



Appeal Decision

Inquiry held on 24-25 September, 1-3 and 8 October 2024

Site visit made on 4 October 2024

by S Edwards BA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2024

Appeal Ref: APP/M3645/W/24/3345915

Land at Chichele Road, Oxted, RH8 0NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Cala Homes (South Home Counties) Ltd against the decision of Tandridge District Council.
 - The application Ref is TA/2023/1345.
 - The development proposed is described as 'Proposed residential development 116 Dwellings (Class C3) including affordable housing with associated access, car parking, soft landscaping and play provision'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Oxted and Limpsfield Residents Group and Oxted Parish Council (the Rule 6) were granted Rule 6 status on 11 July 2024.
3. A Case Management Conference (CMC) was held on 8 August 2024 at which representatives of the appellant, Council and Rule 6 Parties were present. At the CMC, the administrative and procedural arrangements for the Inquiry were discussed, including how the evidence should be heard.
4. The Surrey Hills Area of Outstanding Natural Beauty (AONB) is now named the 'Surrey Hills National Landscape'. However, the legal and planning policy status of the designation is unchanged and as national policy refers to AONB, I have generally used this term in my decision.
5. A draft legal agreement to provide planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990 was submitted by the appellant and discussed at the Inquiry. A signed and executed Deed, which would take effect should planning permission be granted, was submitted after the close of the Inquiry. I shall return to the planning obligations in more detail later in this decision.

Development plan context

6. Insofar as it is relevant to the determination of this appeal, the current development plan comprises the Tandridge District Core Strategy (CS), which was adopted in October 2008, and the Tandridge Local Plan Part 2: Detailed Policies 2014-2029, adopted in July 2014 (LPP2). The housing strategy and provision for the CS are based on the requirements set out in the

South East Plan, and the development plan policies relating to housing need are therefore now out of date. Furthermore, the CS predates the Framework, and consequently the weight ascribed to any conflict with CS policies shall reflect their degree of consistency with national planning policy.

7. The LPP2 would have been found sound in the context of the Framework published in 2012. Although the Framework has been updated several times subsequently, national policy has been relatively consistent in respect of the main issues for this appeal. I shall consider these policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)¹.
8. The emerging Tandridge District Council 'Our Local Plan: 2033' (eLP) was submitted for examination in January 2019. In February 2024, the Inspector's Final Report was published, concluding that the plan was not sound and should not be adopted. The Council subsequently resolved to withdraw the Regulation 22 Submission version of its Local Plan in April 2024, and has since started work on the preparation of a new Local Plan.
9. In September 2022, the Council published an Interim Policy Statement for Housing Delivery (IPSHD), which seeks to identify what additional measures the Council is taking to improve housing delivery. The IPSHD encourages applications to come forward, by setting a number of criteria which development proposals are expected to comply with. These include a number of large sites identified through the emerging Local Plan process where the Examiner did not raise concerns. In this context, I note that the appeal site was not brought forward as a proposed housing allocation in the submitted eLP and thus does not meet the criteria for inclusion within the IPSHD. I shall treat the IPSHD as a material consideration for this appeal, particularly as a mechanism used by the Council to address its housing need. However, as it does not form part of the development plan, this limits the weight which can be afforded to this document.

The appeal site and its surroundings

10. The appeal site is located within the Metropolitan Green Belt and outside the settlement boundary of Oxted. It comprises an irregularly shaped agricultural field with an area designated as Ancient Woodland. The site adjoins the rear gardens of existing properties on Chichele Road to the south-west, the grounds of St Mary's Church of England Primary School to the north-west and the grounds of Oxted School to the south-east. The area of Ancient Woodland, which lies along the northern boundary of the site, is covered by a Tree Preservation Order and forms part of the Surrey Hills National Landscape (or AONB) and an Area of Great Landscape Value (AGLV). The site as a whole therefore falls within the setting of the Surrey Hills National Landscape/AONB.

Main Issues

11. Following the determination of the planning application, the appellant has carried out further ecological surveys and assessments, but also submitted a number of revisions to the proposal, including an updated planning layout. These have overcome the concerns of the Council detailed in reasons for refusal 2, 3 and 6, with regard to Ancient Woodland, ecology, biodiversity net

¹ Paragraph 225 of the Framework.

gain and important trees. I shall nevertheless address outstanding areas of concerns raised by the Rule 6 parties in these respects, as well as highway safety, surface water flooding and drainage issues.

12. In view of the above, and as the main parties accept that the proposal constitutes inappropriate development in the Green Belt, the main issues are:
- The effect of the proposal on the openness and purposes of the Green Belt;
 - The effect of the proposal on the character and appearance of the area, including the Surrey Hills AONB/NL;
 - The effect of the development on Ancient Woodland and ecology;
 - The effect of the proposal on highway safety;
 - The effect of the proposal on surface water and foul drainage; and
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the 'very special circumstances' required to justify the proposal.

Reasons

Effect on Green Belt openness and purposes

Openness

13. As set out in paragraph 142 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is recognised as one of the essential characteristics of Green Belts. The main parties agree that the construction of 116 dwellings would reduce the openness of the Green Belt, but the extent of harm is disputed.
14. As detailed in the national Planning Practice Guidance² (the PPG), the impact of a proposal (...) requires a judgment based on the circumstances of the case. The Courts have identified a number of matters which may need to be taken into account in making this assessment, including spatial and visual aspects, but also the duration of the development, its remediability and the degree of activity likely to be generated.
15. With regard to the spatial aspect of openness, the site comprises a single pastoral field measuring approximately 6.4 hectares, which is located on the northern edge of Oxted. There is a belt of Ancient Woodland on the northern and western sides of the site which, together with the existing boundary planting, would be retained as part of the proposed development, but is otherwise free of development. The appeal scheme would include approximately 1.2 hectares of new public open space and 0.36 hectares of landscaped buffers around the boundary edges of the site.
16. However, despite these landscaped elements, the proposal would extend residential development across a substantial proportion of the site. The field would be replaced with 116 dwellings and the paraphernalia associated with such residential development, including garages, cycle and bin storage facilities, walls and fences, lighting columns, etc. The change from an open

² Paragraph: 001 Reference ID: 64-001-20190722.

field to a large residential development would as a result have a significant adverse effect on the spatial openness of the Green Belt in this location.

17. With regard to the visual aspect of openness, there is no doubt that the existing vegetation and in particular the area of Ancient Woodland would generally shield the proposed development from wider views within the surrounding countryside. This would reduce the impact of the development on the openness of the Green Belt in visual terms. Nevertheless, the presence of the development would be evident from a number of locations surrounding the site.
18. Furthermore, the change to the openness of the Green Belt in this location would be permanent and not remediable. There would be additional harm resulting from the amount of traffic and domestic activity associated with the considerable number of people living on and visiting the site. For the reasons given above, the proposal would cause substantial harm to the openness of the Green Belt.

Green Belt purposes

19. Paragraph 143 of the Framework explains that Green Belt serves five purposes. In 2015, the Council carried out a Green Belt Assessment³ (GBA) notably to consider how far the land designated as Green Belt meets these five national purposes. The appeal site was assessed as part of a larger parcel of land, which was found to be effective in checking urban sprawl from Oxted (purpose (a)) and safeguarding the countryside from encroachment (purpose (e)).
20. The Green Belt Assessment (Part 3) : Appendix 1 (2018) (GBA3) assessed a potential development of 150 units on this site, which is noticeably more than the appeal proposal. However, in the absence of further details, it is difficult to ascertain how the site could have been developed to accommodate such a number of dwellings and draw meaningful comparisons. Furthermore, the assessment of GBA3 came to the conclusion that this site did not justify the exceptional circumstances necessary to recommend amendment of the Green Belt boundary.
21. Whilst it is argued that the site's outer boundaries would remain physically and visually well-contained, the undeveloped nature of the site would fundamentally change as a result of the appeal scheme, as it would introduce a housing estate where there is currently none, thereby allowing the sprawl of the urban area of Oxted. As such, the proposal would conflict with purpose (a), which aims to check the unrestricted sprawl of large built-up areas.
22. I agree that the site is currently well contained, but this is nevertheless an open field which, due to its very nature, has a close relationship with the surrounding countryside. The appellant⁴ argues that the site's character is more significantly influenced by the urban edge with development on three sides and separate from the wider countryside. Whilst the site is to some degree influenced by its physical proximity to adjacent development within Oxted, it is important to remember that these adjoining areas take the form of residential gardens and playing fields, acting effectively as buffers and

³ CD5.5.

⁴ Proof of Evidence of Simon Slatford.

providing a pleasant transition to the countryside, which the appeal site forms part of.

23. In that context, the construction of a large housing estate on this open, undeveloped field would represent a substantial intrusion of built development into the countryside. The proposal would therefore also breach purpose (c), which seeks to assist in safeguarding the countryside from encroachment.
24. The Council considers that the site also makes a contribution to purpose (b), which aims to prevent neighbouring towns merging into one another. However, it is clear that Oxted and Limpsfield have already merged and the site does not consequently act as a form of separation between these two settlements. Furthermore, the GBA notes that "other settlements are a considerable distance away", and concludes that the parcel which the site forms a part of "does not act as a buffer between the merging of settlements". I concur with this assessment.
25. Furthermore, the Council is of the view that the site makes a contribution to purpose (e), which seeks to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. However, the area administered by the Council is highly constrained and experiences significant housing supply and delivery issues. In that context, and in the absence of additional evidence to the contrary, I am not convinced that the appeal proposal would discourage urban regeneration sites, or derelict and other urban land from coming forward for development.

Green Belt conclusion

26. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt. 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 are therefore afforded substantial harm.

Effect on landscape character, including the setting of the AONB and surrounding countryside

Natural England's Boundary Variation to the Surrey Hills AONB

27. Before moving on to the assessment of the proposal on the landscape character of the area, I shall address the concerns raised by the Council regarding Natural England's (NE) review of the Surrey Hills AONB boundary. NE is currently pursuing a project to determine whether the Surrey Hills AONB boundary should be varied. The appeal site lies within an area which NE assessed as meeting the criteria for designation as part of this Surrey Hills AONB Boundary Variation Project, following an earlier 'Call for Evidence'. At the time of the Inquiry, NE was undertaking a second round of consultation in relation to land which does not include the appeal site.
28. I understand that following this, NE will be finalising its proposals and prepare a Designation Order, which will then be transferred to the Secretary of State for Environment, Food and Rural Affairs for confirmation. Although the evidence presented at the Inquiry shows that the project has reached an advanced stage of preparation, the Secretary of State may call a public inquiry before deciding whether or not areas become part of the Surrey Hills AONB.

29. The Council is concerned that granting planning permission for the proposed development would prejudice the outcome of the proposed Boundary Variation Project, and representations were made at the Inquiry in that regard. However, it is not for me to comment on NE's assessment of the site or its decision to include it within the Surrey Hills AONB.
30. Whilst NE's decision to include the site as part of the Surrey Hills AONB Boundary Variation is a material consideration for the determination of this appeal, I have considered the proposal on the basis that the field proposed to be developed does not presently form part of the designated area, and have made my own assessment of the site's value and contribution to the landscape character of the area. Having regard to the presented evidence, I have no reasons to believe that the Surrey Hills AONB Boundary Variation Project as a whole would be compromised, whether or not the site was to be developed.

Character and appearance

31. The Framework seeks to ensure that planning policies and decisions contribute to and enhance the natural and local environment, notably by protecting and enhancing valued landscapes, and recognising the intrinsic character and beauty of the countryside⁵. Additionally, paragraph 182 of the Framework sets out that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs, which have the highest status of protection in relation to these issues.
32. In exercising or performing any function in relation to, or so as to affect land in an AONB, relevant authorities shall seek to further the purpose of conserving and enhancing the natural beauty of the AONB. As set out in the national Planning Practice Guidance (PPG), the duty in relation to the statutory purposes of protected areas is relevant in considering development proposals that are situated outside National Park or AONB boundaries, but which might have an impact on their setting or protection⁶. The PPG recognises that land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed, development can do significant harm. This is particularly important, notably where the landscape character of the land within and adjoining the designated area is complementary⁷.
33. As noted above, the site comprises an irregularly shaped pastoral field with an area of Ancient Woodland forming a strong landscape feature along its northern boundary, which lies in the foothills of the wooded chalk scarp of the North Downs. It is characterised by its gently undulating form and forms part of a broad sweep of countryside rising from Oxted to the North Downs. Despite its physical proximity to Oxted, the site shares similarities with neighbouring agricultural fields to the north and east, and has a much greater affinity with its rural surroundings than to 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, thus contributing positively to the setting of the AONB and the AGLV.

⁵ Para.180.

⁶ Paragraph: 039 Reference ID: 8-039-20190721.

⁷ Paragraph: 042 Reference ID: 8-042-20190721.

34. The site falls within Natural England National Character Area 120 Wealden Greensand and within Landscape Character Area (LCA) GV4 – Merstham to Clacket Lane Greensand Valley, as defined by the Surrey Landscape Character Assessment 2015. Part of the study area defined as part of the Landscape Visual Impact Assessment (LVIA) also falls within Natural England National Character Area 119 North Downs and Landscape Character Area CR3 – Box Hill to Tatsfield Chalk Ridge.
35. The site and the wider study area display several of the key characteristics of LCA GV4, such as its undulating landform, rising up to meet the chalk ridge scarp to the north and wooded greensand hills to the south, but also the presence of small pastoral fields and, blocks of woodland (including Ancient Woodland) and hedgerows line field boundaries. Northerly views from the character area include the chalk ridge scarp.
36. Moreover, and whilst the M25 motorway runs along the length of the northern edge of the character area, it is otherwise crossed by a limited number of roads and rural lanes. Other key characteristics found within the study area include the comprehensive network of public rights of way criss-crossing the LCA. It is a relatively rural landscape, though the degree of tranquillity and remoteness varying across the LCA by reason of urban influence from settlement and roads. The part of LCA GV4 which forms part of the study area lies almost entirely within the Surrey Hills AONB. This is a clear indication of the area being of high value.
37. The wider study area also displays some of the key characteristics of LCA CR3, including a steep chalk scarp slope, heavily wooded areas on the eastern part of the slope (including Ancient Woodland), examples of small scale, irregular shaped fields of pasture with thick hedgerows and tree belts, and wide views over the greensand hills to the south. Additionally, the North Downs Way National Trail runs along the length of the LCA and connects with other rights of way. The M25 motorway and lanes weaving across the LCA are also referenced, as well as the presence of larger adjacent settlements, which are apparent in a number of vantage points along the chalk scarp. LCA CR3 lies entirely within the Surrey Hills AONB, a clear indication that it is a landscape of high value.

Valued landscape

38. There is disagreement between the parties over whether the area of the site proposed to be developed should be considered as part of a valued landscape for the purposes of paragraph 180a) of the Framework. Neither the Framework nor the PPG provides a definition of what is a valued landscape. The Landscape Institute Technical Guidance Note 02/21 (TGN 02/21) explains that a valued landscape is 'an area identified as having sufficient landscape qualities to elevate it above other more everyday landscapes'. It includes a range of factors and indicators (Table 5.1) which can be considered in assessing landscape value outside nationally designated landscapes, and is intended to be complementary to those listed in Box 5.1 in Guidelines on Landscape and Visual Impact Assessment 3 (GLVIA3). It is important to note that the range of factors identified in Box 5.1 and Table 1 are not comprehensive nor intended to be prescriptive.
39. Inevitably, such an assessment cannot be carried out in isolation, having solely regard to the site's characteristics. TGN 02/21 is clear that 'when

assessing landscape value of a site as part of a planning application or appeal it is important to consider not only the site itself and its features/elements/characteristics/qualities, but also their relationship with, and the role they play with, the site's context. Value is best appreciated at the scale at which a landscape is perceived – rarely is this on a field-by-field basis'. In my view the site and its context are inextricably linked, and consequently, ignoring the site's context when considering its landscape value would not be conducive to a comprehensive assessment.

40. The site is in good condition as a largely intact agricultural field set in the foothills of the North Downs. This is a pleasant and gently undulating field offering views over the Surrey Hills AONB, which also makes an important contribution to the character of Oxted. The site is highly representative of the LCA GV4, and does not include any detracting features. Furthermore, the site displays signs of large irregular assarts, which are likely to be evidence of later woodland clearance, perhaps in the late medieval or Tudor period or where significant boundary loss has occurred to create much larger fields⁸. This is a clear indication of the site's cultural heritage. Even setting aside the Ancient Woodland which forms part of a designated landscape, there is also evidence of the site's natural heritage, having particular regard to the historic native hedgerow and hedgerow trees.
41. Despite the distant humming of the M25 and occasional noise coming from the neighbouring schools, the site as a whole felt peaceful, tranquil and distant from the urban area. Furthermore, and whilst there are no public rights of way (PRoW) within the site, I note that PRoW 75, which is an important walking route into the countryside and the AONB, lies within proximity to the eastern boundary of the site. By reason of its intrinsic qualities, the site makes a contribution to the recreational value of the neighbouring PRoW.
42. Having regard to the factors identified in Box 5.1 and Table 1, it is my view that the site exhibits many attributes that, in the words of the Stroud judgment⁹, take it above mere countryside. Consequently, I find that the site is a valued landscape for the purposes of paragraph 180 of the Framework which contributes to the landscape and scenic beauty of the Surrey Hills AONB. For these reasons, the site has a high degree of susceptibility to change.

Landscape and Visual Impact

43. Paragraph 182 of the Framework states that development within the setting of designated areas such as AONBs should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
44. The appellant's LVIA is accompanied by a number of views to and across the site from various public vantage points in the surrounding area. As well as these, I have used my own observations and impressions obtained whilst assessing the proposed development.
45. The proposed buildings are in isolation well-designed. However, within what is a very constrained and sensitively located site, the appeal scheme would result in a substantial intensification of development. By reason of the site coverage

⁸ Tandridge Landscape Capacity and Sensitivity Study (ID11).

⁹ Stroud DC v SSCLG & Gladman Developments Ltd [2015] EWHC 448 Admin.

of the proposed dwellings, but also the extensive areas of hardstanding associated with the construction of this residential estate, the scheme would introduce a harder, more urban appearance to the site, strongly out of kilter with its rural surroundings. As a result, the proposed development would fail to protect this valued landscape.

46. Despite the inclusion of publicly accessible open space on parts of the site, the appeal scheme would result in a significant adverse effect to the area's landscape character, particularly as the contribution presently made by the agricultural field would be permanently lost. The proposal would also have moderate adverse landscape effect on GV4 and CR3.
47. Several dwellings would be constructed within proximity to the eastern boundary of the site. Together with the excessive quantum of development, the proposed layout is symptomatic of a development which would not be sensitively located and designed, in order to avoid or minimise adverse impacts on the AONB. Notwithstanding the screening and softening provided by the vegetation on the outer sides of the site, the proposed development would bring a hard edge right up to the AONB and remove the sense of transition currently provided by this undeveloped field.
48. This would have a major adverse effect on the character of the AONB. In other words, the visual connection of the site to the surrounding countryside and the AONB, and the contribution it makes to the overall landscape and scenic beauty of the area would be eroded as a result of the development. By reason of the harm identified, I disagree with the appellant's view that the proposed development would enhance the setting of the AONB.
49. The development would also have a major adverse visual effect on receptors using PRoW 75, which is the Vanguard Way/Oxted Link and follows the site's eastern boundary and leads onto the chalk scarp of the Surrey Hills AONB. Walkers in particular are presently able to enjoy filtered views across agricultural fields. Despite the screening provided by the vegetation, the suburbanising effects of the development would inevitably cause harm to the experience for users of the PRoW, which I treat as high sensitivity receptors with a high susceptibility to change. Additionally, there would be a moderately adverse visual effect on receptors at viewpoint 12, where the proposed access would be located.
50. I am concerned that the development could appear more prominent in winter views, though no substantive evidence was submitted by the parties in this respect. Having regard to the available evidence, I therefore recognise that the effects of the development on longer distance views within the AONB would remain relatively limited, and I accept that the proposed development, which would be largely screened by mature vegetation, would only affect a small part of the AONB. However, undeveloped fields enclosed by hedgerows such as the appeal site are valuable in maintaining a pleasant setting to the AONB, including the area of Ancient Woodland which forms part of the site. The development would therefore add to the potential cumulative erosion of such features, and in turn have a significant adverse effect by appearing as a harmful intrusion within the setting of this designated area.
51. Given the above, the appeal scheme would fail to protect a valued landscape, cause significant harm to the landscape character of the area, and the setting of the AGLV and Surrey Hills AONB, thereby undermining the purpose of

conserving and enhancing the natural beauty of this designated area. It would therefore conflict with Policies CSP20 and CSP21 of the CS, as well as paragraphs 180 and 182 of the Framework, and the intentions behind s.85(A1) of the Countryside and Rights of Way Act 2000.

Ancient Woodland and ecology

52. The Ancient Woodland is predominantly made of Oak and Ash woodland, but also includes an understorey comprising Hazel, Holly, Dogwood, Hawthorn and Field Maple, and a field layer of Bramble, Nettle and Cow Parsley. The Ancient Woodland is separated from the area of the site proposed to be developed by woodland edge trees and shrubs. Although the Ancient Woodland was historically managed as coppice, its current condition suggests that this ceased several decades ago. The area is currently accessed by pedestrians, causing disturbance and harm to the fauna and flora and thereby the Ancient Woodland itself. Irrespective of whether the Ancient Woodland is unremarkable and in poor condition, it is nevertheless regarded as an irreplaceable habitat in the Framework. Moreover, a woodland in poor condition can be improved with good management¹⁰.
53. The appeal scheme includes a 15-metre buffer zone, from the boundary of the Ancient Woodland, which would accord with the minimum distance required by Natural England and Forestry Commission 'standing advice' to which I have referred above¹¹. In the absence of further evidence to the contrary, I see no reason why the proposed buffer zone would not be sufficient to protect the Ancient Woodland.
54. The layout in the north-western part of the site has been amended, and construction operations would no longer take place within the Ancient Woodland buffer zone. This revised layout would also ensure that maintenance space is provided between the buffer zone and the proposed dwellings. Moreover, public access to the Ancient Woodland is no longer proposed as part of the development, and fencing would be erected along the development edge of the buffer zone. This, together with the proposed planting within the buffer zone, which would include native thorn bearing shrubs, would effectively prevent pedestrians from accessing the paths through the Ancient Woodland from the site.
55. The suggested conditions would also require a detailed Ancient Woodland Management Plan, which should accord with the Heads of Terms setting out a framework for the management of the Ancient Woodland, would have to be agreed by the Council. Whilst the points made by the Rule 6 parties regarding the proposed measures are noted, I am satisfied that these would be sufficient to reduce significantly, if not to eliminate completely, undue access to the Ancient Woodland, and improve its condition but also its ecological value.
56. Surveys carried out in 2022 and 2024 confirmed the on-site presence of common pipistrelle bats, notably along the northern boundary with the Ancient Woodland, and small heath butterflies. The appellant's submissions also confirm that this area is considered important for commuting and foraging for this bat species. The appeal scheme includes a number of measures to ensure that common pipistrelle, but also other bat species would not be adversely

¹⁰ Ancient Woodland, ancient trees and veteran trees: advice for making planning decisions (CD8.10).

¹¹ Ancient Woodland, ancient trees and veteran trees: advice for making planning decisions (CD8.10).

affected by the proposal. In particular, the buffer to the Ancient Woodland would comprise improved grassland habitat, as well as additional planting, which would provide increased foraging opportunities. Furthermore, the proposed lighting scheme would ensure that these areas remain as dark corridors.

57. Whilst the whole grassland area would not be retained as part of the development, the appeal scheme nevertheless presents opportunities to provide a more diverse grassland habitat, which would be suitable for small heath butterflies. The details would be expected to be set out within a Landscape and Ecological Management Plan.
58. Subject to the imposition of suitably worded conditions and the obligations included within the S106, I am satisfied that the scheme as proposed would not lead to the loss or deterioration of the Ancient Woodland and would minimise the impact on protected species. The appeal scheme therefore accords with the aims of Policy CSP17 of the CS, Policies DP7 and DP19 of the LPP2, and paragraph 186c) of the Framework. Amongst other things, these seek to protect and, where opportunities exist, enhance irreplaceable environmental assets such as Ancient Woodland.

Highway safety

59. The appeal site lies approximately 500 metres north of Oxted town centre. This is a very accessible area, which includes a wide range of services and facilities, and is well-served by public transport. Oxted railway station, which provides regular services towards central London, is located within walking distance of the site.
60. The appeal scheme includes the creation of a new access onto Chichele Road, within relative proximity to the junction shared with Silkham Road. This would remove the scope for any drop-off/pick-up activity in this location, and in turn alleviate the congestion issues which occur at the Silkham Road/Chichele Road junction.
61. An additional pedestrian/cycle access would be provided at the southern boundary of the site, onto Bluehouse Lane. The appeal scheme would provide car and cycle car parking spaces, as per the requirements of Tandridge Parking Standards Supplementary Planning Document (SPD), as well as two dedicated car club spaces.
62. There are currently two bus stops in proximity to each other, which serve the same routes. The bus stop currently located near the proposed access would be relocated further north, in proximity to St Mary's Church of England Primary School, and includes a series of improvements, such as a bus shelter and seating, accessibility kerbing, lighting, and Real Time Passenger Information display. As far as I can see, these changes would not have a detrimental impact for passengers.
63. Furthermore, there would be a number of highway improvement measures, including the relocation of a zebra crossing and the installation of raised tables. The Local Highway Authority and the appellant have also agreed a 20mph speed limit scheme in the area with traffic calming measures on Chichele Road, Silkham Road and Central Way, but the details of this scheme would have first to be subject to a period of public consultation.

64. The speed surveys carried out along Chichele Road in February 2023 show that whilst the recorded 85th percentile speeds are well below the posted 30mph limit, those recorded northbound and southbound exceed 20mph. However, even if a 20mph speed limit reduction could not be achieved, the appellant's submissions demonstrate that suitable visibility splays would be achievable with a 30mph speed limit.
65. Subject to the imposition of a number of conditions and planning obligations, the Local Highway Authority considered the proposal acceptable in highway safety, capacity and policy terms, particularly due to the sustainable location of the development and having regard to the proposed off-site highway improvements.
66. Concerns were however raised by interested parties and the Rule 6 Parties regarding safety issues, particularly at school drop off and pick up times, and the effect that the proposal would have on the local road network. I note the points made by the Rule 6 parties in particular regarding the limitations of the parking surveys submitted by the appellant. Having regard to the available information, the appellant appears to have followed the Transport Analysis Guidance, and I have seen nothing suggesting that the assessment of the transport implications of the proposals were not carried out in an objective manner. Furthermore, no alternative, detailed parking survey was brought to my attention.
67. I observed that the area near the schools was busier in the morning peak-time, and would accept that a similar situation would occur in the afternoon, but this is a situation which commonly occurs in proximity to schools. Having considered the presented evidence, the proposed development would not worsen the existing situation, notably because future occupiers of the development would in all likelihood walk their children to school, due to the distance involved. Moreover, I am mindful that the appeal scheme includes a number of measures to minimise the impact of the development and improve the situation overall.
68. Overall, and subject to the proposed improvements, I conclude that the appeal scheme would not adversely affect highway safety, and thus find no conflict with Policies CSP11 and CSP12 of the CS, Policies DP5 and DP7 of the LPP2, but also Section 9 of the Framework. Amongst other things, these seek to ensure that safe and suitable access to the site can be achieved for all users, and that development proposals do not have an unacceptable impact on highway safety.

Surface water and foul drainage

69. Based on letters of representation I read and what I heard at the Inquiry, there is no doubt that the site lies within an area which experiences localised surface water flooding issues, particularly during short, very intense rainfall events. At times, these overwhelm the combined surface and foul water system, as the surface water drains into the existing 150mm diameter foul water pipe. With the effects of climate change, it is highly likely that such events would become more frequent. However, the proposed hydraulic modelling and drainage strategy account for the latest climate change predictions, to make sure that flood risk does not increase over the lifetime of the development.

70. The Rule 6 parties are concerned that the appeal scheme would exacerbate existing surface water drainage issues, by reason of the increased run-off caused by the development, which would lead to flooding issues onto Chichele Road, in proximity to the site's access. However, the surface water drainage strategy clearly demonstrates that the level of surface water runoff as a result of the development would improve, compared with the existing situation, particularly when considering the western catchment. The runoff from the proposed access road is proposed to be captured by road gulleys and below-ground drainage.
71. Foul water is proposed to be discharged to this public sewer situated on Chichele Road, using a foul pumping station. The appellant acknowledges the capacity issues of the existing foul drainage system in Chichele Road. However, as no detailed discussions have been engaged with Southern Water, it remains unclear whether there is capacity in the existing system to accommodate the proposed development or whether network reinforcement of the existing foul drainage system would be required, which would in any event have to take place within a maximum period of 24 months of any consent. Notwithstanding the above, it is agreed by the main parties that the undertaker has a legal obligation to provide the developer with the right to connect to a public sewer, regardless of capacity issues. In that context, I am satisfied that the matter could be addressed by condition.
72. The appellant's submissions clearly demonstrate that the proposed development would not exacerbate the existing flooding issues experienced in the area. Having regard to the evidence submitted as part of the appeal and presented at the Inquiry, and subject to the imposition of suitably worded conditions, I have no reasons to come to the view that the proposal would adversely affect neighbouring residential properties or increase flood risk elsewhere. Accordingly, I find no conflict with Policies CSP11 of the CS, Policy DP21 of the LPP2 and paragraphs 173 and 175 of the Framework. These notably require appropriate levels of infrastructure and services to be sought as part of development proposals, and appropriate sustainable drainage systems to be incorporated, unless there is clear evidence that this would be inappropriate.

Other considerations

73. The Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In this respect, several other considerations have been highlighted by the appellant.

Provision of Market and Affordable Housing

74. The Council is unable to demonstrate a 5-year supply of deliverable housing sites. The Council considers that it has a supply of 1.92 years, whilst the appellant is of the view that the supply is around 1.8 years. However, it is common ground between the Council and the appellant that, for the purposes of this appeal, this difference is not material and the supply lies in the range of 1.8-1.92 years. The shortfall is in any event very significant.
75. Furthermore, there are critical issues with housing delivery within the District. The Government's Housing Delivery Test (HDT) results show that the Council

has only delivered 38% of its required housing over the past three years. These figures clearly highlight a substantial shortfall in the supply and delivery of new homes in Tandridge against what is required to address the needs of the District.

76. I note that the Council has taken steps to address its housing needs with the publication of the IPSHD, which currently provides alternative routes to obtain planning permission on sustainable sites. The development of the sites included within the now withdrawn eLP, in respect of which the Examining Inspector did not raise concerns, would make an important contribution to address the housing need. The Council explained that it will look to reconsider that approach in order to find additional supply in sustainable locations as the IPSHD is reviewed. Nevertheless, and having regard to the available evidence, this mechanism is unlikely to be sufficient to address the scale of the shortfall.
77. The Council has now embarked on the preparation of a new local plan, having adopted a Local Development Scheme in June, and with a view to submit it for examination in Q3 2026/27. However, it will still be several years until a new Local Plan is adopted and, in the meantime, the problems associated with an under supply of housing (including difficulties with accessing housing, increased house prices, worsening affordability...), as evidenced by the appellant.
78. The proposed development would provide 116 dwellings, 50% of which would be in the form of market housing. This would make a noticeable contribution to the supply of housing within the district in the short term, especially as I have no reasons to believe that the scheme would not be delivered within the next 5 years.
79. The appeal scheme would also deliver 58 affordable units, consisting of a mix of first home dwellings, affordable rented housing and shared ownership units. The provision of on-site affordable housing at a rate of 50% would exceed the 34% requirement set by Policy CSP4 of the CS. The presented evidence also clearly demonstrates that there is an acute shortage of affordable housing within the District. Again, I acknowledge the efforts engaged by the Council to provide additional affordable homes¹² but, these are unlikely to suffice on their own to address the scale of the shortfall.
80. In this context, and having regard to the critical housing supply and delivery issues faced by the Council, the provision of market and affordable housing should carry very significant weight in favour of the proposal.

Custom Build Plots

81. The proposed development would provide two custom build plots, which would be secured through the provision of obligations within the S106. The Framework¹³ seeks to address the needs of people wishing to build their own homes. In that respect, it requires Local Planning Authorities to keep a register of people seeking to acquire serviced plots within the area for self-build and custom house building.
82. The Council's latest Annual Monitoring Report suggests that the number of self-build Community Infrastructure Levy (CIL) exemptions permitted for self-

¹² CD12.2.

¹³ Paragraph 63.

build dwellings exceeds the demand on the register. The number of entries on the self-build register appears to have decreased significantly from 2018, when the Council introduced a 'local connection test'. Although there may be constant, new demand for this type of housing, I have not seen detailed evidence suggesting that the Council is not meeting its duty that respect. Accordingly, and whilst the provision of two custom build plots is welcome, this is a consideration to which I only ascribe limited weight.

Other Benefits

83. The appeal proposal would bring a number of economic and social benefits, which would represent good investment opportunities for the settlement of Oxted. These benefits would primarily occur during the construction phase of the development, but also as part of the occupation of the new dwellings. In this respect, the appellant's submissions¹⁴ confirm that the construction phase of the development is projected to be 119 direct Full-Time Equivalent (FTE) jobs annually, though the number of workers present on-site at any one time will inevitably vary. There would be a further 144 FTE jobs annually as an indirect result of the construction of the development.
84. It is anticipated that the construction activity could generate an additional £11.2 million of direct Gross Value Added per annum. There would also be further expenditure locally once the new dwellings are occupied, which would benefit local services and facilities. These remain quite generic figures, and it is likely that not all the expenditure would be spent on local services and shops. Furthermore, this type of economic benefit could arise in any housing development. Nevertheless, I ascribe moderate weight to these benefits.
85. I regard the appellant's commitment to provide Biodiversity Net Gain (BNG) as part of the proposed development as a benefit in favour of the appeal scheme. Using the 10% requirement set in the Environment Act 2021 simply as a benchmark, I ascribe moderate weight to this benefit.
86. The appeal scheme would be situated in an accessible location, which is well served by services, facilities and public transport. I also note that the proposal seeks to incorporate a number of measures to reduce energy consumption and the impacts of climate change, which would deliver significant carbon efficiency savings. I attach moderate weight to these benefits.

Planning obligations

87. During the Inquiry, a CIL Compliance Statement was submitted by the Council. However, and whilst the Council and the appellant are satisfied with the content of the S106, I am required to assess whether the obligations are necessary to make the development acceptable in planning terms, directly related to the proposed development and fairly and reasonably related in scale and kind to the development.
88. In the event that planning permission is granted and implemented, the S106 would secure the provision of on-site affordable housing and custom build plots, which I have addressed above. Furthermore, a Biodiversity Net Gain Land Monitoring financial contribution would have to be paid prior to occupation of the development.

¹⁴ CD1.1, Appendix 2.

89. The S106 would also secure the on-site provision of public open space, which would include a play area, to meet the needs of the development. These areas would be retained for this purpose for the enjoyment of the public for the lifetime of the development. Moreover, the S106 includes mechanisms for the management and maintenance of the open space and plays area. As detailed in the S106, the management company would be responsible for the maintenance of the open space (including the play area), but also the sustainable urban drainage scheme, the Ancient Woodland and the estate roads. Whilst, as noted above, the open space and play area would remain publicly accessible, their provision is to a large extent justified to mitigate the demands associated with the proposed dwellings. Therefore, this is a consideration which in my view remains neutral in the planning balance.
90. The S106 would also ensure that a Travel Plan is submitted for written approval prior to the occupation of the development, and secure a financial contribution towards the auditing of and monitoring compliance with the Travel Plan. Two spaces for dedicated use by a Car Club operator would also be provided on site. Furthermore, a number of highway works would be secured, which include traffic calming measures and the relocation of a zebra crossing, but these would be subject to a separate Section 278 agreement. Again, whilst they may benefit the wider community, these highway improvements would be mainly delivered to mitigate the effects of the proposed development, and therefore remain neutral in the planning balance.
91. On the basis of the presented evidence, I am satisfied that all these obligations are necessary to meet the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. They are thus considered to meet the relevant tests set out in paragraph 57 of the Framework and the CIL Regulations.
92. However, the appellant is also proposing a link which would connect the site with the neighbouring footpath FP75, whilst the Council is of the view that it should not be provided. Limited information has been provided in respect of this footpath link, other than as shown on the revised layout plan (CB_36_313_001 Rev.E). However, concerns were raised regarding the additional harm which the proposed link could cause, by increasing footfall to Chalk Pit Woods SNCI and Ancient Woodland. Just like pedestrians are currently accessing the Ancient Woodland on the site (which the appeal scheme would seek to address, as detailed above), it is not unreasonable to imagine that many individuals may unlawfully access Chalkpit Wood. In this context, a precautionary approach would in my view be justified in this instance, to make sure that the proposed footpath link does not lead to additional recreational pressures, which could have a negative impact on the SNCI.
93. Furthermore, the appeal scheme is already proposing to include areas of open space on-site. Furthermore, footpath FP75 only lies a short distance away from the site, and can be accessed from Park Road. The Framework seeks to support healthy communities¹⁵ and provide access to a network of high quality open spaces¹⁶. However, I have not been presented with substantive evidence suggesting that this is an issue which needs to be addressed within the area

¹⁵ Paragraphs 8(b), 96(a) and (c), and 97(a).

¹⁶ Paragraph 102.

administered by the Council. For these reasons, and having regard to the available information, I find that the proposed footpath link would not be necessary to make the development acceptable in planning terms. On this basis, I have not considered it as a benefit of the appeal scheme.

Whether very special circumstances necessary to justify the proposed development within the Green Belt exist

94. The appeal scheme constitutes inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. As emphasised by paragraph 153 of the Framework, for 'very special circumstances' to exist, the harm by reason of inappropriateness, and any other harm resulting from the proposal, must be clearly outweighed by other considerations.
95. In addition to the harm by reason of inappropriateness, the appeal scheme would cause substantial harm to the openness of the Green Belt and the purposes of the Green Belt, to which I ascribe substantial weight, as per the requirements of paragraph 153 of the Framework. The proposal would fail to protect a valued landscape and cause unacceptable harm to the landscape character and appearance of the area to which I ascribe significant weight. As I have found that the development, which would take place within the setting of the Surrey Hills AONB would not be sensitively located and designed, it would fail to conserve the landscape and scenic beauty of this designated area. As required by the Framework and the PPG, I attach great weight to conserving and enhancing the landscape and scenic beauty of the AONB, including land within its setting.
96. As confirmed by the Courts¹⁷, the Framework requires the decision maker to have real regard to the importance of the Green Belt and the seriousness of any harm to it. The exercise of planning judgment is not an artificially sequenced two-stage process but a single exercise of judgment to assess whether there are very special circumstances which justify the grant of permission, notwithstanding the particular importance of the Green Belt.
97. The 'very special circumstances' test is an extremely high policy bar to cross. In this particular case, the totality of the housing and other benefits do not clearly outweigh the totality of the harms to the Green Belt and landscape character and appearance, which include harm to the setting of the Surrey Hills AONB, the AGLV and a valued landscape. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. In accordance with paragraph 152 of the Framework, the proposed development should therefore not be approved. Furthermore, the appeal proposal would conflict with the aims of Policies DP10 and DP13 of the LLP2.
98. As detailed above, the Council does not have a five year supply of deliverable housing sites, and a number of development plan policies that are most important for determining the appeal are out-of-date. However, in this case, both Green Belt policy and AONB policy, which are referred to in Footnote 7 to the Framework, 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 Framework.

¹⁷ Sefton Metropolitan Borough Council v SSHCLG & Jerry Doherty [2021] EWHC 1082 (Admin).

99. Other than the Council's spatial strategy, the development plan policies are considered broadly consistent with the Framework. There are no material considerations, which indicate that the appeal should be determined, other than in accordance with the development plan.

Other Matters

100. My attention has been drawn to other recent appeal decisions within the area administered by the Council. Although the outcomes were different, both the Warlingham¹⁸ and the Lingfield¹⁹ appeals concerned sites which were allocated for housing in the submission version of the eLP. Whilst in both cases, the acute housing need was identified as a key issue, there were also significant differences in respect of the proposals and harms identified, thus making it difficult to establish true comparability. Whilst these decisions represent a material consideration for the determination of this appeal, I have considered the proposal on its individual merits.

Conclusion

101. For the reasons given above, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR

¹⁸ APP/M3645/W/22/3309334.

¹⁹ APP/M3645/W/23/3319149.

APPEARANCES

FOR THE APPELLANT:

Reuben Taylor KC	Instructed on behalf of Cala Homes
He called:	
Mark Carter	MJC Tree Services Limited
Jim Phillips	Ethos Environmental Planning Limited
Andrew Whittingham	Motion
Phil Allen	Motion
Paul Gibbs	David Jarvis Associates Limited
Martin Taylor	Lichfields
Simon Slatford	Lichfields

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Dale-Harris	Instructed on behalf of the Council
He called:	
Clifford Thurlow	Planning Advisor to Tandridge District Council
Louise Hooper	Louise Hooper Landscape Architect

FOR OXTED AND LIMPSFIELD RESIDENTS GROUP AND OXTED PARISH COUNCIL:

Isabella Buono	Instructed by the Sayer Moore & Co Solicitors
She called:	
Peter Giles	on Highways
Michael Hurman	on Flood Risk and Drainage
Jackie Wren	on Ancient Woodland, Ecology, Landscape, and GB
For discussions on conditions and planning obligations	
Councillor Catherine Sayer	

INTERESTED PARTIES:

Stephen Burns	Local resident
Emma Lally	Local resident, and reading statement on behalf of Caroline Whiteley (teacher at St Mary's Church of England Primary School)
Deborah Skinner	The Ramblers Association
Jane Damesick	Oxted United Reformed Church

Alan Bunce	Local resident
Ian Booth	Reading statement on behalf of Mr Baird
Paul Heath	Local resident
Sam Hasler	Local resident
Sarah Lewis	Headteacher, St Mary's Church of England Primary School

DOCUMENTS SUBMITTED AT THE INQUIRY

1. Appeal Decision Reference APP/M3645/W/23/3319149
2. Photographs submitted by Mr Giles
3. Opening submissions on behalf of the appellant
4. Opening statement for the Local Planning Authority
5. List of appearances and opening statement on behalf of the Rule 6 Parties
6. Supplementary statement of common and uncommon ground (Trees, Ancient Woodland and Biodiversity) (unsigned)
7. Statement of common ground in respect of transport and highway matters between Surrey County Council and Motion (as consultants to Cala Homes) (signed)
8. Photos submitted by Mr Heath
9. Correction to LH Proof, dated 23 September 2024
10. Notes and Clarifications on aspects of the 3rd Edition Guidelines on Landscape and Visual Impact Assessment (GLVIA3)
11. Tandridge Landscape Capacity and Sensitivity Study (extracts)
12. Draft list of conditions (submitted 25 September 2024)
13. Draft S106 (submitted 25 September 2024)
14. Mrs Wren's comments on Heads of Terms for Ancient Woodland Management
15. Tandridge District Settlement Hierarchy (November 2015)
16. Surrey Hills AONB Boundary Review Boundary Considerations – Final Report (February 2023)
17. Slide from Mrs Wren regarding the boundary review process
18. CIL Compliance Statement
19. Appellant's Rebuttal to Mrs Wren's comments
20. Draft list of conditions (submitted 3 October 2024)
21. Draft S106 (submitted 3 October 2024)

- 22.Draft list of conditions (submitted 8 October 2024)
- 23.Closing Statement on behalf of the Rule 6 Parties
- 24.Closing Statement for the Local Planning Authority
- 25. Forest of Dean DC v Secretary of State for Communities and Local Government [2016] EWHC 2429 (Admin)
- 26.Closing Submissions on behalf of the appellant

DOCUMENTS SUBMITTED AFTER THE INQUIRY

- 1. S106 Agreement – signed and certified (dated 15 October 2024)