habitat and eventual destruction.

45. In their review of the further information provided by the appellant's technical note in response to an initial objection to the application from the Lead Local Flood Authority, Hydro-GIS comment that: *"there is nothing in the technical note to consider the impacts of the development on the hydrology of The Bogs. It appears that the SuDS design has been optimized to consider the flood risk at the site without considering the role that both surface and groundwater flowing from the site plays in sustaining the environment of The Bogs."*
46. None of the appellant's reports have made an assessment of flow rates of water into The Bogs prior to or following development. Neither has there been any consideration of the vulnerability and high degree of susceptibility to change of this fragile habitat. The only evidence available indicates that the current flows of water into The Bogs will not be maintained and that irreparable harm to the Ancient Wet Woodland and the species it supports, is likely to result. The quality of surface water to be discharged via the proposed SuDS drainage system to be built as part of the development has also not been assured.
47. The failure to supply fundamental baseline data about how the appeal proposals may impact on the hydrology of The Bogs means that the proposals cannot be subject to condition and must therefore be refused.
48. The proposal involves the installation of a drainage outfall with a piped connection from an attenuation basin to a water course. The piped connection will need to run through the part of The Bogs Ancient Woodland within the site which will require a trench to be dug to accommodate the pipe. This will result in loss, deterioration and disturbance of the habitat.
49. There would also be harm arising from the close proximity of a large housing development and associated disturbance, pollution and recreational and other pressures such as predation from domestic pets, where previously there was no development and where there has been minimal human interference. The appellant has given insufficient information about how the Ancient Woodland both inside and outside of the site would be protected. pSNCI woodland with wet ground conditions will have low resilience to recreational access.

50. We note Surrey Wildlife Trust's comments on the permanent loss of a section of hedgerow which is a Habitat of Principal Importance and that insufficient ecological information has been submitted. There has been a failure to demonstrate that biodiversity will be protected, maintained and enhanced. There would be both physical harm and harm to biodiversity arising from the significant increase in recreational pressure and other urbanising effects. The proposed development has the potential to cause irreparable harm to an irreplaceable habitat, Ancient Woodland, both on-site and off-site and lead to the loss of a Habitat of Principal Importance.

51. The R6 consider the appeal proposals conflict with development plan policies CSP17, DP19, DP21 and paragraphs 187(a)(b) and (d) and 193 (c) of the NPPF. In particular, para 193(c) states that development resulting in loss or deterioration of irreplaceable habitats (such as Ancient Woodland) should be refused unless there are wholly exceptional reasons, which do not exist in this case. The development does not have to be on an Ancient Woodland site (loss of habitat) in order to conflict with para 193: it is enough that it will have effects/impacts causing deterioration.

52. The harm to this Footnote 7 asset provides a strong reason for refusal which engages paragraph 11(d)(i) of the NPPF. The R6 do not agree with the appellant's Statement of Case which asserts that these conflicts only engage paragraph 11(d)(ii) of the NPPF (i.e. that para 11(d)(i) is not engaged). The appellant's Statement of Case is also incorrect in stating that the Council accepts that paragraph 11(d)(ii) is engaged. Paragraph 171 of the Officer's Report makes clear that paragraph 11(d)(i) is engaged, stating "*The tilted balance (para. 11(d)(ii) of the NPPF) does not apply in the determination of this application, therefore.*"

Surface and foul water drainage

53. The site is typically subject to flooding whenever there is heavy rainfall and has experienced repeated surface water flooding over the years, more frequently in recent times. With the effects of climate change, it is highly likely that such events

will become more frequent. As evidenced in Appendix 1, the flooding also affects the surrounding areas of Barrow Green Road and properties in Wheeler Avenue.

54. The appeal site is susceptible to surface water flooding through a high-risk surface water overland flow route which flows from the northwest of the site towards the southwest of the site. The appellant intends to divert the existing overland flow route to allow the proposed development to be located where the existing overland flow route is currently flowing.

55. The LLFA initially objected on a number of grounds including that *“There is a need for a specific hydrological assessment to demonstrate the diverting flood flows within the site will not lead to a loss of flood storage or increase the risk of flooding to the site and surrounding area.”*

56. Although the LLFA has since decided that conditions can be imposed on the development to address its concerns, the R6 continue to have unresolved concerns about the appellant’s surface water drainage strategy not only in relation to the adverse impacts on The Bogs Ancient Woodland and pSNCI within and adjacent to the site as set out above, but also that it has not been demonstrated that the proposed development will not increase the flood risk elsewhere and increase the flood risk overall.

57. In addition, there is wholly inadequate information about the maintenance and management regime in perpetuity for the stream and for the SUDS features and about how that regime will be financed.

58. We are very concerned about the inadequacy of the foul sewage provision which is accepted by the appellant and by Southern Water. As also evidenced in Appendix 1, there have been repeated incidents of flooding with sewage in surrounding areas owing to the lack of network capacity. Southern Water have made compensation payments to residents of £5,000. Non-return valves have been fitted and although these have prevented the overflow of sewage into the properties where they were installed, unfortunately it has simply moved the capacity issue to other nearby addresses because no extra capacity has been added to the system.

59. An existing foul water sewer runs across the site and Southern Water have stated that the current capacity is inadequate and significant upgrades would be needed to the sewer system to service the proposed development. It is not clear if or when any such upgrades would be provided and without them the proposed development is undeliverable.
60. In these circumstances, the R6 request that should planning permission be granted, planning conditions must be imposed which prevent the commencement of any of the development until such time as the sewage/water undertaker has upgraded the system to cope with the additional load. The imposition of and compliance with these conditions should be non-negotiable. If such conditions are not imposed, planning permission should be refused. Southern Water's briefing note on Grampian conditions is included at Appendix 4.
61. The R6 believe the appeal proposals risk significantly worsening the existing problems with foul water drainage and surface water flooding and intend to give further evidence on these matters.
62. The R6 consider the appeal proposals to conflict with development plan policies CSP11 and DP 21 and paragraphs 181 and 182 of the NPPF.

Harm to Heritage Assets

63. The appeal site is part of the setting of designated heritage assets, Grade I listed St Mary's Church and Grade II listed Court Farm House.
64. Stoney Field forms an important part of the rural setting of St Mary's Church and is a surviving element of its historic and isolated setting. It makes a strong contribution to the historic interest of the church and the sense of the church in a wider rural landscape within which it was originally conceived and located. The church is set on elevated ground and is part of the historic core of Oxted. It is well used and has significant community value.

65. The right of way is linked to the church and is a well-established historic route to the church going back centuries. It is important to an understanding of the church's significance.
66. The proposal would have a major and permanent adverse effect on visitors to St Mary's Church and on existing public views of the church both from the right of way running through the field and from within the field itself, which would be removed. To the extent that any views of the church would remain, the proposal would mean the church would only be experienced in the context of a dominant suburban setting with all sense of rurality lost.
67. The burial ground is an integral part of the church and its setting. It is currently a tranquil and reflective place. This proposal would destroy those qualities forever and have a major and permanent adverse effect on the burial ground and its visitors.
68. The R6 do not intend to call evidence on these matters in addition to our comments in Appendix 1, but will support and adopt the position advanced by the Historic Buildings Officer of Surrey County Council whose assessment concludes that there would be a moderate degree of less than substantial harm to St Mary's Church and that the harm to Court Farm as a Grade II listed building would be at the lower end of less than substantial harm.
69. We wholly endorse these comments from the Historic Buildings Officer:
- "Great weight will need to be applied to this harm in line with paragraph 212 of the NPPF and even greater weight applied owing to the greater importance of St Mary's Church as a Grade I listed building. As harm to a Grade I listed building is a serious consideration, I would consider this a strong reason for refusal."
70. The harm to designated heritage assets is a further Footnote 7 consideration providing a clear reason for refusing the appeal proposal. There are no public benefits identified that would outweigh the harm identified as required by NPPF paragraph 215. The R6 consider the appeal proposals to conflict with development plan policy DP20 and paragraphs 213 and 215 of the NPPF.

Agricultural Land

71. The whole of the appeal site is Grade 3a best and most versatile agricultural land. The appellant does not appear to have assessed whether there is poorer quality land available for the same development elsewhere or taken into account the economic impact of the loss of the land. The appeal proposals are in conflict with paragraph 187(b) of the NPPF which requires consideration of the benefits of the best and most versatile agricultural land. The R6 do not intend to call evidence on this matter but support and adopt the position of the Council that the loss is significant both in economic terms and sustaining the health and wellbeing of the countryside and supporting biodiversity.

Highway Safety

72. Two vehicle accesses to the site are being proposed, one via Barrow Green Road, a country lane, the other via the residential road Wheeler Avenue. Both are unsuitable and neither could safely accommodate the volume of traffic proposed. There would be harmful effects on road safety, pedestrian/horse riders/cyclists fear and intimidation, and driver delay as set out in Appendix 1.

73. As also explained in Appendix 1, Velocity Transport Planning have raised concerns that the appeal proposals clearly prioritise private vehicles over pedestrians and cyclists, fail to make safe provision for pedestrians and cyclists, and do not connect with existing places. Sustainable transport modes are not prioritised and safe and suitable access to the site cannot be achieved for all users. This would be unsustainable development and contrary to local and national planning policy.

74. As evidenced by Velocity Transport Planning, for properties in the northern part of the site, the shortest and most direct route to facilities such as St Mary's Primary School would be along Barrow Green Road where no pedestrian facilities are being provided and which is a dangerous route for pedestrians. A safe pedestrian route is more than double the distance. This is likely to mean pedestrians would use the unsafe route.

75.The R6 accordingly consider the proposals to be contrary to development plan policies DP5 and paragraphs 115, 116 and 117 of the NPPF.

Very special circumstances

76.The appeal proposals constitute inappropriate development in the Green Belt. Paragraph 153 of the NPPF states that such proposals should not be approved “except in very special circumstances”. Paragraph 153 goes on to state that “very special circumstances” will not exist “unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.” As Inspector Edwards recognised in the recent Chichele Road appeal decision (dismissing an appeal on a Green Belt site a short distance away), the “very special circumstances” test sets an “extremely high bar” for developers to overcome: paragraph 97.

77. As set out above and in the R6 objection letters, the R6 identify a number of what we consider to be substantial harms that would be caused by the appeal proposals – in relation to:

- a. Landscape: widespread, major and permanent adverse change, including harm to the National Landscape and its setting. Failure to protect a valued landscape. Harm to the landscape character and appearance of the area. Harm to the character of the appeal site and the wider area;
- b. Green Belt (definitional harm, harm to openness, harm to purposes including to the purposes (taken together) of the remaining Green Belt);
- c. Harm to an irreplaceable habitat and biodiversity (including effects on the Ancient Woodland and species/habitats);
- d. Loss of best and most versatile agricultural land;
- e. Harm to designated heritage assets;
- f. Surface and foul water drainage;

- g. Harm to Bridleway/PRoW 97 which is an existing, high quality recreational resource and green space that is accessible to the public and within a short walk of many residents' homes;
- h. Highways (encompassing road safety, failure to prioritise pedestrians and cyclists and related amenity issues).

78. In assessing the benefits of market and affordable housing, the R6 consider that the weight given to the provision of market and affordable housing should be reduced due to the following:

- a. The Council has an adopted Interim Policy Statement for Housing Delivery ("IPSHD") which encourages applications to come forward which meet certain criteria, so bringing forward new housing sites to boost the housing supply. These include a number of large sites identified during the process for drawing up the Council's "Our Local Plan: 2033" (now withdrawn) where the Examiner did not raise concerns. In this context, we note that the appeal site was not brought forward as a proposed housing allocation in that Plan and does not meet the criteria for inclusion within the IPSHD. The IPSHD had helped to give the Council a clear delivery pipeline of new housing. Permission has since been granted for 640 new dwellings and 152 new units of specialist housing in accordance with the IPSHD.¹ All of these sites met the criteria set out in the IPSHD. Furthermore, the approved schemes comprise seven large Green Belt sites, with six of them delivering between 50% to 40% affordable housing.
- b. The Council's five-year housing land supply is calculated using the standard method which gives an unconstrained need figure of 993 dpa. The unconstrained figure does not represent the likely future housing

¹ At Land West of Limpsfield Road (ref. APP/M3645/W/22/3309334), Young Epilepsy St Piers Lane, Lingfield (ref. 2022/116), Plough Road, Smallfield (ref. 2022/1658), Former Shelton Sports Club, Warlingham (ref. 2022/267), Land at Former Godstone Quarry, Godstone (ref. 2022/1523), Redehall Road, Smallfield (ref. 2024/1389), 1 Park Lane, Warlingham (ref.2024/1393).

requirement for this district. Although he went on to find it unsound, the Inspector who examined the Council's 'Our Local Plan: 2033' accepted that Tandridge would not be able to meet its OAN in full: see paragraph 44 of his report dated 14 February 2024 and paras 41-44 of his preliminary conclusions dated 11 December 2020. This is because there are major policy and infrastructure constraints to development in this district, including the Green Belt (encompassing 94% of the district), two National Landscapes, areas of flood risk, and significant infrastructure capacity constraints including safety issues (for example around the M25 J6). These constraints can reasonably be expected to reduce any future housing requirement.

c. The IPSHD has been treated as a material consideration in other recent appeals.

d. The Council is now well underway with a new Local Plan and is expected to go out for the first consultation at the start of next year.

e. The Council is building a substantial number of new council houses, on land it owns and on land bought from Surrey County Council, that are affordable rental homes which, unlike affordable market housing, will directly assist those on its housing register.

f. In any event, the shortfall does not mean that planning permission must be granted (as is illustrated by the recent Chichele Road, Oxted appeal). All must turn on the merits of this scheme.

79. Benefits of the extra care facility. The R6 consider that the weight given to the provision of this facility should be neutral because there are no details in the application of the model for the proposed care home and no care provider is identified. For example, does the proposal accord with CSP8 (Tandridge District Core Strategy) by meeting the need identified by Surrey County Council which is for provision to address complex care needs such as dementia, physical frailty and multimorbidity? More information is required before any weight can be given to this in the planning balance.

80. In addition, the extra care facility will put considerable extra pressure on the struggling Oxted Health Centre which would be responsible for looking after the residents. Other care homes in Oxted report difficulties in getting a GP to visit because there is already too much demand on the service. The appeal proposal provides no improvements to health infrastructure to mitigate the effects of the extra caseload.

81. Generally, the proposal would exacerbate existing problems with infrastructure in Oxted and does not secure any of the necessary improvements in local infrastructure which would be required, for example upgrades to the sewerage system as referenced earlier.

82. So far as the purported benefits of “delivery of green space and improved PRoW network” are concerned, the R6 consider these are not benefits and instead should be weighed as substantial planning harms. As set out above and in Appendix 1, the proposals would severely diminish recreational value and opportunity. They would involve the loss of a significant public recreational space which fulfils an important role in improving health and wellbeing. They would also result in a major and permanent adverse effect on the ProW and the large number of users of the PRoW. The appeal proposal would place unacceptable recreational pressure on the fragile irreplaceable habitat of The Bogs, both inside and outside the site.

83. As set out above, we disagree with the appellant’s view that the proposals will deliver biodiversity improvements and consider there is no benefit and instead there is substantial harm. Notwithstanding this, we would point out that BNG is a requirement of national legislation and should therefore attract no weight in the planning balance.

84. Overall, the harms to the Green Belt and landscape character and appearance, which include harm to the setting of the Surrey Hills National Landscape, the National Landscape itself and a valued landscape, to a priority habitat, to biodiversity, and to designated heritage assets would be substantial and permanent. There are also other substantial harms. The harms are not “clearly

outweighed” by the benefits taken together. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. In accordance with paragraph 153 of the NPPF, the proposed development should therefore not be approved.

85. Footnote 7 considerations also provide clear reasons for refusing the appeal proposal. On this basis, the appeal scheme does not benefit from the presumption in favour of sustainable development, as defined in the NPPF.

86. The R6 also rely on conflict with other NPPF policies as material considerations which support the dismissal of the appeal which we have referenced above and in Appendix 1, in particular paragraphs 96(c), 109(e), 115 -117(a)-(c), 135(a)-(c), 181-182, 187(a)(b) and (d), 189, 193(a)(c), 198, 213 and 215. The appeal proposals are also contrary to numerous policies in the Tandridge District Core Strategy 2008 and the Tandridge Local Plan: Part 2 - Detailed Policies 2014 and policies P1, P2, P4, P9 and P11 of the Surrey Hills Management Plan 2025-2030.

Conclusion

87. The R6 accordingly a) support the Council’s position on this appeal, b) raise additional matters summarised above and c) on that basis consider that the appeal should be dismissed.

88. The R6 intend to call four witnesses: Louise Hooper, landscape architect, Tony Pearson from The Ramblers and two local residents covering landscape and amenity value, highway safety and sewage/surface water flooding matters. We understand the Council is calling our hydrology specialists and therefore we will not be calling our own. The R6 does not intend to duplicate evidence on behalf of the Council in relation to planning and heritage, but supports the Council’s position in these respects.

89. The R6 have not yet seen the list of the Council’s conditions but expect to support most of them. Matters of particular importance to us are:

- a. the imposition of a Grampian condition prohibiting the commencement of any building until the sewage/water supply infrastructure has been upgraded to cope with the additional load;
- b. conditions to protect the Ancient Wet Woodland;
- c. conditions to ensure safe provision and facilities for pedestrians and cyclists to use the Barrow Green Road access;
- d. conditions to ensure protection of the veteran trees at the southern end of the bridleway from damage from the alterations and surface treatments to the bridleway and the urbanisation of it.

90. As stated earlier, we do not believe there can be any confidence that, if the hydrology requirements are conditioned, they will be effective, because the appellant has failed to supply fundamental baseline data. However, if permission is granted it will be essential for these to be the subject of some control. These will need to include conditions or s.106 obligations to ensure the maintenance and management regime in perpetuity for the stream and for the SUDS features including how that regime will be financed given that the requirements are complex and likely to be costly.