

**Oxted & Limpsfield Residents**

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4 August 2025

Application 2025/245: Land South of Barrow Green Road, Oxted – objection

Dear Mr Thurlow

This is an objection from the Oxted & Limpsfield Residents Group (OLRG) to application TA/2025/245, which is an outline application (all matters apart from access reserved) for up to 190 dwellings and an 80 bed care home on Land south of Barrow Green Road in Oxted (also known as Stoney Field). The residents group has more than 2,000 members from the Oxted and Limpsfield area.

**Section 1: Summary**

1. The context for the determination of this application is that the site is extremely sensitive in a number of respects. It is in the Green Belt, it is in the setting of the existing Surrey Hills National Landscape, and Natural England have recently confirmed (June 2025) that they are including the land, together with the interrelated adjacent potential Site of Nature Conservation Importance, in their proposed new extended boundary for the Surrey Hills National Landscape which will shortly be submitted for consideration to Defra. As Natural England explains in its assessment “...*the open arable field between Barrow Green Lane and the settlement edge forms part of a sweep of agricultural landscape to the north and affords dramatic views of the chalk scarp.*” We have taken expert evidence from Landscape Architect, Louise Hooper, which has confirmed that the visual sensitivity of the site is substantial and that it qualifies as a valued landscape.

2. The proposal would fail to protect this valued landscape and cause irrevocable harm to the setting of the Surrey Hills National Landscape and to the landscape character of the area, thereby undermining the purpose of conserving and enhancing the natural beauty of this area. It would therefore conflict with Policy CSP20 and CSP21 of the Core Strategy as well as paragraphs 187 and 189 of the Framework and the intentions behind s.85(A1) of the Countryside and Rights of Way Act 2000.

3. Under the Levelling-Up and Regeneration Act 2023 and reflected in guidance issued by Defra on 16 December 2024 entitled “Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes”, local planning authorities have a duty to seek to further the purposes of conserving and enhancing the natural beauty of National Landscapes and this duty also applies to the setting. This land provides a particularly attractive setting to the National Landscape and the harm to that setting from this proposal should be given

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substantial weight in accordance with paragraph 189 of the NPPF.

4. On 20 June 2025, Natural England published the results of their second and final consultation on the new extended boundary of the Surrey Hills National Landscape (AONB). The results confirmed that area A13, Stoney Field and the adjacent pSNCI, The Bogs, will be included in the proposed new boundary

5. We believe this is a material consideration. It was treated as such in a recent appeal decision on a similar site APP/M3645/W/24/3345915, Land at Chichele Road, Oxted, RH8 0NZ (included at Appendix 1), and the boundary extension process is now at an even more advanced stage than it was for the Chichele appeal and nearing its end. The submission to the Secretary of State for Defra for a boundary variation order to designate this land as part of the Surrey Hills National Landscape is expected early in 2026.

6. We would submit that the very fact that Natural England's specialist landscape consultants, experienced in determining the extent of several other National Parks and National Landscapes, have determined that this landscape meets NE's criteria of natural beauty sufficient for National Landscape designation, should at this advanced stage of the boundary review be given significant weight. In this regard, we agree with the planning adviser for the Surrey Hills National Landscape whose response states: *"...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."* and that *"some significant weight"* should be given to Natural England's conclusion that the site meets the natural beauty and desirability criteria for National Landscape designation.

7. We agree with the representations made by the Surrey Hills National Landscape that the harm to the landscape warrants refusal of the application. Even as matters stand, if this proposed development goes ahead, the recognised natural beauty of the site would be permanently lost and there would be a very harmful impact on the setting of the National Landscape. However, if Natural England's plans to extend the National Landscape are confirmed, the proposal would amount to major development which is not justified by any exceptional circumstance. This would compound the conflict with para 189 of the NPPF.

8. In this regard, we also agree with paragraph 12.4.105 from the applicant's ES Landscape and Visual document which pre-dates the Natural England decision and states: *"Were NE to confirm that the AONB boundary should be extended to include proposed addition A13, the Site and the area of LCA GV5 currently outwith the AONB would become part of the designated landscape. In this scenario, the landscape value of both the Site and LCA GV5 would be assessed as high, reflecting their status as 'valued' landscapes. Their susceptibility to the type of change proposed and therefore their sensitivity would be assessed as high."*

9. Whether or not it forms part of the National Landscape, the land exhibits many attributes that take it above mere countryside including but not limited to scenic quality, landscape quality, recreational, distinctiveness and cultural heritage and

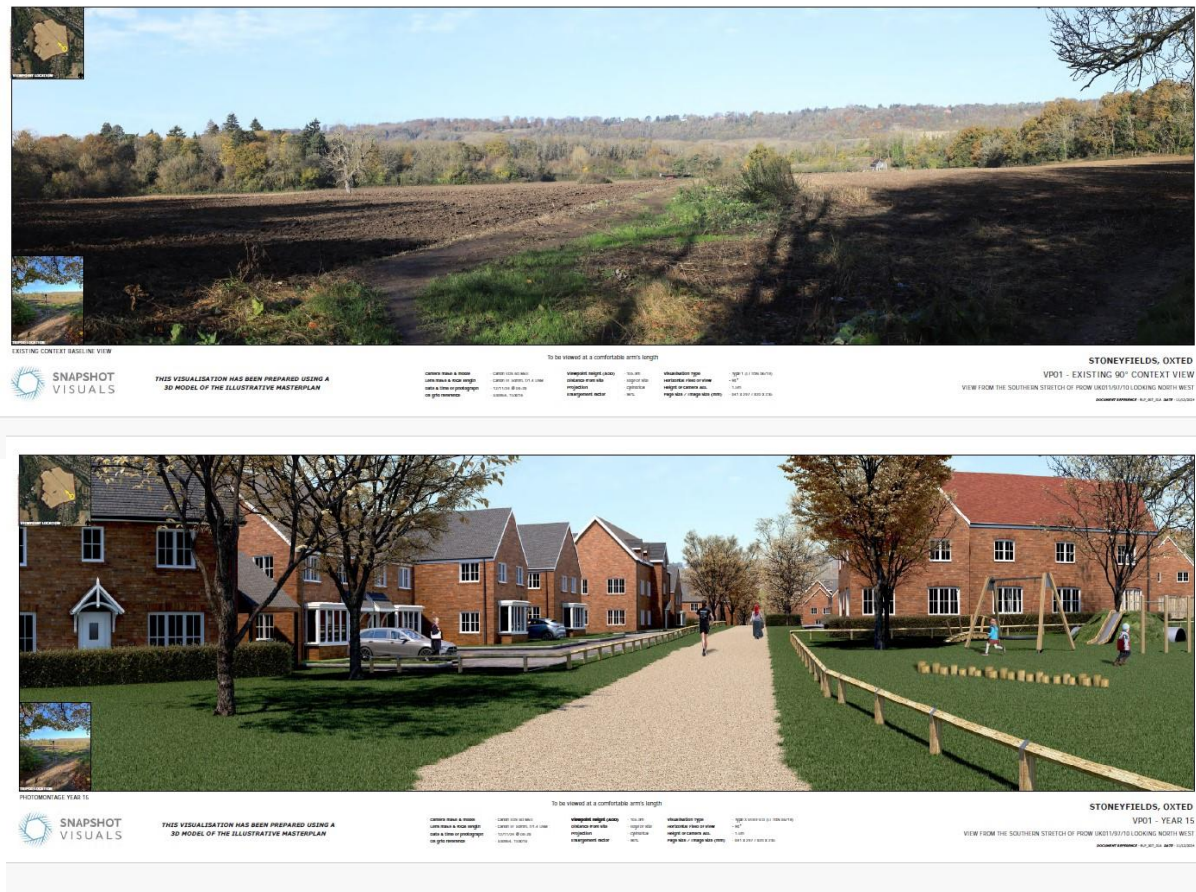
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we have been advised that this is a valued landscape for the purposes of paragraph 187a) of the NPPF.

10. In particular, Stoney Field is part of the setting of the existing National Landscape and has a very high degree of intervisibility with it which means the field makes a strong contribution to the natural beauty of the National Landscape. The open nature of the site and proximity to the existing National Landscape means that this development would be highly visible from both public and private viewpoints, many of which are located in the existing National Landscape. There are important, and in some cases spectacular, views from inside the site, outside the site and across the site to the North Downs. The proposal would have a significant 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 and from the public right of way that runs through the centre of the field. As you cross the Bridleway/PRoW, you are looking straight at the North Downs and that is a beautiful view. We have included example photographs demonstrating these points later in this letter.

11. The panoramic views into the National Landscape from the Bridleway and from the burial ground would be obliterated as evidenced in the applicant's own documents ES Vol 3 Appendix H3 Accurate Visualisations of the Proposed Development Part 1 and Part 3. This major harm should be given substantial weight.

### *Views from the Bridleway before and after from ES Vol 3 Appendix H3 Part 1*



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12. Government policy says that National Landscapes should have the highest level of protection. This proposal would be alien and incongruous in this high quality landscape due to being a visible, sizeable, high density suburban form of development in what is currently undeveloped, open countryside. As such, it would be severely detrimental to the character of the area and to the wider countryside, and would cause major harm to the landscape. It is consequently in conflict with national policy.

13. The proposal is also inappropriate development in the Green Belt as explained below. The site has been assessed as strongly serving Green Belt purposes a) and c) as set out in NPPF paragraph 143.

14. There would be clear and significant harms to the openness of the Green Belt in terms of the spatial, visual, intensification and duration factors. These harms are permanent and cannot be mitigated.

15. The proposal conflicts with the NPPF because it would fundamentally undermine the purposes of the remaining Green Belt across the area of the plan. The land plays a strong role in fulfilling the Green Belt purposes and its development would undermine the function of the strategic Green Belt as a whole.

16. The requirement to demonstrate “very special circumstances” (VSC) justifying inappropriate development in the Green Belt presents the applicant with a high policy bar to cross. Moreover, national planning policy (the NPPF) directs that great weight should be given to any harm to a National Landscape, or to the setting of a National Landscape, and that substantial weight should be given to all of the harms to the Green Belt.

17. There would be significant harm to biodiversity and loss of irreplaceable priority habitat. There would be adverse impacts on the hydrology of the pSNCI “The Bogs”. Surrey Wildlife Trust has assessed The Bogs as ancient wet woodland and a priority habitat, particularly rare in Surrey. Their report which is included at Appendix 2 states: *“Such woodlands are relatively rare and are a priority habitat as described in the Surrey Woodlands Habitat Action Plan.”* 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 The Bogs is understood to depend on surface water drainage from the site to maintain its biodiversity value. We have taken expert advice from Hydro-GIS, specialists in hydrology and flood risk which has informed both section 5 of our letter which deals with the effect on The Bogs and section 6 which deals with high surface water flood risk and high ground water flood risk. The Hydro-GIS report is included at Appendix 3.

18. A part of The Bogs ancient wet woodland is within the site. Photograph 5 on page 26 of the Preliminary Ecology Appraisal entitled *“Wet woodland in the south of the site (May 2022)”* clearly shows Ancient Wet Woodland that is part of The Bogs. In addition, the Arboricultural Impact Assessment (both original and revised version July 2025) from Barton Hyett Associates who state they have been instructed to survey trees located on the site, confirms at paragraph 4.4 *“The feature W2 is designated as Ancient Semi-Natural Woodland (ASNW).”* As



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explained below, it is incorrect to state, as the applicant has done, that the ASNW stops at the site boundary.

19. There would also be harm to the rest of The Bogs that is adjacent to the site arising from the close proximity of a large housing development and associated disturbance, pollution and recreational and other pressures, where previously there was no development and where there has been minimal human interference. The applicant has given no details of how the ancient woodland both inside and outside of the site would be protected, which is wholly inappropriate given that The Bogs is a high sensitivity receptor and a large area of irreplaceable priority habitat.

20. NPPF paragraph 193c) provides protection for Ancient Woodland and paragraph 195 removes the presumption in favour of sustainable development where development would significantly affect a habitats site.

21. Loss of agricultural land: Paragraph 187(b) of the NPPF requires a recognition of the economic and other benefits of the best and most versatile agricultural land (BMV). This large field has been in agricultural arable use for centuries and the whole of it is Grade 3a BMV, as shown in the applicant's Agricultural Land Classification and Considerations document which was submitted in July 2025 in response to a specific request by the council. This is in contrast to the Planning and Affordable Housing Statement which accompanied the original application which stated: *"The loss of agricultural land also attracts only limited weight, given the Site is moderate/poor quality agricultural land is not classified as 'best and most versatile agricultural land'."* The field is high quality where crops such as wheat do well as evidenced by this year's flourishing barley crop seen here in June 2025 against the backdrop of the National Landscape.



22. Loss of a well used and much valued open and recreational space: The

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field has significant community value and provides access to the open countryside for local residents, particularly young families, from the nearby housing area and is itself very widely used for recreational purposes. Many residents use it for walks and it was a much needed, open and safe space to enjoy during the Covid restrictions, helping to preserve mental health, aid recuperation and relieve stress which it continues to do to this day.

23. Major adverse effect on public Bridleway 97/Right of Way which is well used by horseriders and others for recreational activities including walking, running, dog walking and cycling: The proposal is in conflict with paragraph 156(c) of the NPPF because it seeks to remove an existing, high quality green space that is accessible to the public and within a short walk of many residents' homes.

24. Paths around and across the field have been used for many years by residents and visitors walking locally or to access the National Landscape. Three of the paths around the field are currently the subject of a rights of way application submitted to Surrey County Council for consideration in December 2022 with usage evidence forms from more than 100 residents.

25. There would be harm to heritage assets, in particular to the setting of St Mary's Church, a Grade 1 listed building and heritage asset. Stoney Field adjoins the burial ground and forms part of the church's setting. The church is set on elevated ground and is part of the historic core of Oxted. It has a broad 12th century tower which is a local landmark. The field and the church are also linked by Bridleway 97 and the field forms part of the church's wider rural setting. There would be major adverse effects on the setting of the church and for visitors to the church. There would also be major adverse effects on visitors to the burial ground both in visual terms and through loss of tranquillity.

26. There would be harm from adverse impact on highway safety and highway visibility: Access to the site (either via Barrow Green Road, a narrow country lane or the residential road Wheeler Avenue) is unsuitable and neither could safely accommodate the proposed development. There would be harmful effects on road safety, pedestrian/horseriders/cyclists fear and intimidation, and driver delay. The proposed alterations to the Bridleway and its use as the central route through the site with heightened scale and density along it and vehicle crossings, create safety issues for all users including horseriders, cyclists, motorists and pedestrians.

27. There would be harm arising from the high and increased risk of both surface water flooding and ground water flooding as detailed in section 6 of this letter. Existing problems would be exacerbated. Insufficient and, in some instances, incorrect information has been provided by the applicant regarding these issues.

28. There would be harm arising due to inadequate capacity within the foul sewerage network with significant upgrades needed to the sewer system (confirmed in Southern Water's letter of 2 December 2024). The proposal would put an unacceptable burden on other infrastructure in Oxted such as the already struggling health service which is under extreme pressure, without providing the

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necessary improvements.

29. There would be harm to the amenities of existing nearby residential dwellings in various locations including but not limited to significant effects on visual receptors, air quality, noise and traffic pollution.

30. In summary, the proposal would cause irrevocable harm to a valued landscape, to the setting of the Surrey Hills National Landscape and to the National Landscape itself. It constitutes inappropriate development in the Green Belt for which VSC that clearly outweigh the harm by way of inappropriateness and any other harms have not been demonstrated. As explained later, whether taken individually or collectively, there are insufficient VSC to clearly outweigh the very substantial harms to the Green Belt, to a valued landscape, to the setting of the Surrey Hills National Landscape, to the existing National Landscape, to land that Natural England have identified site for inclusion in the extended boundary of the National Landscape, together with numerous other planning harms.

31. Therefore, we conclude that the proposal is contrary to Core Strategy Policies: CSP11, CSP13, CSP17, CSP18, CSP20, CSP21 and Tandridge Local Plan Policies: DP1, DP5, DP7, DP10, DP13, DP18, DP19, DP20, DP21, DP22 and the NPPF (December 2024).

32. Applications for planning permission must be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The starting point, therefore, is that permission should be refused unless material considerations indicate otherwise. We find no material considerations that would override the adopted development plan.

## **Section 2: Applicant's Planning Documents**

### *Environmental Statement – Landscape and Visual*

33. The applicant's EIA scoping report and other documents repeatedly state that the land is an "isolated field". This is incorrect and the correct position is stated in paragraph 12.3.34 of the ES Landscape and Visual document:

#### *Land Use and patterns of settlement*

*12.4.34 The land uses of the areas beyond the settlement of Oxted are predominantly mixed arable and pastoral farmland, including rough grazing. The landscape retains a semi-rural pattern of dispersed farmsteads, mainly located next to rural roads and linked by a network of minor roads and lanes.*

34. Natural England has identified Stoney Field as part of a rural continuum such that the influence of road and built infrastructure is limited. The field has a much greater affinity with its rural surroundings than with the built-up area, retaining a tranquillity appropriate for the burial ground on its eastern border.

35. We disagree with the conclusions of this document which attempt to minimise the major harm that would be caused by the proposal and the

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permanent adverse effect it would have on the panoramic public views of the site from and into the National Landscape, the views from the bridleway, from the burial ground and from Barrow Green Road, Wheeler Avenue and Chalkpit Lane.

36. We have taken expert advice from Landscape Architect, Louise Hooper, who has reviewed the Temple Environment Statement:

- i) The assessments consistently undervalue, for example Table 12.11 “Assessment of landscape value of the Site” and the Value and Sensitivity of Visual Receptors.
- ii) The impact on landscape has not been fully assessed. The list and description of landscape receptors is incomplete and inadequate.
- iii) Insufficient value is given to The Bogs. Insufficient information has been provided and consideration has not been given regarding the effects on The Bogs including but not limited to drainage, contamination and surface water run off.
- iv) Paragraph 12.4.38: Description omits to say that the site is traversed by a well-used PRow leading from central Oxted to the Surrey Hills.
- v) Visual Baseline Appraisal: Four viewpoints are taken from Master Park which are not relevant because the site is not visible from there.
- vi) Future Baseline if AONB boundary is extended.

Paragraph 12.4.105 states that were NE to confirm that the AONB boundary should be extended (which it did in June 2025), the landscape value of the site and LCA GV5 would be changed from medium value and sensitivity to high value and sensitivity. ***The only change in the landscape would be the boundary change – why does the value and sensitivity assessment change so much, what is the rationale?***

vii) Paragraph 12.6.20 states that the proposed development would be ***‘largely indiscernible’*** in the context of Oxted from elevated locations in the AONB. In paragraph 12.10.4 however, the site is described as ***‘discernible in the wide, panoramic views from elevated locations on the scarp to the north’*** ***Which statement is supported by the applicant?***

viii) No reference is made in the summary to an assessment of the landscape and visual impact of the proposed development within an extended AONB.

### *Preliminary Ecological Appraisal and Biodiversity Net Gain Feasibility Assessment*

37. Both these documents are incorrect in claiming that none of The Bogs ancient wet woodland is within the site. These documents are contradicted by others of the applicant’s documents, as referenced in our paragraph 18 above, which make clear there is ancient wet woodland within the site. The applicant’s



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letter dated 25 July 2025 from Woolf Bond Planning asserts that “..the Site itself does not contain any parcels of ASNW...” and references Figure 3 of the Preliminary Ecological Appraisal which we have copied below. We do not find it credible that the ancient woodland conveniently stops being ancient at the site boundary, as shown in Figure 3 which is wholly misleading. Figure 3 also inaccurately marks the southern boundary of The Bogs ancient woodland which continues and includes the section shown in green as Deciduous Woodland.

Land South of Barrow Green Road, Oxted

December 2024



Figure 3: Deciduous Woodland (dull green), ancient woodland (brown vertical hatching), traditional orchard (lime green) and parkland (pale green) in the vicinity of the site

38. Similarly, figure 4 On-Site Habitat Baseline in the Biodiversity Net Gain Feasibility Assessment is incorrect. It shows the ancient woodland ending at the stream and asserts that the woodland is somehow different on the other side of the stream and within the site.

### Planning and Affordable Housing Statement

39. We disagree with the statements in paragraph 1.20/1.22 regarding NPPF footnote 7 constraints. The land is Green Belt; it is in the setting of the National Landscape; Natural England have just confirmed (June 2025) that they are recommending the land to Defra for inclusion in an extended National Landscape; it is a valued landscape; the proposal will harm a habitats site (NPPF paragraph 193 (c) and 194), an irreplaceable habitat and the setting of designated heritage assets. It is also in an area at high risk of flooding. Therefore, paragraph 11(d)(i) is engaged.

40. The engagement of paragraph 11(d) i) disengages footnote 8 of the NPPF as a relevant consideration in the determination of this application and at the same time disengages the “tilted balance”.

41. We disagree with the applicant's assertion at Paragraph 1.25 which states that the land is grey belt. It has many attributes and constraints, detailed later in

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this letter, which make clear it should not be characterised as grey belt. It makes a strong contribution to the Green Belt purposes including preventing urban sprawl. Oxted is part of a large built up area.

42. Paragraph 1.43 is incorrect in stating that the land *“does not form part of the setting of the AONB ‘valued landscape’*. Elsewhere in the Planning and Affordable Housing Statement, it is accepted that the land is within the setting, for example in paragraph 5.9, bullet point 8, in paragraph 6.142 and LVIA paragraph 12.2.7.

43. Paragraph 2.14 is incorrect. The Tandridge Landscape Capacity and Sensitivity Study judged the visual sensitivity of the site to be Substantial.

44. Paragraph 5.40 asserts that the right of way running through the site will be enhanced. On the contrary, we consider there will be major adverse effects on the right of way.

45. We disagree with the statements in paragraph 6.147 which attempt to minimise the effects on the National Landscape. In addition, it seems self-evident that this statement cannot be correct: *“Existing public views towards the scarp from the footpath as it crosses the Site would be maintained and new public views of the scarp would be created from the extensive areas of public open space which are proposed.”*

### *Design & Access Statement*

46. Notwithstanding the fact that this is an outline application, it is concerning that no details of layout, appearance and scale or parameters for these have been included. This is an access only application which we consider 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.

47. Section 2.4 (The Site) omits to say that the south and western boundaries of the site abut ancient wet woodland and a priority habitat, The Bogs pSNCI, and that a part of The Bogs is within the site.

48. Section 2.10 (Landscape Appraisal) omits to say that the Tandridge Landscape Capacity and Sensitivity Study judged the visual sensitivity of the site to be Substantial.

49. We disagree with the assertion in section 2.10 that due to intervening visual barriers *“many views from the wider area towards the Site are effectively obstructed and/or partially screened, even during winter months.”* This statement is wrong. We include here sample views taken on 29 March 2025 looking towards the site from the North Downs Way in the Surrey Hills National Landscape. Stoney Field is the far green field.

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50. We disagree with the assertion in section 2.10 that *“Impacts on landscape character following development of the Site would be limited and localised, largely because the proposed development area is relatively self-contained and screened”*. A landscape strategy which *“strengthens the boundary vegetation”*, as proposed by the applicant, is wholly inadequate and inappropriate. The development would be highly visible and the landscape impacts would be far-reaching, permanent and cannot be mitigated. There is a high degree of intervisibility between the field and the existing National Landscape. As the



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Surrey Hills National Landscape Planning Adviser states in his comments on the application: *“Currently, a wonderful unspoilt and dramatic panoramic landscape view is gained of the scarp slope of the North Downs. That would be almost completely lost by the development as so clearly illustrated by the visualisations.”*

51. Section 2.13 states that the site is not covered by any statutory or non-statutory wildlife site designation and that The Bogs pSNCI is adjacent to the site's southern boundaries. This is incorrect because a part of the pSNCI is within the site. This is confirmed by the applicant's Arboricultural Impact Assessment (both original and revised version July 2025) at paragraph 4.4 *“The feature W2 is designated as Ancient Semi-Natural Woodland (ASNW).”* Photograph 5 on page 26 of the Preliminary Ecology Appraisal entitled *“Wet woodland in the south of the site (May 2022)”* shows Ancient Wet Woodland that is part of The Bogs pSNCI. Paragraph 4.44 of the applicant's Planning and Affordable Housing Statement which states: *“All protected trees and the area of ancient/ semi-natural woodland will be retained.”*

52. Section 2.13 states that consideration of the existing patterns of ground and surface water flow from the site into the pSNCI is to be given at the development design stage. We consider this is unacceptable and should have been carried out for inclusion with this application given that The Bogs pSNCI ancient wet woodland is a high sensitivity receptor and a significant area of irreplaceable priority habitat.

### **Section 3: Harm to landscape character and a valued landscape, including to the Surrey Hills National Landscape and its setting.**

53. NPPF paragraph 187 seeks to ensure that planning policies and decisions contribute to and enhance the natural and local environment, by protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside. Additionally, paragraph 189 sets out that great weight should be given to conserving and enhancing the landscape and scenic beauty in National Landscapes, which have the highest status of protection in relation to these issues. Para 190 states that permission should be refused for major development in a National Landscape other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

54. In exercising or performing any function in relation to, or so as to affect land in a National Landscape, relevant authorities shall seek to further the purpose of conserving and enhancing the natural beauty of the National Landscape. As set out in the national Planning Practice Guidance (PPG, paragraph 039 reference ID: 8-039-20250129), the duty in relation to the statutory purposes of protected areas is relevant in considering development proposals that are situated outside National Landscape boundaries, but which might have an impact on their setting or protection. The PPG (paragraph 042 reference ID: 8-042-20190721) 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 especially important where long views from or to the designated landscape are identified as important (as with Stoney Field) or where the landscape character of the land within and adjoining the designated area is complementary (as with Stoney Field).



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55. As noted by Natural England in their June 2025 second consultation report, Stoney Field *“forms part of a sweep of agricultural landscape to the north and affords dramatic views of the chalk scarp.”* In addition, the field is highly visible from the Surrey Hills National Landscape.

56. The site shares similarities with neighbouring agricultural fields to the north and west, and has a much greater affinity with its rural surroundings than 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, so contributing positively to the setting of the National Landscape.

57. The Surrey Hills Management Plan 2020-2025 provides policies and targets for the management of the AONB to conserve and enhance its natural capital and the benefits which it provides. All these Planning Management Policies are breached by this proposal:

- LU1 - Great weight will be attached to any adverse impact that a development proposal would have on the amenity, landscape and scenic beauty of the AONB and the need for its enhancement.
- LU2 - Development will respect the special landscape character of the locality, giving particular attention to potential impacts on ridgelines, public views and tranquillity.
- LU6 - Development that would spoil the setting of the AONB by harming public views into or from the AONB will be resisted.

58. The Surrey Hills new Management Plan 2025-2030 (currently in draft) stresses the strong contribution farming makes to the landscape value and to character, with views changing through the seasons. Part 4, The Policy Framework, Section 4.4 Farming, policy aim states:

*“Farming plays a positive role in maintaining the outstanding and diverse character of the protected landscape, contributes to nature recovery goals, and plays a part in reducing the risk of, and mitigating the effects of, climate change.”*

### *Landscape and scenic quality*

59. The site falls within Landscape Character Area (LCA) GV4 – Merstham to Clacket Lane Greensand Valley, as defined by the Surrey Landscape Character Assessment 2015. The key characteristics relevant to the site and the wider area are:

- Undulating landform, rising up towards the north. Views north towards the steeply rising slopes of the North Downs forming a dramatic chalk ridge, and iconic part of the Surrey Hills National Landscape.
- A peaceful rural landscape providing panoramic views from the rising slopes and ridge top and forming a backdrop to the surrounding lower land and towns including Oxted.

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- Presence of small pastoral fields and blocks of woodland (including Ancient Woodland such as the distinctive wet woodland of The Bogs which abuts Stoney Field) occur across the area, particularly to the west of Oxted. Hedgerows line field boundaries.
- Historic trackways and comprehensive network of public rights of way across a rural landscape.

60. Natural England's Surrey Hills AONB Boundary Review Natural Beauty Assessment acknowledges the intactness of the landscape of the north west Oxted area regarding its undulating landform, areas of ancient woodland, and open fields, which contribute to its overall structure and sense of place.

61. Page 142 of the Natural Beauty Assessment Report considers the area between Tandridge Lane in the west and Oxted in the east as a single area because of its integrity and scenic qualities:

*"Between Tandridge Lane (in the west) and Oxted (in the east) there is a more undulating landform and a relatively small scale and intricate landscape pattern with extensive areas of woodland, historic parkland and an unusual natural wetland landscape known as 'The Bogs'. These features combine to create attractive compositions. The landscape in this area blends seamlessly with the North Downs to the north."*

The combination of features including Stoney Field and the stream originating from the greensand ridge form an attractive and harmonious composition.

62 The above evidence is a clear indication that this site is of high landscape and scenic value.

### *Valued landscape*

63. We have taken expert evidence from Landscape Architect, Louise Hooper, who has concluded that Stoney Field qualifies as a valued landscape for the purposes of NPPF paragraph 187a) and that it strongly contributes to the landscape and scenic beauty of the Surrey Hills National Landscape. As well as taking expert advice, we share that view having studied the guidance for defining a valued landscape and considered the site itself and its qualities, together with their relationship with and the role they play within the site's context.

64. 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 in Table 1 (Appendix 4) which can be considered in assessing landscape value.

65. In addition to the landscape character evidence outlined above, Stoney Field has many of the other attributes listed in Table 1 and is much more than mere countryside. We set out here how the site meets the Table 1 indicators:

- Natural heritage: together with the priority habitat The Bogs pSNCI and

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the North Downs themselves, the field forms part of a crucial eco-system. In addition to the rare ancient wet woodland found within The Bogs, the presence of mature tree belts surrounding the nearby Blunt House and delineating fields further enhances the sense of place in this area. These tree belts not only provide physical boundaries but also create a visual connection, establishing a sense of continuity with the surrounding wider landscapes to the north and west. The presence of these ancient and semi-ancient woodlands contribute to the formation of a distinctive landscape. This is confirmed on page 142 of the Natural Beauty Assessment which states:

*“The extensive cluster of semi-natural ancient woodlands to the northwest of Oxted, which are also associated with areas of remnant wood pasture (on the Barrow Green Court estate) and wetland (The Bogs). Other woodland and wetland areas within the vale are designated as regionally important SNCI sites.”*

- Cultural heritage: the field is part of the setting and strongly contributes to the significance of St Mary’s Church, a Grade 1 listed building with history dating back to the 12th century. It also contributes to this historic core of Oxted. The locality also includes three Grade II listed buildings, Blunt House, Court Farm House, and The Pound, a mid c18 cattle pound. In addition, there is high archaeological interest within and around Stoney Field. The field is part of a historic field pattern, there is evidence of medieval land division, land management as well as agricultural activity connected to Court Farm. Some evidence may date back to the Saxon period. Evidence of Bronze Age and Roman funerals has been found in the locality. The field displays a natural time depth.

- Distinctiveness: We agree with the conclusions in Natural England’s Surrey Hills AONB Boundary Review Natural Beauty Assessment Final Report – February 2023 and the comments on page 142 which confirm that this area has the same high quality landscape as the existing AONB to the north. We also agree that the area blends seamlessly with the existing AONB, as also stated on page 142: *“The landscape in this area blends seamlessly with the North Downs to the north.”* It is part of a landscape that has a strong sense of place. The field allows for expansive, striking and exceptional views to the north towards the chalk escarpment of the Downs, to the west and south into the Ancient Wet Woodland of The Bogs and to the south towards St Mary’s Church. The part of the site shared with The Bogs has elements of wildness. The field contributes strongly to the special qualities of the National Landscape, as confirmed by Natural England’s assessment, and enhances its beauty. It is overlooked by several areas of National Trust land.

- Recreational: a key green space for outdoor recreation with a very well used Bridleway/Right of Way and other informal footpaths as referenced later in this letter. The stunning views, sense of openness, and tranquility are inspirational and can provide a spiritual experience especially when arriving from the church or burial ground and walking on to the Bridleway. Seeing the views open up before you gives a real sense of arrival. The

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soft boundary with the settlement of Oxted contributes to the field's overall character and special qualities.

- Community use and well being: most importantly, this is a much-loved community space that supports mental and physical wellbeing. There are a number of nearby roads, such as Chalkpit Wood and Barnettts Shaw, which have a high proportion of council owned flats that only have communal gardens which are mainly used for the drying of washing and bin storage. The residents in these dwellings rely on the opportunity to enjoy Stoney Field for mental wellbeing, exercise and meeting friends which reduces social isolation. The houses in Memorial Close that are Housing Association are mainly family homes but with very small back gardens and many of the families there take their children to explore nature and enjoy the openness and views from Stoney Field and to escape from the confines of the Close. During the Covid lockdowns, the field became a true sanctuary. It is a place to walk, reflect, exercise and connect with nature. It is a much valued part of many people's daily lives.

- The field is an integral part of an outstanding landscape and the dramatic views it gives towards the North Downs are frequently photographed by residents and also by visitors who come to walk in the Surrey Hills and see the views as they arrive. These views change throughout the year giving different perspectives and an immersive connection with nature and the surrounding landscape. The views also change with the changing weather and standing at the edge of the field watching a storm blow in across the ridge of the Downs, is a memorable experience providing both drama and a strong sense of place.

- As referenced on page 142 of the Natural Beauty Assessment, this area stands out as a place of relative wildness, despite the presence of roads and rural lanes:

*"The eastern part of EA 10a, near Oxted, has a stronger sense of wildness than other parts of the vale because here the cluster of semi- natural ancient woodlands and the wetland landscapes associated with The Bogs SNCI provide close contact with nature, despite proximity to the residential neighbourhoods on the western fringes of Oxted."*

- Functional: Stoney Field plays a clearly identifiable and crucial part in the healthy functioning of the landscape. It is vital in the hydrological system that maintains The Bogs and its ecosystem; it forms part of a multifunctional green infrastructure network; it has strong links to the adjacent National Landscape performing a key role in the appreciation of that Landscape.

66. Overall, the area strongly exhibits the following special qualities:

- i) The landscape is diverse, featuring a combination of ancient woodland, undulating pastures and fields.



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ii) The area has considerable woodland cover, a significant proportion of which is ancient and semi-natural woodlands. The landscape is further enhanced by treed hedges, which create wildlife corridors and contribute to the overall biodiversity.

iii) Wetland habitats are present, playing a crucial role in the ecology. The Bogs, a unique natural feature within the area, stands out as a notable example that enhances the biodiversity and ecological richness of the region.

67. Wetland habitats and their landscape setting and connectivity are crucial to the overall ecology of the Surrey Hills National Landscape and are rare and significant landscape features. The Bogs, with their perpetually wet conditions sustained by runoff water from the adjacent greensand ridge and across the fields, form a unique wetland area that is abundant in diverse plant and animal species. There is a strong symbiotic relationship between the open fields such as Stoney Field and The Bogs which is crucial to maintaining this rich biodiversity. The ecological impact is described in more detail in section 5.

68. Appendix 1 is a recent Appeal decision for a nearby field in Oxted that is also being recommended for inclusion in the extended boundary of the Surrey Hills National Landscape, and which the Planning Inspector found to be a valued landscape. (Appeal Ref: APP/M3645/W/24/3345915, Land at Chichele Road, Oxted, RH8 0NZ). The Chichele field also forms an important part of the rural scene at the edge of the settlement, and also contributes positively to the setting of the National Landscape. We consider there are considerable similarities between this case and Stoney Field.

### *Landscape - character and appearance*

69. Paragraph 189 of the Framework states that development within National Landscapes should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

70. Policy CSP20 Areas of Outstanding Natural Beauty states it is of primary importance to:

a) conserve and enhance the special landscape character, heritage, distinctiveness and sense of place of the locality;

b) conserve and enhance important viewpoints, protect the setting and safeguard views out of and into the AONB

71. We strongly disagree with the assertion in paragraph 12.6.14 of the applicant's LVIA that development "*would not harm any public views from the AONB.*" Stoney Field is widely visible from the National Landscape, from large sections of the North Downs Way, and other public routes as evidenced by the sample photos in section 2 of this letter.

72. With regard to paragraph 12.6.15 of the LVIA, as explained above there are currently panoramic and dramatic public views from Stoney Field towards the

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National Landscape. The proposal would have a major adverse effect on these views by introducing a housing development and care home into what is undeveloped, high quality open countryside. It must plainly be incorrect to state, as the applicant does in this paragraph, that *“existing public views towards the scarp from the footpath as it crosses the Site would be maintained”* because those open panoramic views cannot be maintained from within a housing development. Indeed, in paragraph 12.6.18, the applicant contradicts their earlier statement, saying: *“In views from the bridleway as it crosses the Site, the Proposed Development would be dominant in the view.”*

73. This is borne out by the applicant's ES Vol 3 Accurate Visualisations of the Proposed Development Part 1 which shows the views from the Bridleway essentially wiped out by the housing development.

74. It is disingenuous to state in paragraph 12.6.15 that *“new public views of the scarp would be created from the extensive areas of public open space which are proposed.”* Currently, all of the field is open space which offers open, sweeping views of the Surrey Hills untrammelled by any development.

75. The proposal would cause major harm to the character of the National Landscape and its setting by the introduction of built form and all its associated paraphernalia. The visual connection of the field to the surrounding countryside and to the National Landscape, and the contribution it makes to the overall landscape and scenic beauty of the area would be lost. There would be major adverse effects of the development on long distance views from the National Landscape. The views from and into the site would be significantly harmed and changed forever.

76. The proposal would fail to protect a valued landscape, cause significant harm to the landscape character of the area, and to the setting of the Surrey Hills National Landscape thereby undermining the purpose of conserving and enhancing the natural beauty of this designated area.

77. The proposal is not sensitively located and designed, in order to avoid or minimise adverse impacts on the National Landscape. It is the opposite and is a high density and highly visible intrusion into the setting of the National Landscape. It would conflict with Policies CSP20 and CSP21 as well as paragraphs 187 and 189 of the NPPF, and the intentions behind s.85(A1) of the Countryside and Rights of Way Act 2000.

78. The proposal would urbanise what is currently an open field in the countryside and would have an urbanising effect on the adjoining areas of undeveloped open countryside.

79. The open nature of Stoney Field means that it is widely visible not just from the National Landscape. This proposal would adversely affect views for visitors to Oxted burial ground, visitors to St Mary's Church, users of Barrow Green Road, Chalkpit Lane and Wheeler Avenue, residents of Wheeler Avenue and other properties near to the site. An example is the before and after view from the end of Wheeler Avenue as shown in the applicant's ES Vol 3 Appendix H3 Accurate Visualisations of the Proposed Development Part 5. The view of the North

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Downs is obstructed by the proposed development:

*Views from Wheeler Avenue before and after from ES Vol 3 Appendix H3 Part 5*



80. The proposed development 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.

81. In contrast, the proposal is for much higher density housing which does not reflect and respect the character of the area, the setting of the National Landscape, or integrate effectively with its surroundings as required by Policy DP7, which requires that *“the proposal respects and contributes to the distinctive character, appearance and amenity of the area in which it is located...”* and *“The proposal is in keeping with the prevailing landscape/streetscape...”* and *“..does not result in overdevelopment or unacceptable intensification by reason of scale, form, bulk, height, spacing, density and design”*.

82. The proposal fails to satisfy any of these policy requirements, and so we believe it is contrary to Policies CSP18 and DP7.

83. We recognise that the site does not currently form part of the Surrey Hills National Landscape. However, if Natural England’s proposals are confirmed, that will change. In that context, it is self-evident that the proposals would amount to “major development” which para 190 of the NPPF says should not be permitted other than in exceptional circumstances. For the reasons set out in the discussion of “very special circumstances”, we do not consider “exceptional circumstances” exists in this case.

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### *Bridleway 97/Right of Way*

84. There would be major adverse effects on the users of Bridleway 97. In addition to Bridleway 97 there are three routes being claimed that are currently the subject of a rights of way application to Surrey County Council, number CP612, with usage evidence forms from more than 100 residents, are shown here:



85. Everyone enjoying this well used Right of Way and the informal footpaths, currently has wide and unfettered views of the Surrey Hills throughout their journey across Stoney Field. The views would disappear. The rural and tranquil nature of Bridleway 97 would be destroyed, as it is proposed to make it into the central spine of the new housing estate, surrounding it with development, adding vehicle crossings, as well as adding low level lighting to the southern section. The applicant's Design and Access Statement explains that "*Built frontage – concentrated along the PRow route*" and "*Scale and Density - heightened scale and density along the central PRow route.*" Paragraph 7.8.7 of the applicant's ES Volume 1: Non Technical states: "*A major adverse (significant) effect on PR01 – users of Bridleway 97*" would be among the residual effects anticipated once the Proposed Development is complete and operational.

86. The southern section of the bridleway as it nears St Mary's Church is overhung by large, old trees. The root systems of these trees are likely to be damaged by the "improvements" and urbanisation of the bridleway and the installation of lighting.

87. The totally urbanising effect on the character and experience of using this currently pleasantly rural bridleway would be a further harm, as found by the Inspector in a similar appeal case in Tandridge District: Appeal Ref: APP/M3645/W/23/3319149 Land at The Old Cottage, Station Road, Lingfield RH7 6PG (Appendix 5)



#### **Section 4: Harm to the Green Belt**

88. The site plays a strong role in terms of preserving the openness of the Green Belt, and in meeting the purposes of the Green Belt. Its development would fundamentally undermine the function of the strategic Green Belt as a whole. It strongly serves purposes a) and c) as set out in NPPF paragraph 143. The site does not meet any of the exceptions listed under paragraph 154 of the NPPF and so the proposal constitutes inappropriate development in the Green Belt.

89. Three distinct types of harm to the Green Belt arise from this proposal:

- a. new buildings which do not fall within any of the recognised exceptions to the construction of new buildings in the Green Belt, and so constitute inappropriate development, are harmful by definition (NPPF paragraphs 153 and 154, Tandridge District Council Local Plan Detailed Policies DP10, DP13) ) The site does not meet the requirements to be categorised as grey belt land.
- b. there would be significant harm to openness: spatial, visual, degree of activity likely to be generated, and duration.
- c. there would be additional harm to Green Belt purposes (NPPF paragraph 143).

90. Paragraph 153 of the NPPF requires that substantial weight must be given to all of the Green Belt harms that arise from this proposal. We address each of these harms in the following paragraphs.

##### *Spatial harm*

91. 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. The change from an open field to large residential development would have a significant adverse effect on the spatial openness of the Green Belt. The applicant's illustrative masterplan gives a general sense of the extent of built development proposed on the site and the sub-division:

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### Visual harm

92. 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 study stated:

*“Overall, the visual sensitivity is judged to be Substantial”*

and

*“There is intervisibility with the AONB especially to the south east.”*

93. 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 incongruous in this otherwise open, undeveloped, high quality landscape.

94. 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.

95. 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 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.

96. 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.

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97. We agree that there is a high degree of intervisibility with the existing AONB, as confirmed on page 141 of the Natural Beauty Assessment Report, which states: *“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.”* Stoney Field gives one of the most dramatic and distinctive views of the chalk scarp with the Surrey Hills rising above it.

98. The Surrey Landscape Character Assessment 2015 defines the area to the north of the site as LCA CR3: Box Hill to Tatsfield Chalk Ridge, south facing slope which forms a dramatic chalk ridge. The Assessment describes CR3 as *“an iconic part of the Surrey Hills AONB”* which is a *“peaceful, rural landscape providing panoramic views”* with *‘historic trackways joining notable viewpoints with strong cultural and recreational associations.’* The *“sloping landform affords wide views over the greensand hills to the south.. and provides a dramatic backdrop to landscape to the south”*.

99. The Guidance for the LCA CR3 area in the Surrey Landscape Character Assessment 2015 includes: to maintain the wide and far-ranging views from the many viewpoints along the ridge line, to conserve the open nature of the landscape, to consider the impact of development in adjacent areas in views from the ridgeline and to maintain the rural setting and containment of villages at the foot of the ridge.

100. The site is highly visible from viewpoints along the ridgeline of the North Downs and we refer back to the sample views included in Section 2 of this letter which were taken from the North Downs Way.

101. There are also panoramic and far-ranging views from Stoney Field, at different seasons, looking across it towards the scarp of the North Downs. Some examples are provided below:





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### *Duration of harm*

102. Furthermore, the spatial and visual harm to the openness of the Green Belt

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would be permanent and not remediable. All of the harms identified above and later in this section will be permanent.

### *Intensification*

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

### *Green Belt purposes*

104. NPPF paragraph 142 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 sets out the five purposes for which Green Belts are designated including:

#### *NPPF 143 a) To check the unrestricted sprawl of large built-up areas:*

- The site is undeveloped open countryside and continues to check the unrestricted sprawl of Oxted by containing development and preventing a westward expansion of the town. There are clear parallels with the Chichele Road scheme which was refused at appeal where the Inspector noted that “*..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.*”
- Tandridge District Council’s Green Belt Assessment (December 2015) (Appendix D) identifies this site within Area GBA 017 and states “*..the parcel is considered to play an effective role in checking urban sprawl as development is contained within the urban boundary.*”

#### *NPPF 143 c) To assist in safeguarding the countryside from encroachment:*

- The site is part of an extensive area of countryside to the north and west of Oxted. The land can be clearly seen as assisting in safeguarding the countryside from encroachment and the proposal would have a significant adverse impact in this regard.
- Tandridge District Council’s Green Belt Assessment (December 2015) (Appendix D) states: “*Overall, where there is built form, it is isolated, often screened by natural features and of no great density or size to have any significant encroaching effect. As such, the parcel is considered to effectively assist in safeguarding the countryside from encroachment.*”

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105. 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 in the answer to the question:

*"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."*

106. The withdrawn Local Plan identified other Green Belt sites where exceptional circumstances did exist.

*Harm Caused by Inappropriate Development: Site is not Grey Belt*

107. We strongly disagree with the applicant's assertion that the land is grey belt and that the development is not therefore inappropriate. The site is clearly not grey belt for the following reasons:

- As set out in the NPPF, a site cannot qualify as grey belt if it strongly contributes to the purpose described in paragraph 143(a) of the NPPF. As detailed above, and recorded in Tandridge District Council's Green Belt Assessment (Part 3): Appendix 1 (2018), the land makes a strong contribution to the purpose for designating Green Belt set out in paragraph 143 (a) of the NPPF, namely, to check the unrestricted sprawl of the settlement of Oxted.
- The Council's Green Belt Assessment (Part 3): Appendix 1 (2018) also flags up the potential harm the site's development would have on the ability of the wider Green Belt to continue to serve the purposes and says that consideration of the site for alterations to the Green Belt boundary should not be taken further. The assessment concluded that this site *"does not justify the exceptional circumstances necessary to recommend amendment of the Green Belt boundary."*
- In paragraph 6.119 of their Planning and Affordable Housing Statement, the applicant acknowledges the conclusions of the Part 3 assessment, but states that they are *"unsupported and disputed"*. We would point out that the Local Plan Inspector, despite finding "Our Local Plan 2033" as a whole unsound, was happy with the Green Belt assessments stating *"I find these assessments are adequate...The Council has, through its Green Belt Assessment, considered the nature and extent of harm which would arise from the proposed allocations to the Green Belt and has sought to ameliorate the possible impacts on the purposes of the Green Belt through the plan making process."* (Inspector's final report, Annex 1 – ID16)



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paragraph 42). The Plan proposed the release of a number of sites from the Green Belt in order to meet housing need but this site was not one of those selected.

- The NPPF also makes it clear that 'grey belt' excludes land where the application of the 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. The policies referred to in footnote 7 include the policies in the NPPF relating to a National Landscape, irreplaceable habitats, designated heritage assets and areas at risk of flooding. As set out in section 4 of this objection, the site falls within the setting of the Surrey Hills National Landscape/AONB. Paragraph 189 of the NPPF advises that development within the setting of a National Landscape should be sensitively located and designed to avoid or minimise adverse impacts on the National Landscape. As described in Section 4, the adverse impacts of this proposal on the Surrey Hills National Landscape would be significant. As set out in section 5 of this objection, the proposal would cause loss and deterioration of the Bogs, an irreplaceable habitat contrary to paragraph 193 (c) and as set out in section 9, there would also be major adverse effects on visitors to the Grade 1 listed St Mary's Church and to the setting of the Church. As set out in section 6 of this objection, there is risk of both surface water flooding and ground water flooding.

- The applicant is incorrect in stating in paragraph 6.112 of their Planning and Affordable Housing Statement that Oxted has a population of "just 5,200". As the 2008 Core Strategy states at paragraph 2.2 with regard to Tandridge District (with similar wording repeated in the now withdrawn "Our Local Plan 2033") *"There are three main built up areas: Caterham; Warlingham/Whyteleafe in the north and Limpsfield/Oxted/Hurst Green"*. The built up area includes Hurst Green and Limpsfield and its population, evidenced by the 2023 Tandridge boundary commission review, is 12,658. We note the recent Appeal decision dated 17 June 2025, APP/M3645/W/24/3355743, *Land West of Chapel Road, Smallfield, Surrey RH6 9JH* where at paragraph 27 the Inspector stated: *"It can be seen from the Current Settlement Categories Map that some of the settlements listed individually in Table 4 are contiguous with other settlements, thereby forming Main Urban Areas such as Limpsfield/Oxted/Hurst Green and Warlingham/Whyteleafe."*

### Green Belt conclusion

108. The land is Green Belt, not grey belt, and the proposal would be inappropriate development which is harmful by definition. The scheme would result in significant harm to the openness of the Green Belt. It would also result in significant harm to the purposes of checking the unrestricted sprawl of large built-up areas and safeguarding the countryside from encroachment. The site has a particularly important role preventing urban sprawl and in retaining openness in this location and its development would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area.

109. The undeveloped nature of the site would fundamentally change as a result

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of the proposal as it would introduce a housing development where there is currently none, thereby allowing the sprawl of the urban area of Oxted. 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.

110. Therefore, the proposal is in conflict with the NPPF and with TLP Part 2 Policies DP10 and DP13.

### Section 5: Harm to Ancient Wet Woodland and biodiversity

111. We have taken expert advice from Hydro-GIS (Appendix 3), specialists in hydrology and flood risk which has informed both this section of our letter and section 6.

112. A portion of The Bogs pSNCI is included within the site. The Bogs has been assessed by Surrey Wildlife Trust (SWT) which recommended in its survey report that The Bogs should be selected and treated as an SNCI. The Bogs is home to a large variety of plants and is very peaceful with a feel of untouched wilderness.

113. SWT concluded in its report that *“it is an area that has been wet for hundreds of years and whilst not continuously wooded has had minimal human interference and hence why there are a good proportion of ancient woodland indicators.”* It also stated: *“Such woodlands are relatively rare and are a priority habitat as described in the Surrey Woodlands Habitat Action Plan.”*

114. The SWT survey report together with an assessment from East Surrey RSPB is included at Appendix 2. The Bogs habitat and its Ancient Wet Woodland can be seen in these photographs:







115. Photograph 5 on Page 26 entitled “*Wet woodland in the south of the site (May 2022)*” shows The Bogs Ancient Wet Woodland, an irreplaceable habitat under the NPPF, included as part of the development site:

**Photograph 5:** Wet woodland in the south of the site. (May 2022)



116 .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 The Bogs is understood to depend on surface water drainage from the site to maintain its biodiversity value. The development proposal has not properly assessed the impact on this relationship of the proposed development or how that interaction would be maintained with the development in place.

117. No attempt has been made to present the wider topography of the area or how the site fits in with the overall landscape. There is no recognition or

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consideration of the fact that the site is in an area of rolling topography and that the natural slope of the land is to the south-west towards The Bogs.

118. There is a brief discussion in the Hydraulic Modelling Report of how the proposed changes will impact the areas surrounding the site, including The Bogs. The result shows a reduction in flood levels to the south of the site, which would also mean a reduction in flow to The Bogs. Given the area is Ancient Woodland with a wet woodland dominated landscape, a reduction in flow and potential drying out is a very undesirable outcome which would significantly harm biodiversity and cause loss and deterioration of an irreplaceable habitat.

119. No other information has been provided on the overall impact on The Bogs. All aspects of the hydrology, not just the flood risk, should have been reviewed to specifically consider the impact of this development on this important habitat.

120. The proposal involves the installation of a drainage outfall with a piped connection from an attenuation basin to a water course. As stated in paragraph 6.14 of the Arboricultural Impact Assessment (July 2025 revision), 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. The consultants state this will also require *“the removal and/or pruning”* of understorey vegetation. This will result in loss, deterioration and disturbance of a fragile priority habitat.

121. The original submitted Arboricultural Impact Assessment (February 2025) states at paragraph 6.16: *“Overall, the design of the piped connection and its installation have been prepared to minimise any disturbance to an acceptable level. However, appropriate controls through the reserved matters process and implementation stage will still need to be adopted.”* It is not appropriate for this to be dealt with as a reserved matter given that The Bogs is a high sensitivity receptor and a large area of irreplaceable priority habitat.

122. Paragraph 7.1 of the Arboricultural Impact Assessment states; *“A final Tree Protection Plan has not been produced at the current, outline, planning stage as any meaningful tree protection measures must be based on an approved, detailed layout.”* The applicant has given no details of how the ancient woodland both inside and outside of the site would be protected, which is wholly inappropriate given that The Bogs is a high sensitivity receptor and a large area of irreplaceable priority habitat.

123. There would be additional harm to The Bogs arising from the close proximity of a large housing development where previously there was no development and which has, as SWT note in their survey, *“had minimal human interference”* for hundreds of years.

124. There would be both physical harm and harm to biodiversity arising from the significant increase in disturbance from people and recreational pressure from public access (whether authorised or not). Access by the public is inevitable given the new dwellings are so close. pSNCI woodland with wet ground conditions will have low resilience to recreational access.

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125. Furthermore, there would be a substantial increase in predation from domestic cats in the Ancient Woodland due to the close proximity of the proposed housing development.

126. There would be a risk of pollution of the watercourse causing deterioration and irreparable damage to this fragile ecosystem.

127. The proposal would result in an urban-level of light pollution (particularly in the winter) in what is currently a “dark area” of open countryside and Ancient Woodland. The proposal would also introduce the intrusive presence of vehicle headlights which would traverse the site at all times of the day and night.

128. Stoney Field itself has a good population of slow worms. There is a large tree on the field with a TPO which we believe hosts roosting bats.

129. Overall, adverse impacts include but are not limited to:

- Reduction in water flow and potential drying out of The Bogs with resulting destruction of a priority habitat.
- Potential pollution of the watercourse, priority woodland, ancient and wet woodland, a pSNCI and a pLWS (Local Wildlife Site).
- Recreational pressure on priority woodland and ancient wet woodland habitats and associated damage to flora and fauna.
- Loss of priority hedgerow habitat.
- Impact on commuting and foraging bats from artificial light and severance of commuting habitat.
- Impact on slow worm population through habitat loss.
- Increased predation from cats and dogs, increased lighting and increased vehicle movement.

130. Paragraph 193(c) of the NPPF states: *“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons...”* The exceptions in Footnote 70 do not apply in this case nor are there any other wholly exceptional reasons.

131. All of the above would be highly detrimental to biodiversity. Therefore, we conclude that the proposal is contrary to policies CSP17, DP19, DP22 of the Council’s adopted development plan and to the provisions of paragraphs 187d) and 193(c) of the NPPF.

## Section 6: Harm: high surface water flood risk and high ground water flood risk

132. We consider that the risk of both surface water flooding and ground water flooding is high.

133. Stoney Field is an agricultural field which has an annual arable crop with a footpath running diagonally from the north-west to the south-east. The unnamed stream along the western boundary is a major contributor to flooding due to surface water. During those events, most of the western portion of the site, along with substantial parts of the footpath, becomes submerged.

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134. The site is typically subject to flooding whenever there is heavy rainfall and has experienced repeated heavy surface water flooding over the years, more frequently in recent times.

135. There is flooding along Barrow Green Road to the north, as well as in low-lying areas at the northern end of the site. These areas are underlain by impermeable mudstone geology, which exacerbates surface water accumulation. Water from Barrow Green Road and Chalkpit Lane, flows down and converges at the northern boundary of the site.

136. Analysis of surface water flood risk has been carried out by experts to identify the pathways which water would take based on the topography. This analysis shows that water flows onto the development site from the north, draining a significant area and flowing through the entire site towards the south which continues into The Bogs. Local residents have observed water coming off the North Downs in torrents and flowing south to the site.

137. We have been advised that despite the permeable chalk bedrock of the North Downs, the description of this surface water flooding is consistent with the extensive areas of impermeable clay with flints overlying the chalk. The surface water flow then continues over the impermeable Gault mudstone areas towards the site. Experts have concluded that, overall, the risk of surface water flooding at the site is high.

*This photo taken in November 2024, shows water flowing off the North Downs, crossing Barrow Green Road and entering Stoney Field (on the right of the picture) and so into The Bogs.*





## Oxted & Limpsfield Residents Group representation

*This photo was taken the same day from within the field and shows water pouring into it from the road.*



138. In January 2024, flooding occurred in the gardens of Wheeler Avenue as well as along Barrow Green Road, while in August of the same year, flooding occurred again in Wheeler Avenue. There has been repeated surface water flooding in the area over the years and these events are becoming more common.

*Flooded front garden in Wheeler Avenue*



## Oxted & Limpsfield Residents Group representation

*Water flowing into The Bogs through a flooded rear garden*



139. We are advised that groundwater flooding occurs in areas of permeable geology, such as chalk, where after prolonged wet periods, the water table rises and springs and dry valleys and ephemeral streams start flowing. The chalk of the North Downs however does not reach the site and the groundwater from the chalk is contained by the impermeable Gault mudstone. The geology of the site is predominantly composed of Sandstone which is permeable. The alluvium deposits at the west of the site along the stream and The Bogs area likely create localised zones of varying permeability that can influence how water moves across the site, potentially causing water retention in areas with higher clay and silt content. Areas of saturation were observed during a visit to the site in April 2025 after a period of dry weather. These could indicate upwelling of groundwater from a high-water table in the permeable layers, so the risk of flooding from groundwater should be considered as high.

### *Flood Risk Assessment and Drainage Strategy Review*

140. A flood risk assessment (FRA) has been submitted by Motion. We note and agree with the objection from the Lead Local Flood Authority.

141. Further, we are advised by our hydrology and flood risk specialists that there are significant details missing from the relevant text and that information has been presented which is wrong and misleading. This includes, but is not limited, to the following:

- a) Stoney Field is located within the catchment of the Upper Eden, which is a tributary of the River Eden. The FRA fails to identify the River Eden catchment at the development site and only refers to the River Darent, which is a separate catchment.

## Oxted & Limpsfield Residents Group representation

b) The FRA does not include any data on historical flooding at the site and simply refers to the Tandridge District Council Strategic Flood Risk Assessment. This is an inadequate and incorrect assessment.

c) The flood risk summary table in the FRA (Table 6.1) is incorrect. The assessment from the expert's site visit and observations from residents have noted frequent flooding of the site from surface water and also groundwater which would indicate a high risk rather than the low risk given in the table. Furthermore, the simulations undertaken in the Hydraulic Modelling Report show that significant areas in the western side of the site would be inundated under the 30-year, 100-year and climate change scenarios.

d) The estimates of greenfield and development site flows, required to inform the SuDS design have used incorrect methodology.

e) The drainage strategy is based on the results of infiltration tests at only 2 of the 4 trial pits presented in the Ground and Water report. Trial Pit 3 collapsed during testing and there was very little infiltration in Trial Pit 2. The tests were undertaken in November 2024 when, according to the report, the groundwater level would be at a maximum. This is not likely to be the case as groundwater is normally recharged during the autumn as plants water uptake reduces. The maximum levels are normally experienced later in February and March before plant growth starts again. Groundwater monitoring over the full season should be undertaken to identify seasonally high groundwater levels. Also, the use of swales and other infiltration devices in areas where very low infiltration was found would not be feasible.

142. We also have major concerns about inadequate and inaccurate testing of the drainage features. With the effects of climate change, it is highly likely that surface and ground water flooding events will become more frequent.

### *Foul sewage provision*

143. The issue of foul water is covered very briefly in section 8 of the FRA, with just 5 points listed. 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.

144. In their letter of 2 December 2024, Southern Water state: *"The proposed development would increase flows to the public sewerage system which may increase the risk of flooding to existing properties and land."*

145. The overflows in the existing foul drainage network in Oxted are well known, with many properties near to the development site requiring the installation of non-return valves by Southern Water in May 2022 in order to prevent foul water overflows into their gardens and dwellings. On one occasion, a back garden was under 18 inches of sewage.



## Oxted & Limpsfield Residents Group representation

146. The installation followed repeated incidents of flooding from sewage owing to lack of network capacity with compensation payments to residents of £5,000 made by Southern Water. Although the non-return valves have prevented the overflow of sewage in 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.

*Sewage flooding two gardens – one in Gordons Way, the other in Wheeler Avenue*



147. The applicant states that a larger network capacity will be “funded by the New Infrastructure Charge”. We are unclear what this means because it is not within the ability of the council’s CIL funding to pay for this. Neither is there any agreement for funding the necessary improvements set out with Southern Water nor any indication of cost or viability. In addition, the applicant states that: *“some of the existing foul water public sewer drainage infrastructure that crosses the site will be required to be diverted prior to development commencing. This will need to be agreed with Southern Water beforehand.”* Again, there is inadequate evidence regarding this or of any agreement with Southern Water.

148. Therefore, we believe the proposal is contrary to CSP11, DP21 and paragraphs 181 and 182 of the NPPF.

## Section 7: Harm: Loss of agricultural land

149. The applicant’s Agricultural Land Classification and Considerations document submitted in July 2025 as the result of a council request, found that the whole of the field is Grade 3a and therefore in accordance with the definition in the NPPF, best and most versatile agricultural land (BMV). This is clear from the plan on page 6:

## Oxted & Limpsfield Residents Group representation

Insert 2. Extract of the ALC Plan



3.8 As can be seen from the above, the Site is wholly Subgrade 3a land quality.

150. This document contradicted the applicant's Planning and Affordable Housing Statement which accompanied the original application and asserted at paragraph 7.12 of the Summary and Conclusion that *"..the Site is moderate/poor quality agricultural land is not classified as 'best and most versatile agricultural land.."*

151. Paragraph 187(b) of the NPPF requires that planning decisions should contribute to and enhance the natural and local environment by recognising "the economic and other benefits of the best and most versatile agricultural land.."

152. The field has been in agricultural arable use for centuries and supports the growing of crops, such as cereals, that require BMV land. As shown by this year's barley crop, the yield is high:





## **Oxted & Limpsfield Residents Group representation**

153. The land is an important, high quality agricultural resource and its loss would be contrary to NPPF paragraph 187b.

### **Section 8: Harm: Loss of open and recreational space**

154. The field has significant community value as an open and recreational space and is a green lung both for residents and visitors. It is widely used for recreational purposes by walkers, runners, dog walkers, horseriders and cyclists. It provides an important amenity for local residents, particularly the young families from the nearby housing area where there are many school age children. It also provides access for them to the open countryside and the National Landscape. We have explained in the Valued Landscape section of this letter how important the field is to community mental and physical wellbeing.

155. As well, visitors arrive in Oxted by train from London to walk in the Surrey Hills and Stoney Field forms the start of that landscape, providing the first clear and striking views of what lies ahead.

156. A busy bridle path, used regularly by the local riding stables, crosses the site. The proposed development would have a major adverse effect on this right of way, Bridleway 97. The proposal is in conflict with CSP13 which seeks to protect Rights of Way from developments that would adversely affect the enjoyment of users of the network.

157. Paths around and across the field have been used for many years by residents and visitors walking locally or to access the National Landscape. Three of the paths around the field are currently the subject of a rights of way application submitted to Surrey County Council for consideration in December 2022 with usage evidence forms from more than 100 residents. More were keen to give evidence but the County Council said that was enough.

*One of the well used informal footpaths around the field*



## **Oxted & Limpsfield Residents Group representation**

158. The proposal is in conflict with Policy CSP13, DP18 and paragraph 156 (c) of the NPPF because it would result in an existing, high quality recreational green space that is accessible to the public and within a short walk of many residents' homes, being lost forever. It also conflicts with paragraph 105 of the NPPF because it does not protect and enhance the bridleway.

### **Section 9: Harm to Heritage assets**

159. The site lies within the setting of the Church of St Mary the Virgin, Grade I listed (NHLE 1189608), which is located approximately 80m east of the site and will be significantly affected. 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.

160. The site contributes strongly to the setting of the church which is mentioned in the Domesday Book and was built nearly one thousand years ago. The church tower dates back to the 12th Century. The chancel is 13th Century, the South and North aisles 14th and the entrance is 15th. Together with its historic graveyards, the church provides a unique home for the key moments and memories of Oxted. The churchyard is circular, containing what are thought to be two Crusaders' graves. They have a cross on top and are next to the West wall. It also contains a number of Commonwealth war graves. As well as forming the setting of the Grade 1 listed building, Stoney Field brings tranquillity to the burial ground.

161. Court Farm House is a Grade II listed building (NHLE 1029739) located approximately 100m south-east of the site. Blunt House (also Grade II listed: NHLE 1377646) is located approximately 195m west of the site, in an elevated position.

162. The open land to the north west of these listed buildings is a reminder historically of their open agricultural land setting.

*Short and long distance views of St Mary's Church from Stoney Field*



## Oxted & Limpsfield Residents Group representation



163. Stoney Field forms 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.

164. 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. The proposed alteration of this approach to the church causes harm. The proposal would have a substantial and adverse impact 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 completely removed.

165. To the extent that 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. The current openness and rurality of the adjoining Stoney Field is a spatial aspect of its setting. The proposal would alter the wider, rural setting of the church, removing the existing agricultural use.

166. The current transition between the churchyard and rural land would be removed. Currently, the rural setting contributes strongly to the historic interest, and significance, of St Mary's by illustrating its historic use as a church serving a primarily rural and agricultural parish. These changes would cause substantial harm.

167. The burial ground is an integral part of the church and its setting. It is currently a tranquil and reflective place. This development would destroy those qualities forever and have a major and permanent adverse effect on the burial ground.



## Oxted & Limpsfield Residents Group representation

*The burial ground with St Mary's behind it, seen from Stoney Field*



168. Heritage assets and their setting are given special protection in the NPPF. Paragraph 202 of the NPPF states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 212 states that great weight should be given to an asset's conservation (and the more important the asset, the greater the weight should be). St Mary's Church is a Grade 1 listed building and so an asset of the highest significance. In this regard, we note this appeal decision: Appeal Ref: APP/M3645/W/23/3319149 Land at The Old Cottage, Station Road, Lingfield RH7 6PG (Appendix 5).

169. Overall, there would be a high level of less than substantial harm to the Grade 1 listed St Mary's Church and to the setting of the Church. There would also be major adverse effects on visitors to the burial ground both in visual terms and with loss of tranquility.

170. This is borne out by the applicant's ES Vol 3 Appendix H3 Accurate Visualisations of the Proposed Development Part 3 which shows the views from the burial ground into the National Landscape blocked out by the housing development and the care home:

*Views from the burial ground before and after: ES Vol 3 Appendix H3 Part 3*

[illegible]

172. The proposal is also contrary to Policy CSP18 and to TLP Part 2 Policy DP20 by failing to respect the character, setting and local context, including heritage assets that contribute to local distinctiveness. Specifically, the proposal would not protect, preserve or wherever possible enhance the historic interest and setting of the District's heritage assets and historic environment.

173. Given its history and location, Stoney Field has high archaeological potential. Insufficient work on this has been carried out by the applicant and it is inappropriate to leave it, as the applicant suggests, to be dealt with later by condition. Owing to the large size of the site, the major and extensive works needed to carry out this proposed development would destroy any archaeological assets.

174. We disagree with the conclusion of the applicant's Archaeological desk-based assessment (25 February 2025) which considers there is low potential for anything other than remains from medieval or post-medieval agricultural activity, because no proper site investigations have been carried out. We note the comments from Surrey County Council's Archaeological Officer that the proximity



## **Oxted & Limpsfield Residents Group representation**

of the present site to two natural watercourses elevates its potential, particularly for prehistoric activity and that he therefore considers the site's archaeological potential for prehistoric activity to be higher than the applicant's assessment concludes.

### **Section 10: Harm: Highway Safety**

175. 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/horseriders/cyclists fear and intimidation, and driver delay.

176. Barrow Green Road, the main access, is a typical country lane. It is a narrow road, largely without pavements, where in some places two vehicles struggle to pass. There are numerous dangerous bends, including one immediately to the right of the proposed access and close to it, where traffic is coming, often at speed, from under a narrow railway bridge and visibility is very limited. HGVs travel along Barrow Green Road to access Oxted quarry in Chalkpit Lane. There is a riding stables just a short distance along Barrow Green Road from which horseriders access the Bridleway across Stoney Field. Barrow Green Road has existing traffic problems and road safety issues and the extra traffic generated by this proposal would make it wholly unsafe for all road users and in particular horseriders, cyclists and walkers/runners.

177. Wheeler Avenue is a residential road where children are often out playing or cycling or walking to and from school and this proposal constitutes a major road safety danger. Wheeler Avenue already has a difficult exit on to Church Lane. Church Lane is narrow, heavily used, and because the width is restricted vehicles have to travel in the middle of the road to the extent that a warning sign "oncoming vehicles in middle of road" has been necessary, placed 50 metres from the junction of Wheeler Avenue and Church Lane. Church Lane itself has a difficult, congested and very busy exit onto the A25 with limited visibility and close to a bend with fast moving traffic coming down West Hill. Last year, a motorcyclist died in a collision near the junction. The proposal would result in material and unacceptable detriments to the safe operation of the public highway and result in a major adverse impact in terms of additional and unacceptable vehicle movements on residential roads contrary to paragraph 116 of the NPPF.

178. The proposed alterations to the Bridleway and its proposed use as the central route through the site with heightened scale and density along it and vehicle crossings, create safety issues for all users including horseriders, cyclists, motorists and pedestrians.

179. We have taken advice from experts, Velocity Transport Planning, and among the concerns they raise with this proposal are:

- i) The proposed access to the site from Barrow Green Road has been designed to accommodate private vehicles only and makes no provision for pedestrians or cyclists. It is therefore evident that this access does not accord with the Core Principle of Surrey County Council's 'Healthy Streets

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for Surrey' guidance as it prioritises private vehicles over pedestrians and cyclists and does not connect with existing places. It is also therefore contrary to paragraph 117(a) of the NPPF;

ii) There would be pedestrian desire lines to the north of the site along Barrow Green Road, in particular the route towards St Mary's Church of England Primary School and no pedestrian facilities are provided on this desire line;

iii) The existing layout and condition of Bridleway 97 does not currently provide an appropriate pedestrian or cycle route between the site and the wider pedestrian/cycle network. No highways drawing is submitted showing the layout of proposed improvements to Bridleway 97 including the width of the route;

iv) The pedestrian access route to the site via Court Farm Lane requires pedestrians to walk on the carriageway of Court Farm Lane. Existing on-street parking reduces the effective width of Court Farm Lane such that it is insufficient to allow a vehicle and pedestrian to pass on the street, in particular for those with mobility needs; and

v) No street lighting is provided along Court Farm Lane and, as such, it is not considered to provide a safe pedestrian route during the hours of darkness.

180. Further to bullet points i) and ii) above, it is noted that Surrey County Council has adopted guidance entitled 'Healthy Streets for Surrey' which sets out the design guidance for new streets within the County. Two of the 'Core Principles' of the Healthy Streets for Surrey guidance are:

*"Streets in which it is easy for everyone to move. Streets must be designed with a clear 'hierarchy of users' in mind, designed firstly for pedestrians, cyclists, public transport and then private vehicles."* and;

*"Streets that connect seamlessly to existing places allowing natural movement. Streets should link to existing roads and local services and not turn their back on neighbours."*

181. There is an existing pedestrian footway on Barrow Green Road approximately 150m east of the site access and 100m east of the site boundary, at the junction between Barrow Green Road and Gordons Way. There is a further existing pedestrian footway on Barrow Green Road approximately 100m west of the site at the junction between Barrow Green Road and Chalkpit Lane. The proposed development does not include any pedestrian connection from the Site to the existing pedestrian infrastructure on Barrow Green Road. As such the proposed development does not connect to existing places and does not accord with the Core Principle of Healthy Streets for Surrey in this regard.

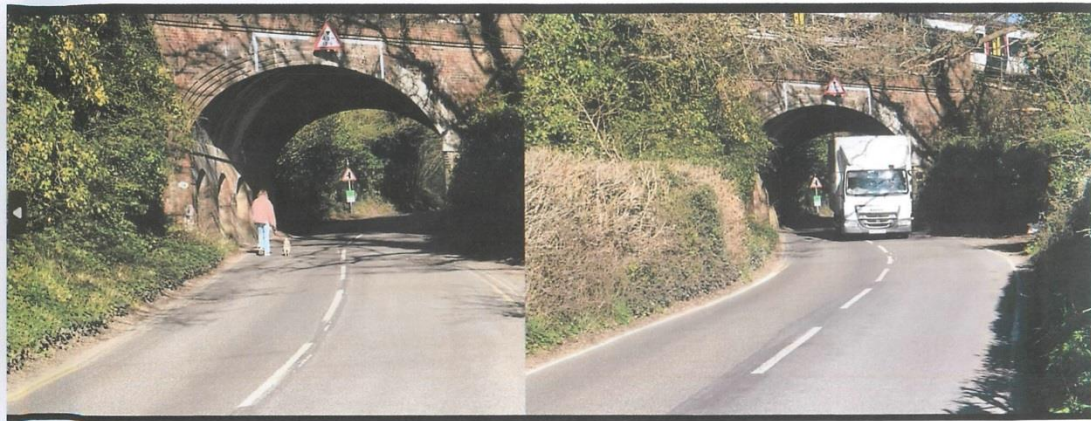
182. A review of local services, facilities and public transport infrastructure highlights that there would be pedestrian desire lines to the north of the site along Barrow Green Road and this would include the route to the local primary

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school, St Mary's Church of England Primary School, which is located on Silkham Road to the north-east of the site.

183. For properties at the north end of the site, the most direct pedestrian desire line to the primary school would be along Barrow Green Road and Chichele Road and would be a circa 420m walk from the northern end of the site along Barrow Green Road. However, as the proposed development does not provide any pedestrian facilities at the northern boundary of the site, residents seeking to walk to the primary school would be required to route via Court Farm Lane to have a safe pedestrian route. For dwellings located at the northern end of the site, this requires a significant diversion from the most direct desire line and requires a walk of circa 870m walk from the northern boundary of the site to St Mary's Primary School, which is more than double the distance of the most direct route via Barrow Green Road. There is a significant difference (circa 450m difference) between the walking distance to the school via a safe pedestrian route and the most direct route. This is likely to encourage pedestrians to walk on Barrow Green Road where no pedestrian facilities are provided.

*The proposed access on Barrow Green Road is close to this railway bridge where it is already dangerous for pedestrians to walk because of limited visibility and no pavement.*



184. Further to bullet points iii), iv) and v) above:

**BRIDLEWAY 97.** Pedestrian and cycle access to the development is proposed from Court Farm Lane via Bridleway 97. Bridleway 97 connects from the boundary of the site to Court Farm Lane. Bridleway 97 is currently an un-made route with an uneven surface route with tree canopy cover and tree roots protruding through the surface as shown in the photograph below.



185. Drawings submitted alongside the planning application indicate that some improvements to Bridleway 97 are proposed as part of the current application. However, no highways drawing has been submitted detailing what improvements to Bridleway 97 will be delivered and how these improvements will be secured. No information is provided on the proposed width or surface treatment of the improvements to the Bridleway and no consideration has been given to the impact of these improvements on adjacent trees and planting.

186. **COURT FARM LANE.** Bridleway 97 connects from the site to Court Farm Lane. No footway is provided on Court Farm Lane and pedestrians, including those with mobility needs or with a pushchair, are required to walk on the carriageway of Court Farm Lane to connect from Bridleway 97 towards Oxted town centre. No improvements to Court Farm Lane are proposed as part of the current planning application.

187. On-site observations (see photographs below) have shown that Court Farm Lane is a narrow street and subject to on-street parking on one side of the carriageway. With parking in place, the effective width of Court Farm Lane is narrowed to circa 2.5m which is insufficient to allow a vehicle and pedestrian to pass on the street, in particular for those with mobility needs. Furthermore, there is no street lighting provided along Court Farm Lane and, as such, it is not considered to provide a safe pedestrian route, in particular during the hours of darkness.





188. The proposal is contrary to Paragraphs 115, 116 and 117 of the NPPF and Tandridge Local Plan Policy DP5.

### **Section 11: Harm to neighbour amenity**

189. Harm to the amenities of the existing residential dwellings on Wheeler Avenue, on Barrow Green Road, on Church Lane and on other nearby properties including but not limited to significant effects on air quality, traffic pollution, noise and visual receptors.

190. The proposal is contrary to Policies CSP18, DP7, DP22 and NPPF paragraph 135(f).

### **Section 12: Very Special Circumstances**

191. The proposal 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.

192. As emphasised in paragraph 153 of the NPPF, in considering any planning application for inappropriate development in the Green Belt, local authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. 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.

193. We address here the points made in the Planning Balance section of the applicant's Planning and Affordable Housing Statement.

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### *Housing Supply*

194. Five year housing land supply shortfall: in September 2022, the Council adopted an Interim Policy Statement for Housing Delivery (IPSHD) which sets out a number of criteria for bringing forward new housing sites to boost the housing supply in light of the difficulties with the then emerging Local Plan which later had to be withdrawn.

195. The IPSHD is providing a clear delivery pipeline of new housing. The need for this had been emphasised by Planning Inspectors in earlier Green Belt appeals. Since the IPSHD was adopted, permission has been granted by the council for a number of Green Belt sites that comply with the IPSHD. These are:

- a. Application 2022/1161, May 2023: Young Epilepsy St Piers Lane, Lingfield, provision of a residential care community (Use Class C2) comprising 152 units of accommodation.
- b. Application 2022/1658, December 2023: Plough Road, Smallfield for 120 dwellings including 40% affordable housing and flood relief engineering works.
- c. Application 2022/267, December 2023: Former Shelton Sports Club, Warlingham for 150 dwellings including 45% affordable housing.
- d. Application 2022/1523, September 2024: Land at Former Godstone Quarry for 140 dwellings including 50% affordable housing and a new GP surgery.
- e. Application 2024/1389, July 2025: Redehall Road, Smallfield for 85 dwellings including 40% affordable housing.
- f. Application 2024/1393, July 2025: 1 Park Lane, Warlingham for 45 dwellings including 49% affordable housing.

196. There is further scope for increasing the housing land supply as there are draft allocations in the withdrawn Local Plan that are likely to come forward that meet the criteria set out in the IPSHD. This site was not allocated in the Plan.

197. The Council has successfully defended proposals on sites in the Green Belt which did not accord with the IPSHD, as follows:

- APP/M3645/W/24/3345915 (Appendix 1): Land at Chichele Road, Oxted, RH8 0NZ (dismissed 11 December 2024). This was an application for 116 dwellings (50% affordable) with associated access, car parking, soft landscaping and play provision. This application has many similarities with the proposal being considered now for Land south of Barrow Green Road, Oxted. These include but are not limited to the following: the site was not a draft allocation in the withdrawn Local Plan, it is in the setting of the National Landscape and is being recommended by Natural England for inclusion in the extended National Landscape and it is a valued

## Oxted & Limpsfield Residents Group representation

landscape. There are additional considerations for the proposed site including heritage assets, impact on a priority habitat, loss of a well-used public space and loss of BMV agricultural land.

- APP/M3645/W/23/3319149 (Appendix 5): Land at The Old Cottage, Station Road, Lingfield RH7 6PG (dismissed 17 October 2023). This was an outline application for 99 new dwellings (40% affordable). Although it was a draft allocation in the withdrawn Local Plan, the Inspector had raised queries regarding heritage assets and the application did not fulfil the criteria set out in the IPSHD.

198. The Inspectors in both the above appeals treated the IPSHD as a material consideration stating:

- APP/M3645/W/24/3345915: *“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.”*
- APP/M3645/W/23/3319149: *“For this appeal it is a material consideration when considering the benefit arising from the additional supply of housing, but I only give it limited weight because of its non-statutory status.”*

199. The proposed development is not aligned with the criteria set out in the IPSHD which is a material consideration for this and all applications for new housing in Tandridge. It meets none of the seven criteria listed, including that it was not brought forward as a proposed housing allocation in the submitted eLP and it does not provide significant public benefit. It is in conflict with the IPSHD because the IPSHD prioritises the protection of areas, such as this one, that are being recommended for the extended National Landscape. It does not provide the necessary infrastructure improvements or overcome existing infrastructure deficits.

200. The IPSHD is a measure to boost supply while the council works towards the adoption of a new Local Plan and an agreed 5YHLS. In February 2025, as required following the publication of the new NPPF, the Council published an updated Local Development Scheme (LDS) with these key stages:

Preparatory evidence gathering and scoping	March 25 to September 25
Scoping and early participation (Gateway 1 expected to take place March 26)	September 25 -March 26 (6 months)
Plan vision and strategy development (including first consultation)	April 26 – October 26 (7 months)
Evidence gathering and drafting the plan (including Advisory Gateway 2)	October 26 – April 27 (7 months)
Engagement, proposing changes and submission of the plan (including second consultation)	April 27 – December 27 (9 months)

## Oxted & Limpsfield Residents Group representation

Examination	January 28 – June 28 (6 months)
Finalisation and adoption	July 28 (1 month)

201. Tandridge District has major policy constraints, including Green Belt covering 94% of the District, two National Landscapes (the Surrey Hills and the High Weald), and extensive areas subject to flooding, as well as significant infrastructure capacity constraints (for example around the M25 J6 and other parts of the strategic road network), all of which can reasonably be expected to reduce the housing requirement

202. The Inspector who examined the now withdrawn Local Plan stated in his report (Inspector's final report, Annex 1 –ID16 paragraph 44): *"It is clear to me that there are specific policies of the Framework which indicate that development should be restricted in Tandridge and that in principle, the Plan would be sound in not meeting the OAN in full."*

203. Whilst there is now a revised NPPF, we anticipate that the likely future housing requirement will need to be lower than the local housing need due to the presence of the constraints outlined above.

204. We note the comment of the Mid Sussex Local Plan Inspector in her letter of 4 April 2025 which said: *"...Tandridge lies to the north of Mid Sussex and has many policy constraints and is unlikely to meet its own needs."*

205. The NPPF and the Planning Practice Guidance set out how councils should calculate their five year housing land supply (5-YHLS). This requires that where strategic policies are more than five years old, as is the case for Tandridge District, the 5YHLS calculation uses the unconstrained local housing need figure calculated using the standard method.

206. When this unconstrained local housing need figure is used, the council does not currently have a 5YHLS. The council's most up to date housing supply figure is 1.71 years. As the applicant states, this has reduced from 1.9 years due to the new standard method calculation introduced in the December 2024 NPPF. Under the previous method, the most up to date figure would be an improved 2.68 years, demonstrating progress in housing delivery. However, for the reasons set out above regarding the housing requirement, even if Tandridge had a recently adopted Local Plan, it is highly unlikely that this would make provision for the entirety of that need. It would be perverse if a shortfall in the 5-YHLS could be a "very special circumstance" when it is not a matter which the Council would be required to address in its Local Plan. A 5-YHLS figure based on the unconstrained local housing need figure is therefore not considered appropriate in the case of Tandridge District.

207. In any event, the current housing shortfall and absence of a new local plan does not amount to VSC which clearly outweigh the substantial harm caused by the inappropriateness of this proposed development in the Green Belt, the harm to openness, landscape character and the setting of the National Landscape, the harm to the ancient woodland and biodiversity and the other adverse impacts identified above.

208. Paragraph 7.2.4 of the applicant's ES Non Technical Survey is incorrect in



## **Oxted & Limpsfield Residents Group representation**

stating that *“there are 208 households on the waiting list for homes in Oxted alone.”* The list is not split into area. Applicants can specify area when completing the application but this is not information held within the council’s system.

209. There are no details in the application of the model for the proposed care home and no care provider is identified. It is essential to ensure that the right type of provision is developed alongside a qualified care provider and suitable environment. For example, will the provision address complex care needs such as dementia, physical frailty and multimorbidity, which is where the demand is greatest. Proper information is required before any weight can be given to this in the planning balance.

### *Open Space*

210. As explained earlier, this proposal would involve a substantial loss of open space and public recreational opportunity as well as a substantial reduction in habitat and ecological corridors. It would result in the opposite of what is asserted in paragraph 6.133, point 2 of the Planning and Affordable Housing Statement.

211. The existing recreational attraction of the site is because it is an undeveloped open field set amidst woodland and hedges with eye-catching views of the North Downs. The attraction locally has been evidenced by the large number of depositions from residents about their frequent and long-standing usage of paths around and across the field. These have been submitted for the current application to Surrey County Council for three new rights of way.

212. The presence of the proposed housing development would detract significantly from Stoney Field’s current recreational attractiveness. The urbanisation of the existing right of way/bridleway would also severely diminish recreational value and opportunity.

213. We therefore give no weight to this as a VSC and conclude that the proposal would instead constitute a planning harm.

### *Infrastructure*

214. 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 in this letter.

215. Another example is health services. Although Oxted is classed as a Tier One settlement and the second largest town in Tandridge (following Caterham), it has a struggling health service with the only provision for the large built up area of Hurst Green/Oxted/Limpsfield being the Oxted Health Centre which serves more than 12,000 people. The Health Centre ranks consistently worse than the local and national average in the NHS Digital and the GP Patient Survey. Recent results for waiting times at the Oxted Health Centre, show 61% of GP appointments within one week of trying compared with a national average of 79% and local comparisons of 81% Pond Tail Surgery, Godstone, 85%

## **Oxted & Limpsfield Residents Group representation**

Caterham Valley Medical Practice, 83% Westerham Practice, 75% Elizabeth House Medical Practice, Warlingham. For ease of making an appointment, the results show 37% of patients found it easy to reach the GP by phone compared with 53% Pond Tail Surgery, Godstone, 56% Caterham Valley Medical Practice, 55% Westerham Practice, 89% Elizabeth House Medical Practice, Warlingham.

216. As well as the increase in residents from the proposed development, the Oxted Health Centre would be responsible for looking after the residents of the proposed care home. Other care homes in Oxted report difficulties in getting a GP to visit and, when a visit can be arranged, it is limited to ten minutes.

217. The proposed development would put a greater and unacceptable burden on the health centre without any of the necessary improvements.

### *The development plan and material considerations.*

218. Applications for planning permission must be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The relevant parts of the development plan are the Tandridge District Core Strategy 2008 and the Tandridge Local Plan Part 2: Detailed Policies 2014. This proposal conflicts with numerous policies in the adopted development plan. It is contrary to Core Strategy Policies: CSP11, CSP13, CSP17, CSP18, CSP20, CSP21 and Tandridge Local Plan Policies: DP5, DP7, DP10, DP13, DP18, DP19, DP20, DP21, DP22 and the NPPF (December 2024). The starting point, therefore, is that permission should be refused unless material considerations indicate otherwise.

219. Applying paragraph 11 of the NPPF, in the absence of a 5YHLS the policies that are most important for determining the application are deemed to be out-of-date as per footnote 8 of the NPPF. However, the “balancing exercise” in para. 11(d)(ii) of the NPPF is not engaged. Instead, paragraph 11(d)(i) is engaged which refers to “*the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed.*” NPPF Footnote 7 specifies that this relates to land designated as Green Belt, landscape, irreplaceable habitats, designated heritage assets and all these designations are relevant to this site. These policies provide strong reasons for refusal having regard to the substantial harm which will be caused to each of these assets. Natural England have recently confirmed (June 2025) that they are including the land as part of the extension to the Surrey Hills National Landscape which will soon be recommended to the Secretary of State for Defra.

## **Conclusion**

220. In addition to the harm by reason of inappropriateness, this proposal would cause substantial harm to the openness of the Green Belt and to the purposes of the Green Belt. The proposal would cause unacceptable harm to the landscape character and appearance of the area. We have been advised by a landscape expert that the land qualifies as a valued landscape for the purposes of paragraph 187 of the NPPF. This proposal fails to protect the valued landscape and is contrary to the requirements of that paragraph because the proposal

## Oxted & Limpsfield Residents Group representation

would neither contribute to or enhance the valued landscape in which it would sit. In addition, the proposal is contrary to CSP21 because it would not conserve and enhance landscape character; and it is contrary to TLPP2 Policy DP7 because it would neither integrate effectively with its surroundings nor reinforce local distinctiveness and landscape character. Significant weight should be given to the urbanising effect that the scheme would have.

221. The development would take place within the setting of the Surrey Hills National Landscape and would not be sensitively located and designed, it would fail to conserve the landscape and scenic beauty of this designated area.

222. The harm to the setting of the National Landscape, to land that has been recommended for inclusion in the expanded National Landscape and to the Green Belt would be acute, permanent and unjustifiable. Spatially, it would result in the permanent loss of 9.7 hectares of Green Belt land to housing development. Visually, there would be a permanent loss of open countryside that is visually prominent and can at present be seen in open vistas from many viewpoints in and outside of the National Landscape. There would also be an intensification of traffic, of the level of activity from domestication and lighting which would be harmful to the existing character and appearance of the area. These harms would be irrevocable and cannot be mitigated. As explained above, there would be significant harm to the Green Belt purposes. The NPPF requires substantial weight to be given to all the Green Belt harms that would be caused by the scheme.

223. We strongly disagree with the assertions made in the Planning and Affordable Housing Statement regarding the level of harm to the Green Belt and to the National Landscape. These assertions try to minimise what we consider to be severe spatial and visual harms. It is patently incorrect to state, as in paragraph 6.207, that there would be only a *“localised change in landscape character/visual impact.”*

224. The proposal would fail to protect an irreplaceable habitat of ancient wet woodland, contrary to paragraph 193c) of the NPPF.

225. The proposal would cause significant harm to biodiversity and ecological networks, contrary to paragraph 187d) of the NPPF.

226. The proposal would result in the loss of a substantial area of best and most versatile agricultural land contrary to paragraph 187b) of the NPPF.

227. The proposal would mean the loss of a well used and much valued open and recreational space. In addition, there would be a major adverse effect on public Bridleway 97/Right of Way.

228. The proposal would cause harm to the setting and significance of designated heritage assets and is contrary to paragraph 215 of the NPPF and TLP Part 2 Policy DP20 because it has not been shown that the public benefits significantly outweigh the harm.

229. Both the proposed accesses are unsuitable and dangerous. Neither could

## **Oxted & Limpsfield Residents Group representation**

safely accommodate the volume of traffic generated by the development. There would be harmful effects on road safety, pedestrian/horseriders/cyclists fear and intimidation, and driver delay. The proposed alterations to the Bridleway would create safety hazards for all users.

230. The proposal would exacerbate existing flooding problems, increasing the risk of both surface water flooding and ground water flooding, contrary to paragraph 181 of the NPPF. Insufficient and incorrect information has been provided regarding these issues.

231. Inadequate capacity within the foul sewerage network with significant upgrades needed to the sewer system. In addition, the proposed development would put an unacceptable burden on other infrastructure such as the health centre, without providing any of the necessary improvements.

232. All these harms, and other harms detailed in previous sections, constitute reasons for refusal in their own right because they are contrary to policies in the adopted development plan and the NPPF. All of these other harms would be both significant and permanent and so must be given substantial weight.

233. This proposal would give rise to significant harms at the high end of the scale. Very special circumstances do not exist because the harms caused by the proposal are not clearly outweighed by other considerations as required by paragraph 153 of the NPPF if permission is to be granted.

234. Whether taken individually or collectively, there are insufficient very special circumstances to clearly outweigh the harm to the Green Belt and the substantial other harms arising from the proposed development. These harms cannot be mitigated, and so would be both substantial and irrevocable. There are no material considerations that would override the policies in the adopted development plan and the NPPF. The adverse impacts of this proposal significantly and demonstrably outweigh the benefits.

235. Therefore, we request that the application is refused.

Yours sincerely,

Julie Houghton, secretary, for and on behalf of Oxted & Limpsfield Residents Group



## 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: 11<sup>th</sup> December 2024**

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**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)<sup>1</sup>.
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

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<sup>1</sup> 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 Guidance<sup>2</sup> (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

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<sup>2</sup> 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 Assessment<sup>3</sup> (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 appellant<sup>4</sup> 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

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<sup>3</sup> CD5.5.

<sup>4</sup> 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 countryside<sup>5</sup>. 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 protection<sup>6</sup>. 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 complementary<sup>7</sup>.
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.

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<sup>5</sup> Para.180.

<sup>6</sup> Paragraph: 039 Reference ID: 8-039-20190721.

<sup>7</sup> 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 fields<sup>8</sup>. 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 judgment<sup>9</sup>, 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

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<sup>8</sup> Tandridge Landscape Capacity and Sensitivity Study (ID11).

<sup>9</sup> 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 management<sup>10</sup>.
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 above<sup>11</sup>. 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

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

<sup>11</sup> 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 85<sup>th</sup> 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 homes<sup>12</sup> 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 Framework<sup>13</sup> 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-

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<sup>12</sup> CD12.2.

<sup>13</sup> 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 submissions<sup>14</sup> 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.

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<sup>14</sup> 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 communities<sup>15</sup> and provide access to a network of high quality open spaces<sup>16</sup>. However, I have not been presented with substantive evidence suggesting that this is an issue which needs to be addressed within the area

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<sup>15</sup> Paragraphs 8(b), 96(a) and (c), and 97(a).

<sup>16</sup> 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 Courts<sup>17</sup>, 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.

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<sup>17</sup> 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 Warlingham<sup>18</sup> and the Lingfield<sup>19</sup> 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

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<sup>18</sup> APP/M3645/W/22/3309334.

<sup>19</sup> 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 3<sup>rd</sup> 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)

## ↑ Appendix 2

From: Simon Newell [Simon.Newell@surreywt.org.uk]  
Sent: 10 July 2007 17:10  
Subject: Bogs and SNCI status  
Attachments: Bogs - SNCI.pdf, local sites -DEFRA.pdf

Hi

As promised some notes regarding the SNCI status of the Bogs, together with a copy of the DEFRA guidelines on local sites.

If you have any questions please contact

me

regards

Simon

Simon Newell  
Surrey Wildlife Trust†  
[planning@surreywt.org.uk](mailto:planning@surreywt.org.uk)  
01483 795472

<Bogs - SNCI.pdf>> «<local sites -DEFRA.pdf»

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his e-mail and any attachment is confidential and contains proprietary information, some or all  
hilst we have taken reasonable precautions to ensure that this e-mail and any attachment has be  
urrey Wildlife Trust Limited is a company limited by guarantee. Registered in England and Wales

### SNCI status & The Bogs

SWT is recommending that the area known as the Bogs should be selected as an SNCI. SNCIs, or Wildlife Sites as they are known elsewhere, are locally important wildlife areas which are essential for maintaining the biodiversity within an area. The sites are non-statutory but are recognised within the Planning system. Local Authorities have policies which ensure that the status of the site is given due consideration in any proposed developments. Surrey Wildlife Trust will always object to any proposal which causes damage to a SNCI

Sites are selected on the basis of strict criteria which have been agreed by the Surrey SNCI Committee. New criteria are currently being developed reflecting the guidelines which have been produced by DEFRA. The guidelines highlight not only the importance of biodiversity in site selection but also the community significance and connectivity with other sites. Once finalised and adopted the new criteria will provide a more robust justification and defence of sites that have been selected.

The Bogs has been surveyed by Isobel Girvan (SWT, Senior Ecologist) who has many years experience of surveying and selecting SNCIs in the county. MS Girvan's opinion is that the Bogs fulfils the existing criteria and the draft new criteria. As a result both SWT and the LA recognise the site as a draft SNCI and will accordingly ensure that it is given the same consideration as a selected site. Final selection will depend upon completion of the new criteria and the next SNCI committee meeting.

Dr Simon Newell  
Surrey Wildlife Trust



## Botanical Survey for The Bogs, Oxted

Written by Isobel Girvan & Gwyneth Fookes  
June 2007



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## Introduction

Surrey Wildlife Trust have been approached by local residents in Wheeler Avenue with regard to a woodland in Oxted known as 'The Bogs' (central grid reference TQ386528). They expressed concern over its future as there is potential pressure from development close by and changes to drainage leading to potential drying out. Therefore they commissioned Surrey Wildlife Trust to carry out a botanical survey, with permission from the landowners, to ascertain its ecological interest, draw up a vascular plant species list and write a report on the findings. The site visit was carried out on the 3<sup>rd</sup> May 2007 with Surrey Wildlife Trust local volunteer botanist Gwyneth Fookes and Isobel Girvan Consultancy Manager at Surrey Wildlife Trust.

Its current local status is known as a 'potential Site of Nature Conservation Importance' (pSNCI). This is because it was highlighted as a potential area of interest when the SNCI project was being carried out in Tandridge, however ownership either was not established or refused at the time of the project, therefore it was never surveyed.

The pSNCI as highlighted on the Trusts maps covers just over 3 hectares. Of which the majority is wooded with some garden intrusions along the eastern side off Wheeler Avenue.

The site was approached via a dry neutral semi improved species rich meadow which dipped gently eastwards towards the wet woodland. The central section of the woodland was then given a walkover survey, as this was the only area with ownership permission.

A total of 91 vascular plant species were recorded during this site visit by Gwyneth Fookes local Surrey Wildlife Trust botanist and Isobel Girvan Consultancy Manager at Surrey Wildlife Trust. Of which 15 are known as Ancient Woodland Indicators. These are species which are strongly associated with ancient woodlands which have been continuously wooded or managed as woodland for over 400 years. Ancient woodlands have been highlighted on the Ancient Woodland Inventory of Surrey (1987). However, The Bogs is not highlighted and nor does it appear as wooded on the suite of historical maps held at the Trust. The conclusion being that it is an area that has been wet for hundreds of years and whilst not continuously wooded has had minimal human interference and hence why there are a good proportion of ancient woodland indicators.

Only a small part of The Bogs was surveyed on this occasion (approximately 0.8ha), but under investigation of aerial photographs and local knowledge it would appear that the rest of the woodland is in similar condition. Such woodlands are relatively rare and are a priority habitat as described in the Surrey Woodlands Habitat Action Plan.

Further investigation of the rest of the woodland would prove interesting and no doubt would increase the number of vascular plant species recorded. In some areas cultivated species have been planted in the past and some have spread,



bamboo in particular. The cultivated species have not been listed as they have obviously all been deliberately introduced. Ideally these should be cleared from the site which would increase the ecological interest of the site.

## Botanical Survey

[Use in conjunction with Figure 1]

A species list is listed below with vascular plant species that were recorded on the site visit in May 2007 using the scientific and common names, along with the abundance using the DAFOR system. This is a way of describing the abundance of a plant using the following key and is used in site descriptions in the Target Note section.

(Locally)      Dominant, Abundant, Frequent, Occasional, Rare

[Please note that plants ranked as 'rare' means that they were not found often over this site and does not necessarily indicate that they are a Surrey Notable Species]:

### Target note 1 – Semi improved species rich sheep grazed grassland.

This sward seems to have had minimal fertilizers (if any) over the years. It is currently grazed and seems to have been managed in such a way for many years.

The grassland comprises abundant to frequent grasses such as Sweet Vernal grass (*Anthoxanthum odoratum*), Meadow Foxtail (*Alopecurus pratensis*), Yorkshire Fog (*Holcus lanatus*), Rough Meadow grass (*Poa pratense*) and Timothy (*Phelum pratense*). Also present, albeit in smaller quantities, is Perennial Rye grass (*Lolium perenne*). Herb content and diversity is high in what is a relatively small area. Herbs include frequent Common Knapweed (*Centaurea nigra*), Creeping Buttercup (*Ranunculus repens*), Field Wood-rush (*Luzula campestris*), occasional Creeping Thistle (*Cirsium arvense*), Hairy Sedge (*Carex hirsuta*), Common Sorrel (*Rumex acetosa*), Bugle (*Ajuga reptans*), Creeping Cinquefoil (*Potentilla reptans*), Ribwort Plantain (*Plantago lanceolata*) and Common Mouse-ear (*Cerastium fontanum*). In addition towards the edge of the woodland where it was significantly damper other wet loving species are present such as Soft Rush (*Juncus effusus*), Meadowsweet (*Filipendula ulmaria*), Wavy Bittercress (*Cardamine flexuosa*), Cuckooflower (*Cardamine pratensis*) and Marsh Thistle (*Cirsium palustre*).

### Target note 2 – Wet woodland

Wet woodland dominated by an Alder (*Alnus glutinosa*) canopy with frequent Crack Willow (*Salix fragilis*). Other species in the canopy layer, generally along the edges where it is slightly drier, include occasional Sycamore (*Acer pseudoplatanus*), Norway Maple (*Acer platanoides*) and Ash (*Fraxinus excelsior*). The shrub layer is intermittent with Rowan (*Sorbus aucuparia*) appearing in small woodland gaps, Hazel (*Corylus avellana*) is present in locally frequent patches as well as Elder (*Sambucus nigra*), Holly (*Ilex aquifolium*), Dogwood (*Cornus sanguineus*) and Guelder Rose (*Viburnum opulus*) all rare. There are some dominant patches of non



native Bamboo (*Sasa sp*), which is spreading. Other non-native shrubs included a planted Raspberry (*Rubus ideus*) species, as well as Skunk Cabbage (*Lysichiton sp*) and Giant Rhubarb (*Gunnera tinctoria*) as well as a whole host of other planted garden cultivars. Presumably past owners have tried to 'gardenise' the woodland before realising that the damp and shady conditions would make this very hard. However some of the non native species do appear to be gradually spreading and are having a detrimental effect on the native interest of the site and of the overall ecological value of the woodland site.

The ground flora tended to be dominated in large swathes by Ramsons (*Allium ursinum*), an ancient woodland indicator, which is frequently found in damp woods and shady places and is at its best near streams on the heavy solids of the Weald Clay (Lousely) and therefore mostly found in the east of the county. Other frequent to occasional associates in the damper areas included Opposite-leaved Golden-saxifrage (*Chrysosplenium oppositifolium*) (also ancient woodland indicator) as well as Yellow Flag (*Iris pseudacorus*) and Marsh Marigold (*Caltha palustris*). The drier areas are generally covered in Common Nettle (*Urtica dioica*), which is often locally dominant along the edges and in open gaps along with occasional Cleavers (*Galium aparine*). Where it tends to be more shaded other ancient woodland indicators include Bluebell (*Hyacinthoides non scripta*), Moscatel, (*Adoxa moschatellina*) Great Hairy Wood Brome (*Bromus ramosa*), Wood Melick (*Melica uniflora*), Yellow Archangel (*Lamium galeobdolon*), Remote Sedge (*Carex remota*) which are locally frequent. Other occasional associates in this community include Dogs Mercury (*Mercurialis perennis*), Greater Stitchwort (*Stellaria graminea*) and Lesser Celendine (*Ranunculus ficaria*).

## Species list

Scientific Name	Common Name (AWI*)	Abundance
<i>Acer platanoides</i>	Norway Maple	lf
<i>Acer pseudoplatanus</i>	Sycamore	r
<i>Adoxa moschatellina</i>	Town Hall Clock/Moscatel *	lf
<i>Aesculus hippocastanum</i>	Horse Chestnut	o
<i>Ajuga reptans</i>	Bugle	f
<i>Allium ursinum</i>	Ramsons *	f/ld
<i>Alnus glutinosa</i>	Alder	a
<i>Alopecurus pratensis</i>	Meadow Foxtail	lf
<i>Angelica sylvestris</i>	Wild Angelica	o
<i>Anthoxanthum odoratum</i>	Sweet Vernal grass	la
<i>Anthriscus sylvestris</i>	Cow Parsley	lf
<i>Arum maculatum</i>	Lords & Ladies	r
<i>Bromus ramosa</i>	Great Hairy Wood Brome *	r
<i>Caltha palustris</i>	Marsh Marigold/Kingcup	lf
<i>Cardamine flexuosa</i>	Wavy Bittercress	o
<i>Cardamine pratensis</i>	Ladysmock/Cuckooflower	o
<i>Carex hirsuta</i>	Hairy Sedge	lf
<i>Carex pendula</i>	Pendulous Sedge *	o



<i>Carex remota</i>	Remote Sedge *	f
<i>Centaurea nigra</i>	Common Knapweed	lf
<i>Cerastium fontanum</i>	Common Mouse-ear	o
<i>Cirsium arvense</i>	Creeping Thistle	lf
<i>Cirsium palustre</i>	Marsh Thistle	o
<i>Cirsium vulgare</i>	Spear Thistle	r
<i>Cornus sanguineus</i>	Dogwood	o
<i>Corylus avellana</i>	Hazel	o
<i>Chrysosplenium oppositifolium</i>	Opposite-leaved Golden-saxifrage*	f
<i>Dactylis glomerata</i>	Cock's-foot	lf
<i>Dactylorhiza</i> sp.	Orchid sp	r
<i>Dryopteris dilatata</i>	Broad Buckler Fern	o
<i>Dryopteris filix mas</i>	Male Fern	o
<i>Epilobium hirsutum</i>	Great Hairy Willowherb	o
<i>Filipendula ulmaria</i>	Meadowsweet	o
<i>Fraxinus excelsior</i>	Ash	o
<i>Galium aparine</i>	Goosegrass/Cleavers	f
<i>Geranium robertianum</i>	Herb Robert	f
<i>Geum urbanum</i>	Herb Bennet/Wood Avens	f
<i>Glechoma hederacea</i>	Ground Ivy	o
<i>Gunnera tinctoria</i>	Giant Rhubarb	o
<i>Hedera helix</i>	Ivy	f
<i>Heracleum sphondylium</i>	Hogweed	o
<i>Holcus lanatus</i>	Yorkshire Fog	lf
<i>Humulus lupulus</i>	Hop	o
<i>Hyacinthoides non scripta</i>	Bluebell *	o
<i>Ilex aquifolium</i>	Holly *	o
<i>Impatiens parviflora</i>	Small Balsam	la
<i>Iris pseudacorus</i>	Yellow Flag	o
<i>Juncus articulatus</i>	Jointed Rush	o
<i>Juncus effusus</i>	Soft Rush	o
<i>Lam.gal. v. argentea</i>	Introduced Yellow Archangel	la
<i>Lamiastrum galeobdolon</i>	Yellow Archangel *	f
<i>Lolium perenne</i>	Perennial Rye grass	lf
<i>Lotus corniculatus</i>	Bird's-foot Trefoil	lf
<i>Lotus uliginosus</i>	Greater Birds-foot Trefoil	r
<i>Luzula campestris</i>	Field Wood-rush	lf
<i>Lysichiton</i> sp	Skunk Cabbage sp	o
<i>Melica uniflora</i>	Wood Melick *	o
<i>Mercurialis perennis</i>	Dogs Mercury	o
<i>Myosotis sylvatica</i>	Wood Forget-me-not	o
<i>Oenanthe crocata</i>	Hemlock Water Dropwort	o
<i>Osmunda regalis</i>	Royal Fern	r
<i>Oxalis acetosella</i>	Wood Sorrel *	o
<i>Phelum pratense</i>	Timothy	lf
<i>Phyllitis scolopendrium</i>	Harts-tongue Fern	r
<i>Plantago lanceolata</i>	Ribwort Plantain	lf

<i>Poa nemoralis</i>	Wood Meadow grass *	o
<i>Poa trivialis</i>	Rough Meadow grass	lf
<i>Potentilla erecta</i>	Tormentil	r
<i>Potentilla reptans</i>	Creeping Cinquefoil	o
<i>Potentilla sterilis</i>	Barren Strawberry *	r
<i>Ranunculus ficaria</i>	Lesser Celandine	f
<i>Ranunculus repens</i>	Creeping Buttercup	lf
<i>Rubus ideus</i>	Raspberry (planted)	o
<i>Rumex acetosa</i>	Common Sorrel	o
<i>Rumex obtusifolius</i>	Broad-leaved Dock	o
<i>Rumex sanguineum</i>	Wood Dock	r
<i>Salix fragilis</i>	Crack Willow	f
<i>Sambucus nigra</i>	Elder	o
<i>Sasa sp</i>	Bamboo	ld
<i>Silene dioica</i>	Red Campion	o
<i>Sorbus aucuparia</i>	Rowan	o
<i>Stachys sylvatica</i>	Hedge Woundwort	o
<i>Stellaria graminea</i>	Lesser Stitchwort	r
<i>Stellaria holostea</i>	Greater Stitchwort	o
<i>Taraxacum officinale</i>	Dandelion	lf
<i>Tellima grandiflora</i>	Fringe Cups	r
<i>Urtica dioica</i>	Common Nettle	f
<i>Veronica chamaedrys</i>	Germander Speedwell	o
<i>Viburnum opulus</i>	Guelder Rose *	r
<i>Vicia sepium</i>	Bush Vetch *	o

\* AWI – Ancient Woodland Indicator

**Snails**

<i>Arianta arbustorum</i>	Copse snail
<i>Cepaea nemoralis</i>	Dark lipped hedge snail
<i>Succinea putris</i>	Marsh snail
<i>Trichia stiolata</i>	Strawberry snail

**Shield bugs**

? <i>Palomena prasina</i>	Green shield bug
? <i>Pentatoma rufipes</i>	Forest shield bug

**Mammals**

<i>Capreolus capreolus</i>	Roe Deer
<i>Talpa europaea</i>	Mole

Figure







From: Brian Thomas  
Sent: 17 May 2007 10:35  
To: RSPB WETLAND OXTED  
Subject: Re: The Bogs Oxted

I am sorry for not replying sooner, but I have been away in Extremadura Spain birdwatching of course!! I woke very early this morning and thought I would pay the site a visit, which I did between 6.00 am and 7.15. Not the best of weather overcast and intermittent drizzle but still a good amount to see and hear. I cut through the hole in the hedge at the end of your road and immediately turned west and walked down the edge of the wheat field. This is a good area with overgrown blackberry scrub and stinging nettle—perfect habitat for common whitethroat—sure enough I heard one singing briefly—don't know if it is nesting or just feeding here. I had a good walk all around and in the woodland and saw or heard the following additional species: goldcrest (several singing), treecreeper, blackcap, chiffchaff, greenfinch, goldfinch, chaffinch (2 in song), robin, wren (several in song), dunno, house sparrow, starling, great tit, coal tit, blue tit, long-tailed tit, blackbird, song thrush, mistle thrush, magpie, jay, carrion crow, jackdaw, wood pigeon, collared dove, and great spotted woodpecker. I can add from my first visit sparrowhawk, nuthatch, bullfinch, green woodpecker, and pheasant

This gives a species total so far of 32. I believe I heard a distant cuckoo as well. With better weather and a further visit this Spring I would expect to add some if not all of the following species : swift, swallow, house martin, rose-ringed parakeets yellowhammer, reed bunting, linnet, lesser whitethroat, willow warbler, tawny owl, little owl, marsh tit lesser-spotted woodpecker, and of course cuckoo

In the Winter I would definitely expect to pick up : fieldfare, redwing, redpoll, and siskin and possibly woodcock, snipe, and brambling., if lucky!

In summary I would hope to get a minimum total of 40 species this Spring and get up to at least 44 with the certain Winter visitors. I shall keep you posted.

Despite the weather it was a real treat walking around the Bogs this morning—the ransoms looked beautiful, I'm not so keen on their smell however!!

Kind regards Brian Thomas.-----

Original Message ----

Appendix 3

# **Stoney Field**

## **Barrow Green Road, Oxted,**

## **RH8 0NN**

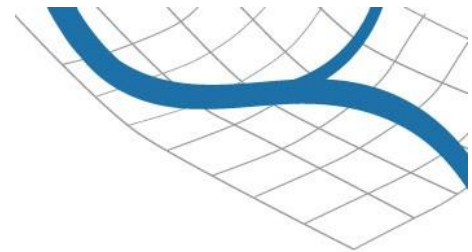
## **Review of Flood Risk**

May 2025

Dr Harvey J E Rodda *BSc PhD FRGS*

Artemis Venardos *BSc MSc*

V2 Final Report



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## **Disclaimer**

This report discusses the current risk of flooding at the site making use of currently available data. It is not a guarantee that the property will never flood since any property, no matter the location, is at risk of some form of flooding due to infrastructure or building failure such as a burst pipe or leaking roof.

All units are given in metric with mm for rainfall, m or km for other dimensions, m above ordnance datum (AOD) for height, m<sup>2</sup> or ha for area, cubic metres per second (cumecs) or litres per second (l/s) for flow, metres per second (m/s) or per day (m/d) for infiltration.

## **Climate Change Statement**

As Hydro-GIS Ltd is an environmental consultancy we strive to reduce our impact on the environment and in particular limit emissions of CO<sub>2</sub> and other greenhouse gases which contribute to global warming. The increased risk of flooding is a direct result of anthropogenic induced climate change and although this current study is not intended to recommend measures to reduce greenhouse gases, we strongly suggest our clients should always consider such measures, particularly at the property level; These can include:

- The use of renewable energy for electrical power;
- Using alternatives to fossil fuel for heating and cooking;
- The use of electric and hybrid vehicles;
- Recycling and re-use of materials especially plastics and textiles;
- Reducing the consumption of meat from grazing animals;
- Eating locally sourced fruit and vegetables and avoiding produce imported from great distances;
- Supporting organisations aiming to reduce greenhouse gas emissions and environmental impact.

## **Information Relating to Brexit**

Maps and information included in this report were produced by the UK Government to comply with the EU Floods Directive 2007/60/EC. Part of this work was for maps to undergo regular revisions, for Local Authorities to provide continually updated flood risk and climate change information to residents and for Local Authorities to fund projects aimed at managing flood risk and the impacts of climate change at the local level. Since Brexit the UK is no longer undertaking work for this Directive and there is as yet no commitment from the UK Government to continue funding such work. Therefore, under this current government position flood maps are not being updated, new information is not being disseminated by Local Authorities, and funding of flood risk projects by Local Authorities has ceased. With this current situation, flood risk will increase. The responsibility instead is on companies, community groups and private individuals to address this issue themselves to keep informed about the ever-changing risk of flooding.



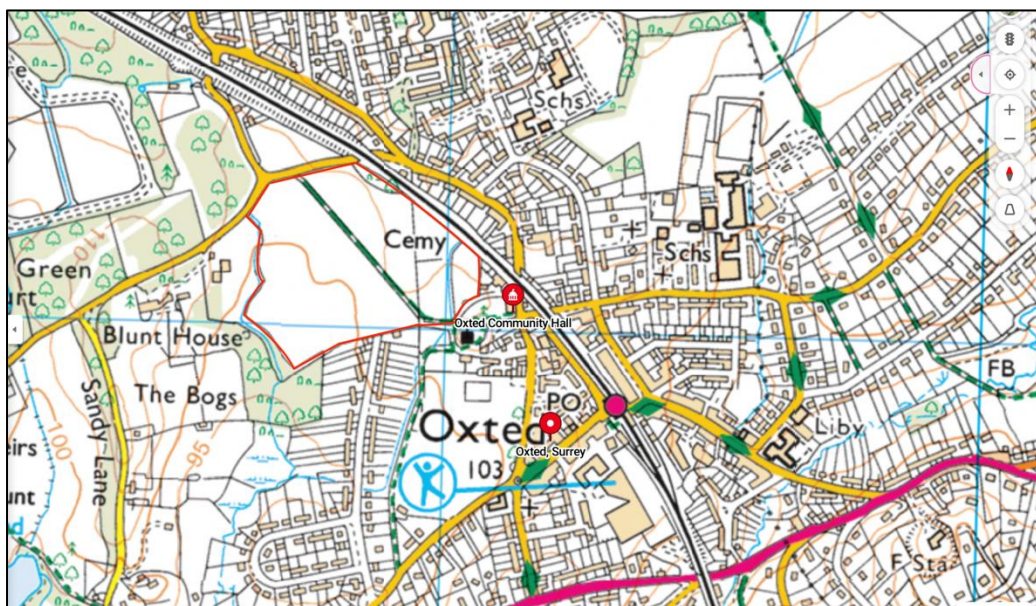
## 1. Background

Oxted and Limpsfield Residents Group engaged Hydro-GIS Ltd to undertake a Flood Risk Survey for the proposed development site on Stoney Field. The risk of flooding in this report is given as low, medium or high following the Environment Agency's (EA) classification. Low is for areas outside the predicted 1000-year flood extent, medium is between 100 and 1000-years and high within the 100-year extent. The risk can be reduced for example, if mitigation measures are in place to reduce exposure to flooding and make the property and contents less vulnerable. At a high-risk location, the installation of pumps or defences can reduce the risk down to medium or low.

### 1.1 Location

The site is located at NGR TQ389532, in Oxted, as shown on the ordnance survey map in Figure 1, and the satellite image in Figure 2. The site is bordered by Barrow Green Road to the north, with the railway line and a burial ground to the east. To the west, it is bounded by an unnamed stream, and farmland, while residential housing defines the southern boundary. To the south-west, the site borders The Bogs—a potential Site of Nature Conservation Interest (SNCI).

The area is an agricultural field which has an annual arable crop, with a footpath running diagonally from the north-west to the south-east (Figures 3,5,6 and 7). In the south-west, a portion of The Bogs extends into the site. During the visit, this area of the field was partially saturated and featured groundwater monitoring equipment (Figures 4 and 11). The un-named stream along the western boundary (Figures 8, 9 and 10) is a major contributor to seasonal flooding due to surface water. During those events, most of the western portion of the site, along with substantial parts of the footpath, becomes submerged.



*Figure 1. The location of the area with the site location indicated by the red outline (Background map OS 1:25,000).*





*Figure 2. Aerial View of the area (Background map Google Earth 2025).*



*Figure 3. A view of the site from the southern boundary looking west towards The Bogs.*





*Figure 4. A view of site looking north alongside the groundwater monitoring area located in the south-west.*



*Figure 5. The site looking from the north-west.*





*Figure 6. The site looking south-east.*



*Figure 7. The stream at the western site boundary looking south.*





*Figure 87. The stream at the western site boundary looking north.*



*Figure 9. A view of the typical waterlogging in The Bogs (Oxted and Limpsfield Residents Group).*



## 1.2 Topography, Geology and Soils

The general topography around the property is presented as a contour map in Figure 10, which depicts contour lines at 4m intervals, generated from the Geo-perspectives 1m Digital Terrain Model (DTM) derived from LIDAR data. The site is characterised by rolling topography with the elevation falling in a north-east to south-western direction from 112m to 96m AOD. The crest of the North Downs is 1.5km to the north of the site with elevations over 250m.



*Figure 10. Topography of the area around the site shown by 4m contours (Background map: Google satellite).*

According to the British Geological Survey (BGS, 2025), the site is underlain by Sandstone of the Folkestone Formation, apart from a portion in to the north which is underlain by mudstone of the Gault Formation and a portion in the west at the location of the un-named stream and the Bogs where the sandstone is overlain by superficial deposits of clay, silt, sand, and gravel (Figure 11). The soils present at the site are described as freely draining slightly acid loamy soils apart from a portion in the north where they are described as slowly permeable seasonally wet slightly acid but base-rich loamy and clayey soils with impeded drainage (Figure 12). Furthermore, a borehole sunk to 0.5m, approximately 200m east of the site, revealed that sandstone was present over its entire depth. The ridge of the North Downs just to the north is composed of permeable Chalk, although superficial deposits of clay with flints form extensive impermeable areas.

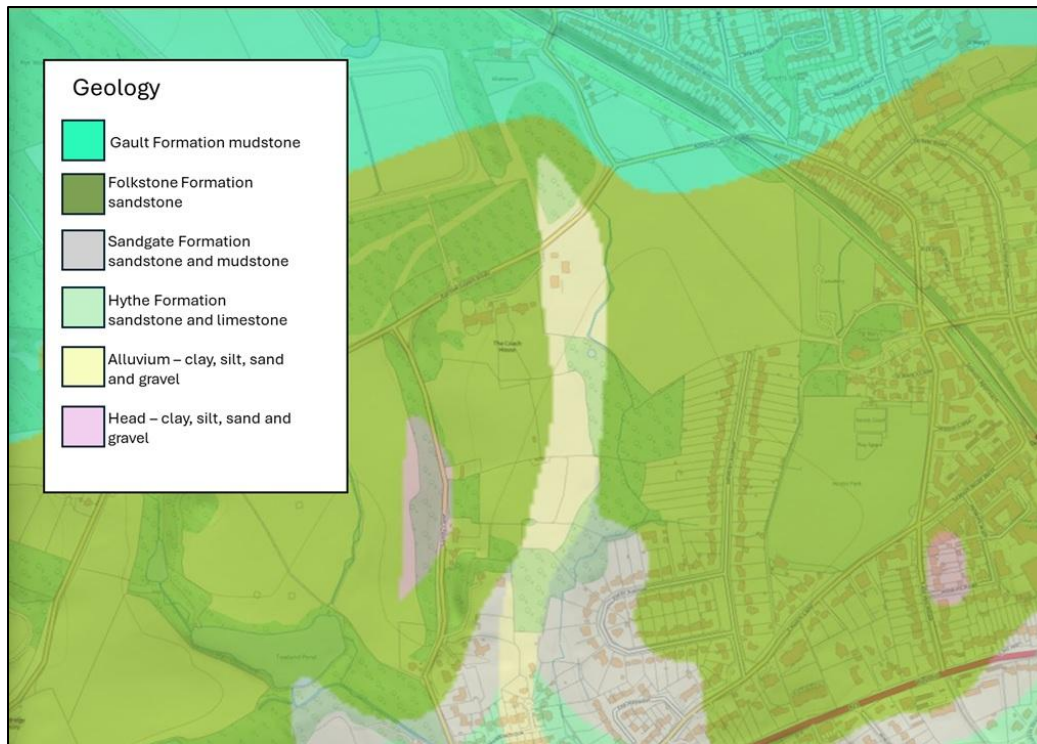


Figure 11. Geology map of the area (based on BGS, 2025).

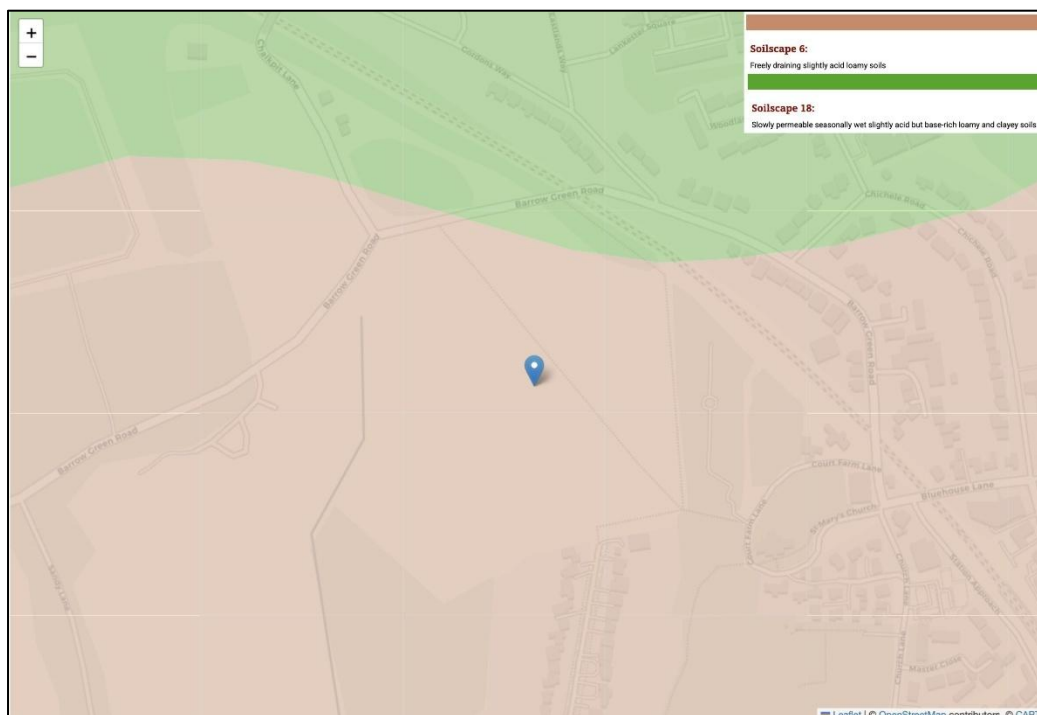
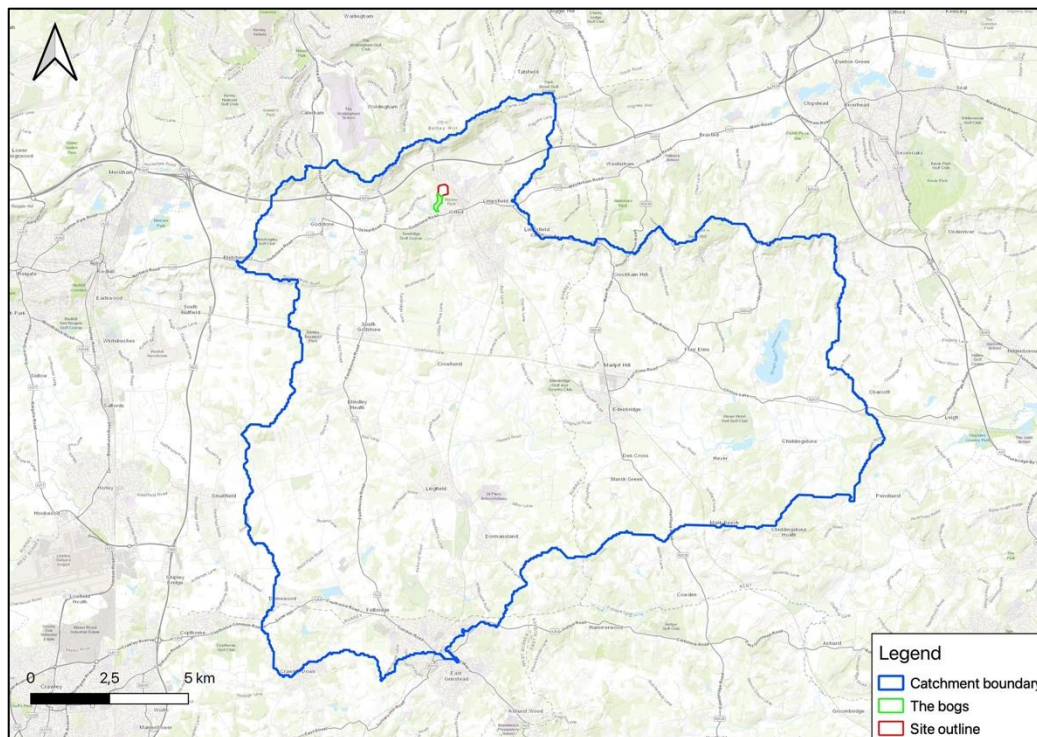


Figure 12. Soil map of the area (based on Cranfield University, 2025).



### 1.3 Hydrology

The site is located within the catchment of the Upper Eden, which is a tributary of the River Eden (Figure 13). The River Eden is gauged at Penshurst / Vexour Bridge, located approximately 15km south-east of the site. There, it drains a catchment area of 224.3km<sup>2</sup>, and according to the UK Hydrometric Register (Marsh and Hannaford, 2008), it has an annual average rainfall of 763 mm with losses through evaporation and evapotranspiration at 501 mm, and a mean annual runoff of 262 mm. Furthermore, the catchment is characterised by a mean flow of 1.82 cumecs and a median annual flood of 29.6 cumecs. The baseflow index is given as 0.35. This is the measure of the groundwater contribution to flow, ranging from 0 for entirely surface water-fed to 1 for entirely groundwater-fed streams. The value of the River Eden signifies that surface water contributes more to the flow of the water body compared to ground water.



*Figure 13. The River Eden catchment.*

In terms of the local hydrology, the small un-named stream along the western edge of the site is shown on the Ordnance Survey map to flow south from Barrow Green road along the whole boundary of the site and into The Bogs. The Bogs is an area of ancient woodland with the landscape best described as wet woodland, where surface water is present throughout the year. The stream channel in The Bogs (Figures 7 and 8) is approximately 0.5m wide and was observed to be quite incised in places. Often these small streams are able to erode quite deep channels in areas of sandstone geology encountered in the Weald in south-east England, giving a particular type of landscape known as ghyll or gill woodland.



## **2. Flood Risk**

### **2.1 Historical Flooding**

The site is typically subject to flooding whenever there is heavy rainfall, primarily due to waterlogging in the lower-lying western section and across much of the public footpath. During the site visit, conditions were mostly dry; however, some areas of standing surface water were still present, particularly around the groundwater monitoring point in the south-west. According to the local community, the site area experienced repeated flooding over the years. In April 2023, the field was noted to be waterlogged, which residents indicate is a frequent condition during wetter months (Figure 14).

Flooding is also observed along Barrow Green Road to the north, as well as in low-lying areas at the northern end of the site. These areas are underlain by impermeable mudstone geology, which exacerbates surface water accumulation. Water from Barrow Green Road and Chalkpit Lane, flows down and converges at the northern boundary of the site and then into Stoney Field.

In January 2024, flooding was reported in the gardens of Wheeler Avenue as well along Barrow green road, while in August of the same year, similar issues were observed in the same area (Figures 15 and 16). In November 2024, water was seen flowing off the North Downs, crossing Barrow Green Road, and entering Stoney Field and The Bogs (Figure 17). In addition to these documented instances, two undated reports mention further evidence of flooding, including a flooded front garden on Wheeler Avenue and water flowing into The Bogs through a rear garden.



*Figure 14. Condition of The Bogs in April 2023 (Oxted and Limpsfield Residents Group)*



*Figure 8. Flooding on Barrow Green road during storm Henk in early January 2024 (Oxted and Limpsfield Residents Group).*



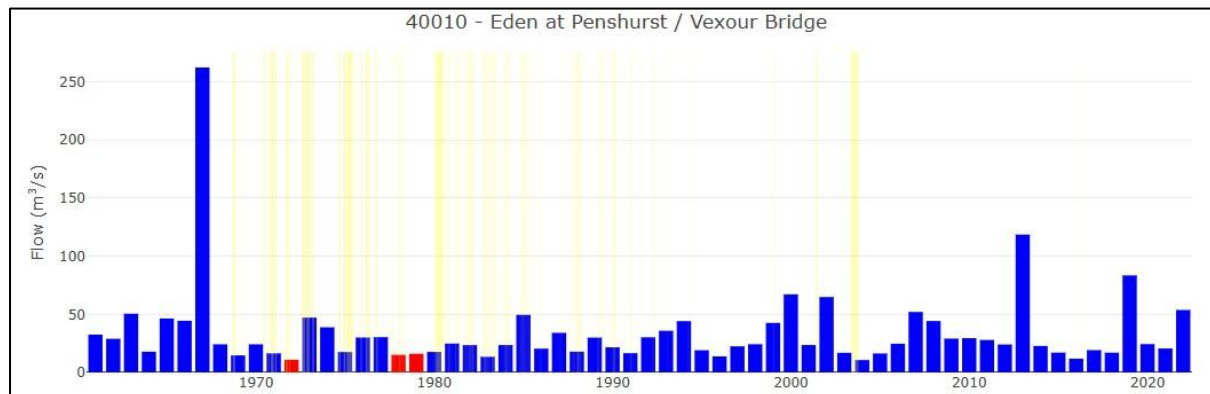


*Figure 96. Flooding of the gardens of a property on Wheeler Avenue in August 2024 (Oxted and Limpsfield Residents Group).*



*Figure 107. Flooding along the footpath in late November 2024 (Oxted and Limpsfield Residents Group)*

In terms of documented historical flooding, the gauging station on the River Eden provides a record back to 1961, and the highest flow on record was on 15th September 1968 at 262.3 cumecs (Figure 18). This is significantly larger than any other flooding including what has been experienced in recent years, with the next highest flow being measured on 24th December 2013 at 118.6 cumecs. The September 1968 floods affected much of south-east England causing widespread damage and leading to the first government backed scientific research on flooding in the UK. There are no records in the British Hydrological Society Chronology of British Hydrological Events database (BHS, 2025) which refer to Oxted, although there is reference to the Eden valley being affected following a storm on 5th September 1958.

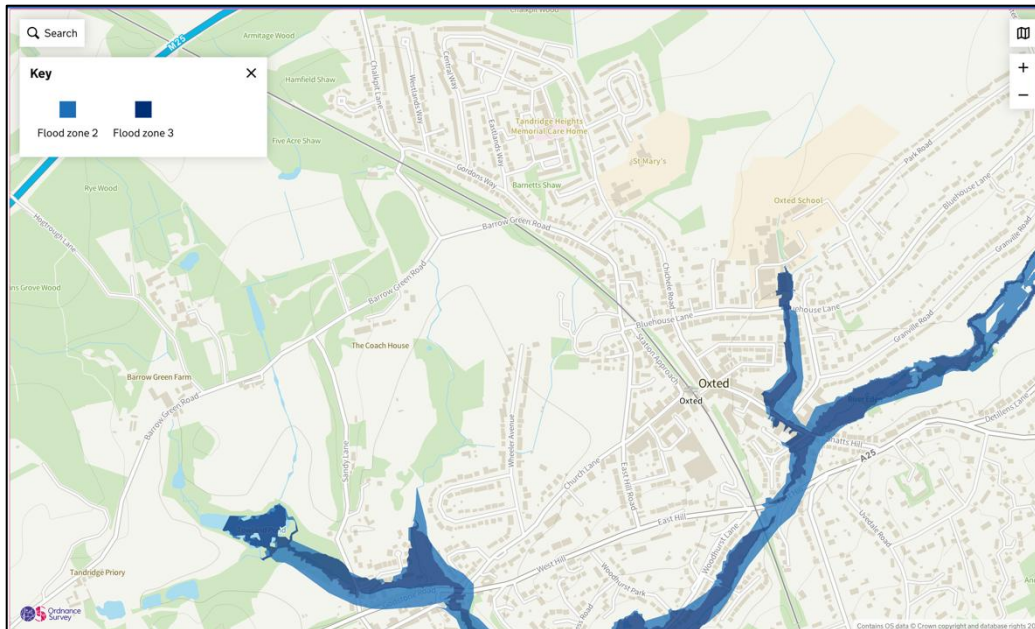


*Figure 18. Gauged annual maximum flows on the River Eden at Peshurst / Vexour Bridge (NRFA, 2025)*

## 2.2 Fluvial Flood Risk

The Environment Agency (EA) provides flood risk maps digitally, accessible online, depicting the current likelihood of flooding from main rivers. These maps categorize flood severity based on return periods, which categorize the frequency of occurrence. For instance, a flood with a 1 in 100-year return period, referred to as "100-year flood," is expected to occur, on average, once in a period of 100 years. Figure 19 illustrates flood zones, delineated as follows: flood zone 3 signifies high risk, encompassing areas within the 100-year flood extent; flood zone 2 represents medium risk, lying between the 100-year extent and the extreme flood outline; and flood zone 1 denotes low risk, situated beyond the extreme flood outline. The extreme flood outline combines the predicted 1000-year flood extent with the most severe historic flood boundary. While the EA utilizes the term Annual Exceedance Probability (AEP) instead of return periods, both metrics are equivalent, with the 100-year flood corresponding to a 1% AEP. As there are no main rivers within the vicinity of the development site, it is within flood zone 1 (low risk).

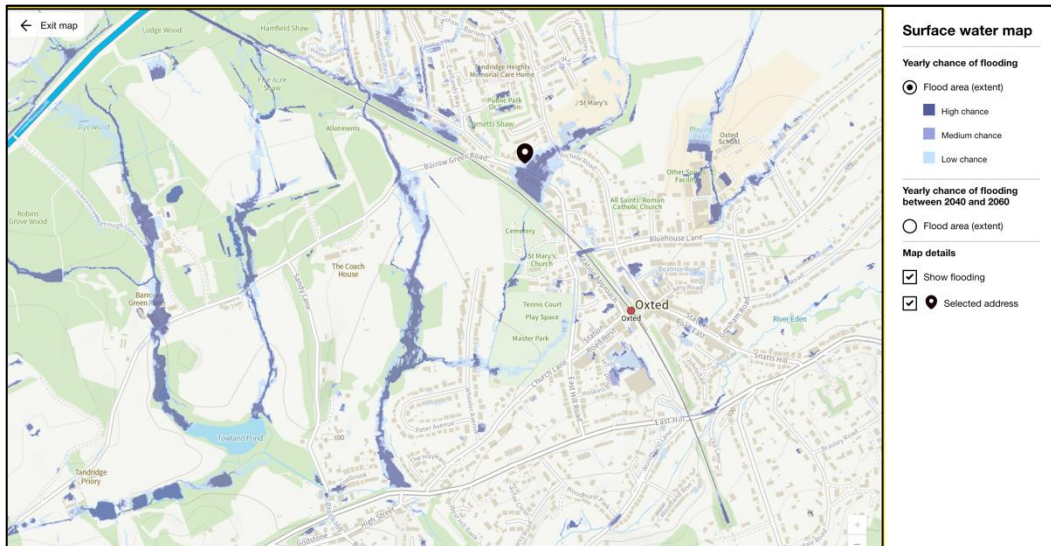




*Figure 19. EA Flood zone map around the site.*

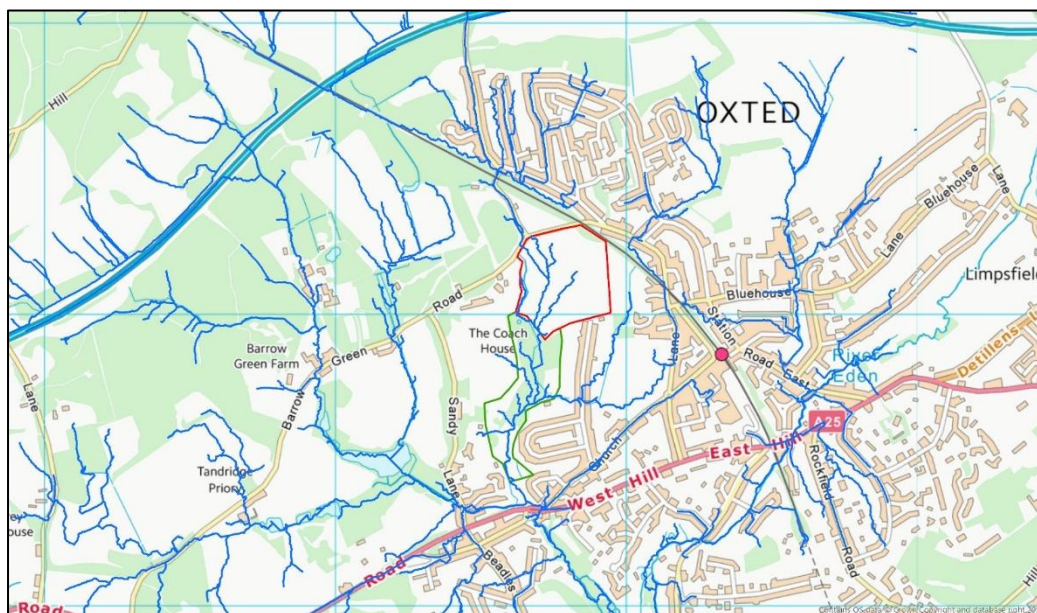
## 2.3 Surface Water Flood Risk

Surface water flooding directly from the overland flow and ponding of heavy rainfall is a risk which needs to be considered. Surface water flooding typically occurs in urban areas with impermeable surfaces which facilitate the flow of water, although it is possible in many locations following intense rainfall. The EA have mapped surface water flood risk as shown in Figure 20. These maps are created by simulating the movement of water after rainfall, considering the flow direction based on the topography represented by a 5m Digital Terrain Model (DTM) available for the entire country. According to the map, the most of the site has a low probability of surface water flooding, but areas to the western edge of the site show a high probability of surface water flooding. These are basically replicating the path taken by the un-named stream.



*Figure 20.11 EA surface water flood risk map for the area around the site.*

Further analysis of surface water flood risk was undertaken using the 1m and the application of cell-based modelling in GIS software to identify the pathways which water would take based on the topography. These are higher resolution than the information shown on the EA maps. Figure 21 shows water flows onto the development site from the north, draining a significant area and flowing through the entire site towards the south which continues into The Bogs. This supports the EAs surface water flood risk map but also shows in more detail how the surface water may originate at the site and flow towards The Bogs. Residents have observed water coming off the North Downs in torrents and flowing south to the site. Despite the permeable Chalk bedrock of the North Downs, the description of this surface water flooding is consistent with the extensive areas of impermeable clay with flints overlying the Chalk. The surface water flow then continues over the impermeable Gault mudstone areas towards the site.



*Figure 21. Flow pathways in the area with the development site outlined in red and The Bogs outlined in green.*

Surface water flooding is a result of extreme rainfall, historical observations of extreme 24-hour rainfall are available from the British Rainfall Digital Archive which has records back to 1866. Observations of extreme falls in the area which would be likely to cause surface water flooding are given in Table 1, which are falls over 50mm in 24 hours. The information is supplemented by more recent data from the EA rain gauges. Some of the rainfalls listed correspond with the historical flood events observed notably September 1958 and 1968, December 2013 and August 2024. Overall, the risk of surface water flooding at the site is high.

Table 1. Extreme historical rainfalls in the vicinity of the site (dClimate 2025, EA, 2025).

Location	Date	Rainfall (mm)	Distance From Site	Source
Caterham White Knobs Way	05/09/1958	64.2	4.1km NE	BRDA
Caterham White Knobs Way	03/09/1965	63.0	4.1km NE	BRDA
Woldingham S Wks	03/09/1965	67.3	2.3km N	BRDA
Limpsfield Paines Hill	21/10/1955	64.5	2.9km SE	BRDA
Limpsfield Paines Hill	14/09/1968	74.9	2.9km SE	BRDA
Limpsfield and Oxted S Wks	14/09/1968	101.6	3km S	BRDA
Godstone PS	26/10/1949	58.7	3.3km W	BRDA
Godstone PS	03/09/1965	56.1	3.3km W	BRDA
Godstone S Wks	03/09/1965	52.3	3.4km SW	BRDA
Godstone S Wks	15/09/2000	53.6	3.4km SW	EA
Godstone S Wks	05/06/2011	74.0	3.4km SW	EA
Godstone S Wks	23/12/2013	54.4	3.4km SW	EA
Godstone S Wks	25/07/2021	78.8	3.4km SW	EA
Godstone S Wks	01/08/2024	53.7	3.4km SW	EA

## 2.4 Groundwater Flood Risk

Groundwater flooding occurs in areas of permeable geology, such as the Chalk, where after prolonged wet periods, the water table rises and springs and dry valleys and ephemeral streams start flowing. The Chalk of the North Downs however does not reach the site and the groundwater from the Chalk is contained by the impermeable Gault mudstone which extends over about 1km between the edge of the North Downs and the northern part of the site. The geology of the site is predominantly composed by Sandstone which is permeable. The alluvium deposits at the west of the site along the stream and The Bogs area likely create localised zones of varying permeability that can influence how water moves across the site, potentially causing water retention in areas with higher clay and silt content. Areas of saturation were observed during the visit to the site in April 2025 after a period of dry weather (Figure 4). These could indicate upwelling of groundwater from a high-water table in the permeable layers, so the risk of flooding from groundwater should be considered as high.



### 3. Document Review

#### 3.1 Accessed Documents

This current study includes a review of any documents relating to flood risk which have been submitted to accompany the planning application at the site. The following documents with the filenames shown in brackets were considered:

1. Land South of Barrow Green Road, Oxted, RH8 0NN Flood Risk Assessment and Drainage Strategy For Croudace Homes Limited prepared by Motion, 34 pages dated November 2024 (*FRA Voll.pdf*).
2. FRA appendices E to K, 101 pages dated November 2024 (*FRA Appendices.pdf*).
3. Stoneyfields, Oxted Hydraulic Modelling Report Appendix C – Southern Water Asset Mapping, Appendix D – 1% AEP plus climate change ReFH2 outputs For Croudace Homes Limited prepared by Motion, 20 pages dated December 2024 (*FRA Appendices 2.pdf*).
4. Appendix C Topographical Survey and appendix D Infiltration Testing, Surface Water Hydraulic Modelling and GI Reports. For Croudace Homes Limited prepared by Motion, 65 pages dated December 2024 (*FRA\_Appendices C & D.pdf*).

These documents numbered 1 to 4 were 34, 101, 20 and 65 pages in length and included a number of appendices, sometimes with whole reports inserted with their own appendices which made the contents confusing. Document 1, the Flood Risk Assessment and Drainage Strategy by Motion is the main report, other reports and information provided by different organisations form the appendices. A Ground Investigation (GI) report by Ground and Water, and a Hydraulic Modelling Report by Ardent Consulting Engineers, are reports undertaken by sub-consultants with specialist expertise to inform the Flood Risk Assessment. A breakdown of the different sections for each of the documents are given in Tables 2 to 5 below.

Table 2. Details of Document 1.

Pages	Content	Comment
1- 4	Title, contents and introduction	
5 - 30	Main report text	Includes tables and one photo
31-32	Appendix A: Site location plan	Map
33-34	Appendix B: Site layout	Architects drawing

Table 3. Details of Document 2.

<b>Pages</b>	<b>Content</b>	<b>Comment</b>
1-9	Appendix E: Southern Water Wastewater Plans and Capacity Check Response	Maps and data
10-11	Appendix F: Surface runoff calculations	MicroDrainage software output
12-16	Appendix G: EA Flood Map for Planning and GeoSmart GW5 data	Maps
17-18	Appendix H: Proposed Drainage Strategy Layout	Drawing
19-82	Appendix I: MicroDrainage Hydraulic Modelling Results	MicroDrainage Software Output
83-95	Appendix J: Drainage Management and Maintenance Plan	Report
96 -101	Appendix K: Completed LLFA SuDS Proforma	Surrey County Council proforma

Table 4. Details of Document 3.

<b>Pages</b>	<b>Content</b>	<b>Comment</b>
1-3	Appendix C: Southern Water Asset Mapping	Maps and data
4-14	Appendix D: Hydraulic modelling report (Ardent Consulting Engineers)	ReFH2 software output
15-18	Appendix E: Sensitivity analysis (Ardent Consulting Engineers))	Text, modelling output and maps
19-20	Appendix F: Site masterplan	Architects drawing

Table 5. Details of Document 4.

<b>Pages</b>	<b>Content</b>	<b>Comment</b>
1-7	Appendix C: Topographic survey	Maps
8-65	Appendix D: Infiltration Testing, Surface Water Hydraulic Modelling and GI Reports (Ground and Water and Ardent Consulting Engineers)	Reports including text, maps, photos, drawings and data; and reproduction of Appendix C topographic survey

### 3.2 Flood Risk Assessment and Drainage Strategy Review

A flood risk assessment (FRA) is a detailed report which is submitted as part of a Planning Application. This is required where development sites are shown to be within areas of medium to high risk of flooding, as shown on the EA Flood Zone Maps, or for any developments which are covering more than 1ha in area, as with the Oxted site. Sometimes FRAs are requested for areas outside of the high and medium zone for example if there are known incidents of flooding from other sources such as surface water or groundwater or where the development would cover an area greater than 1ha. The level of detail associated with an FRA should be proportional to the scale of the development, therefore a greater level of detail would be expected for a significant development, such as in the current study, as opposed to a proposed single dwelling development.

The FRA should include an assessment of the environmental baseline conditions at the site and assess the risk of flooding at the site from all sources including evidence of historical flooding at the site, as has been covered in this report. In terms of the proposed development, the FRA should demonstrate that measures are in place to ensure the new development will be at a low risk of flooding and that the risk of flooding to neighbouring properties will not be increased. It should also identify measures incorporated into the proposed development to ensure safe emergency access is possible during times of flooding and look to enhance the natural environment at the site.

When developments involve building houses, roads and other impermeable surfaces on a greenfield site, the risk of surface water flooding to neighbouring properties will naturally increase since all the incident rainfall which was originally intercepted by vegetation and then slowly allowed to infiltrate into the ground is instead rapidly conveyed as surface runoff from the new impermeable surfaces. The traditional engineering approach was simply to pipe this water into the nearest waterway. This led to a rapid increase in the waterway's discharge and in particular for small streams this would lead to the channel capacity being exceeded and flooding occurring. Over the past two decades, the use of sustainable drainage systems (SuDS) has become a requirement. These replicate the natural response of the undeveloped site where



the rainfall is intercepted by the vegetation then absorbed by the soil and will slowly infiltrate to groundwater or be conveyed as surface runoff to the natural drainage network. SuDS features include the use of surface water features to attenuate surface runoff such as ponds, swales and detention basins. They also allow water to infiltrate into the ground where the underlying geology is favourable using features such as permeable paving, infiltration trenches and soakaways.

Part of the FRA should include calculations to demonstrate the design of SuDS with an estimate of the peak greenfield flow from the design storm, an estimate of the developed site flow including an allowance for climate change and a calculation showing the volume of storage required so that the flow from the developed site does not exceed that under greenfield conditions. The flows should be estimated using the latest rainfall data and methods as recommended in the current SuDS guidelines.

The FRA submitted by Motion, the associated reports and appendices form a substantial document with 220 pages altogether. However, most of the information is presented in the Appendices and the information written on flood risk only covers some 30 pages. Out of this, some of the text is in bullet point or tabular form and two pages are restating government planning policy. There are significant details missing from the relevant text and information has been presented which is wrong and misleading. More detail on these limitations is given in the following points:

1. The information presented on topography is limited to a Topographic Survey of the site as a CAD drawing with spot heights for the development site and neighbouring roads as a series of separate sheets, with text which is difficult to read at the normal page size. No attempt has been made to present the wider topography of the area and how the site fits in with the overall landscape. Topographic information is widely available and the use of GIS software to present this is commonplace in environmental consultancy. A better figure using contours, such as shown in Figure 10, should have been included. This would highlight the fact that the site is in an area of rolling topography and that the natural slope of the land is to the south-west towards The Bogs.
2. The FRA would benefit from more information on the environmental background of the area including geology and soil maps, information on the catchment and local hydrology, as has been provided in sections 1.2-1.4 of this report. The FRA fails to identify the River Eden catchment at the development site and only refers to the River Darent, which is a separate catchment. The Hydraulic Modelling Report provides much more details on the local hydrology which the FRA should have referred to.
3. The FRA does not include any data on historical flooding at the site and simply refers to the Tandridge District Council Strategic Flood Risk Assessment which also indicates no incidents of historical flooding. This is an inadequate and incorrect assessment, as indicated by the information which has been presented in section 2.1 of this report from readily available sources. The FRA should have undertaken a similar search and the lack of information raised doubts about the level of appropriate hydrological expertise

on behalf of Motion and therefore their ability to provide a suitable surface water management plan for the development.

4. The flood risk summary table in the FRA (Table 6.1) is incorrect, the assessment from the site visit and observations from residents have noted frequent flooding of the site from surface water and also groundwater which would indicate a high risk rather than the low risk given in the table. Furthermore, the simulations undertaken in the Hydraulic Modelling Report show that significant areas in the western side of the site would be inundated under the 30-year, 100-year and climate change scenarios.
5. The estimates of greenfield and development site flows, required to inform the SuDS design are poorly described and have used incorrect methodology. The text refers to the use of the FEH method. The FEH is the Flood Estimation Handbook, which was a 5-volume publication produced in 1999 at the Institute of Hydrology to provide a standard methodology for flood estimation in the UK. The associated software and data from the handbook have undergone many revisions of the years. The method used in the FRA is a simple single equation to calculate the greenfield runoff based on the area, standard annual average rainfall and the soil classification embedded within the MicroDrainage software (Appendix F). This gives the average annual value ( $Q_{med}$ ) which is then converted to a design value (i.e. 1 in 100 year) using factors derived from studies undertaken in the 1970s. This method is inaccurate and inappropriate for surface water management at the development site scale. It can only estimate a peak flow and does not provide any information on the time for which the flow is maintained so it is impossible to provide a volume.
6. The current approved method for estimating the greenfield and developed site flows under design flood conditions for small development areas is the ReFH2 software (WHS, 2019). This is a rainfall-runoff model where a defined rainfall for a given duration would produce an output of flow over time for a rural (undeveloped) and an urban (developed) site, with the calculations based on over 30 parameters including slope, drainage path length, land use and characteristics of the urban area. This has been applied in the Hydraulic Modelling Report by Ardent Consulting Engineers for the modelling of the boundary stream but it should also be used to estimate the difference in flows between the rural and urban scenarios, including the allowance for climate change, and provide the storage requirements. The information then should be clearly presented in the report.
7. The proposed drainage strategy includes a combination of swales which will provide temporary storage and allow infiltration into the soil, and detention basins which will provide temporary storage and release the excess water at the restricted rate of 10 l/s. The report should provide more details of these including the dimensions, cross sections and the storage capacity of each feature.
8. The strategy is based on the results of infiltration tests at only 2 of the 4 trial pits presented in the Ground and Water report. Trial Pit 3 collapsed during testing and there was very little infiltration in Trial Pit 2. The tests were undertaken in November 2024 when according to the report, the groundwater level would be at a maximum. This is not likely to be the case as groundwater is normally recharged during the autumn as plants water uptake reduces. The maximum levels are normally experienced later in

February and March before plant growth starts again. Groundwater monitoring over the full season should be undertaken to identify seasonally high groundwater levels. Also, the use of swales and other infiltration devices in areas where very low infiltration was found would not be feasible.

9. The drainage features are tested using the MicroDrainage software, the outputs are given as some 60 pages of software output in Appendix I. Such a large amount of model output is not entirely necessary and the section could be abbreviated to give summary results. The FRA text by contrast only has two sentences devoted to this testing (7.44 and 7.45) and at the very least the FRA should provide an explanation of what these results show. From looking at the software output there are two major concerns. Firstly, the input rainfall used for the testing was listed as FEH 2013. The latest FEH 2022 rainfall estimates should be used. The second concern is that the status of the drainage system is frequently listed as “surcharged”, “flood risk” or “flood” in the software output, indicating a failure. This requires proper explanation from the consultants rather than just the two sentences given in the FRA.
10. The issue of foul water is covered very briefly in section 8 of the FRA, with just 5 points listed. An existing foul water sewer runs across the site and Southern Water have stated that the current capacity is inadequate for the existing sewer and that a larger network capacity will be funded by the New Infrastructure Charge.
11. The Hydraulic Modelling study promotes the use of a conveyance corridor on the western margin of the site to provide a route for surface water during flooding. It is not clear in the proposed site layout (Appendix H) whether this is preserved, as the drawing shows a combination of detention ponds and pipes with a restricted outlet.
12. There is a brief discussion in the Hydraulic Modelling Report of how the proposed changes will impact the areas surrounding the site, including The Bogs. However, the result shows a reduction in flood levels to the south of the site, which would also mean a reduction in flow to The Bogs. Given the area of ancient woodland with a wet woodland dominated landscape, a reduction in flow may not be a desirable outcome, and could have adverse impacts on the biodiversity of the area. The hydraulic modelling studies should go further to demonstrate what would happen on a higher frequency lower magnitude basis, and look at a typical annual water balance to identify the full impact to The Bogs.

Given the limited information which has been provided, the FRA should be rejected by Tandridge District Council. A separate report should be requested to specifically consider the impact of the development on The Bogs, which would cover all aspects of the hydrology, not just the flood risk.

## 4. Summary

This report has assessed the current hydrology and flood risk of the proposed development site on land at Stoney Fields, Oxted, considered impact of the development on the wider area, and undertaken a review of documents submitted as part of the planning application which address flood risk. The key findings are as follows:

1. The site is located to the north and west of the existing residential areas, it is currently farmland, and it borders an area of ancient woodland, to the south-west, with a wet woodland landscape known as The Bogs.
2. The site is in an area of rolling topography with the land falling from north-east to the south-west.
3. The area is underlain by predominantly by permeable sandstone with areas of impermeable mudstone in the north, and superficial deposits of alluvium in the west.
4. The site is in the catchment of the River Eden with the main channel flowing south through the centre of Oxted, some 1km to the east. The site is bordered by an unnamed stream to the west.
5. The site and surrounding areas have experienced frequent flooding as evidenced by photographs severe events over the past 2 years. Saturated areas were observed from a visit to the site in April 2025 despite the visit following a dry spell.
6. Maps from the EA show there is a low risk of river flooding at the site but the risk of surface water flooding is high and the natural flow of water is through the site to the south-west. The risk of groundwater flooding at the site is also high.
7. A flood risk assessment and drainage strategy has been submitted as part of the application which gives an incorrect assessment of the hydrology and flood risk, ignoring the frequent surface water flooding and describing the majority of the site to be at low risk;
8. The drainage strategy includes some details on SuDS proposals for the development but these also lack details and there are uncertainties over the modelling to provide accurate estimates of the greenfield and developed site flows;
9. A Hydraulic Modelling Study of the stream at the site demonstrated that with proposed measures there would be a reduction of water levels in The Bogs which may threaten its biodiversity. No other information has been provided on the overall impact on The Bogs.



## 5. References

British Geological Survey (2025) <https://geologyviewer.bgs.ac.uk/>

British Hydrological Society (2025) <https://www.cbhe.hydrology.org.uk/search.php>

Cranfield University (2025) <http://www.landis.org.uk/soilscapes/>

Centre for Ecology and Hydrology (2025) National River Flow Archive Gauging Station Search <http://nrfa.ceh.ac.uk/data/search>

dClimate (2025) British Rainfall Digital Archive station search  
<https://alpha.marketplace.dclimate.net/>

Institute of Hydrology (1999). The Flood Estimation Handbook. 5 Volumes, Wallingford, Oxfordshire.

Marsh, T. J. and Hannaford, J. (Eds). (2008). UK Hydrometric Register. Hydrological data UK series. Centre for Ecology & Hydrology. 210 pp.

Wallingford Hydro Solutions (2019). The Revitalised Flood Hydrograph Modelling Tool Version 3.0 2019. Wallingford, Oxfordshire.

*Guidance for assessing landscapes for designation as National Park or Area of Outstanding Natural Beauty in England);*

- The term 'landscape condition' is used in place of 'landscape quality (condition)';
- 'Rarity' and 'representativeness' are combined into a newly-named factor 'distinctiveness'; and
- A new factor, 'function' is included which addresses the value attached to landscapes which perform a clearly identifiable and valuable function.

**2.4.3** It should be noted that the factors are not presented in order of importance.

**2.4.4** As with Box 5.1 in GLVIA3, **Table 1** is not intended to be an exhaustive list of factors to be considered when determining the value of landscapes, but to provide a range of factors and indicators that could be considered. This TGN is intended to be complementary to GLVIA3.

**Table 1:** Range of factors that can be considered when identifying landscape value

Factor	Definition	Examples <sup>11</sup> of indicators of landscape value	Examples of evidence <sup>12</sup>
Natural heritage	Landscape with clear evidence of ecological, geological, geomorphological or physiographic interest which contribute positively to the landscape	<p>Presence of wildlife and habitats of ecological interest that contribute to sense of place</p> <p>Extent and survival of semi-natural habitat that is characteristic of the landscape type</p> <p>Presence of distinctive geological, geomorphological or pedological features</p> <p>Landscape which contains valued natural capital assets that contribute to ecosystem services, for example distinctive ecological communities and habitats that form the basis of ecological networks</p> <p>Landscape which makes an identified contribution to a nature recovery/ green infrastructure network</p>	<p>Landscape character assessment</p> <p>LANDMAP Geological Landscape and Landscape Habitats Aspects (in Wales)</p> <p>Ecological and geological designations</p> <p>SSSI citations and condition assessments</p> <p>Geological Conservation Review</p> <p>Habitat surveys</p> <p>Priority habitats</p> <p>Nature recovery networks/ nature pathways</p> <p>Habitat network opportunity mapping/ green infrastructure mapping</p> <p>Catchment management plans</p> <p>Ecosystem services assessment/ schemes</p> <p>Specialist ecological studies</p>
Cultural heritage	Landscape with clear evidence of archaeological, historical or	Presence of historic landmark structures or designed landscape elements (e.g. follies,	Landscape character assessment

<sup>11</sup> These examples are not exhaustive.

<sup>12</sup> Evidence may be set out in development plans (or evidence that sits alongside development plans). Online mapping may also provide useful information (see 'useful data links' at the end of this TGN).





Factor	Definition	Examples <sup>11</sup> of indicators of landscape value	Examples of evidence <sup>12</sup>
	cultural interest which contribute positively to the landscape	<p>monuments, avenues, tree roundels)</p> <p>Presence of historic parks and gardens, and designed landscapes</p> <p>Landscape which contributes to the significance of heritage assets, for example forming the setting of heritage assets (especially if identified in specialist studies)</p> <p>Landscape which offers a dimension of time depth. This includes natural time depth, e.g. presence of features such as glaciers and peat bogs and cultural time depth e.g. presence of relic farmsteads, ruins, historic field patterns, historic rights of way (e.g. drove roads, salt ways, tracks associated with past industrial activity)</p>	<p>LANDMAP Historic Landscape and Cultural Landscape Services Aspect (in Wales)</p> <p>Historic environment and archaeological designations</p> <p>Conservation Area appraisals, Village Design Statements</p> <p>Historic maps</p> <p>Historic landscape character assessments<sup>13</sup> Historic Land Use Assessment<sup>14</sup> and Historic Area Assessments<sup>15</sup></p> <p>Place names</p> <p>Specialist heritage studies</p>
Landscape condition	Landscape which is in a good physical state both with regard to individual elements and overall landscape structure	<p>Good physical condition/ intactness of individual landscape elements (e.g. walls, parkland, trees)</p> <p>Good health of elements such as good water quality, good soil health</p> <p>Strong landscape structure (e.g. intact historic field patterns)</p> <p>Absence of detracting/ incongruous features (or features are present but have little influence)</p>	<p>Landscape character assessment</p> <p>LANDMAP condition and trend questions (in Wales)</p> <p>Hedgerow/ tree surveys</p> <p>Observations about intactness/ condition made in the field by the assessor</p> <p>SSSI condition assessments</p> <p>Historic landscape character assessments/ map regression analysis</p>
Associations	Landscape which is connected with notable people, events and the arts	Associations with well-known literature, poetry, art, TV/film and music that contribute to perceptions of the landscape	<p>Information about arts and science relating to a place</p> <p>Historical accounts, cultural traditions and folklore</p>

<sup>13</sup> Historic Landscape Characterisation has developed as a GIS mapping tool to capture how land use has changed and the 'time-depth' of the present-day landscape.

<https://historicengland.org.uk/research/methods/characterisation/historic-landscape-characterisation/>

<sup>14</sup> Mapping of Scotland's Historic Landscape: <https://hmap.org.uk/>

<sup>15</sup> <https://historicengland.org.uk/images-books/publications/understanding-place-historic-area-assessments/>





Factor	Definition	Examples <sup>11</sup> of indicators of landscape value	Examples of evidence <sup>12</sup>
		Associations with science or other technical achievements	Guidebooks/ published cultural trails
		Links to a notable historical event	LANDMAP Cultural
		Associations with a famous person or people	Landscape Services aspect (in Wales)
<b>Distinctiveness</b>	Landscape that has a strong sense of identity	<p>Landscape character that has a strong sense of place (showing strength of expression of landscape characteristics)</p> <p>Presence of distinctive features which are identified as being characteristic of a particular place</p> <p>Presence of rare or unusual features, especially those that help to confer a strong sense of place or identity</p> <p>Landscape which makes an important contribution to the character or identity of a settlement</p> <p>Settlement gateways/approaches which provides a clear sense of arrival and contribute to the character of the settlement (may be ancient/historic)</p>	<p>Landscape character assessment</p> <p>LANDMAP Visual &amp; Sensory question 3 and 25, – Historic Landscape question 4 (in Wales)</p> <p>Guidebooks</p> <p>Observations about identity/ distinctiveness made in the field by the assessor</p>
<b>Recreational</b>	Landscape offering recreational opportunities where experience of landscape is important	<p>Presence of open access land, common land and public rights of way (particularly National Trails, long distance trails, Coastal Paths and Core Paths) where appreciation of landscape is a feature</p> <p>Areas with good accessibility that provide opportunities for outdoor recreation and spiritual experience/ inspiration</p> <p>Presence of town and village greens</p> <p>Other physical evidence of recreational use where experience of landscape is important</p> <p>Landscape that forms part of a view that is important to the</p>	<p>Definitive public rights of way mapping/ OS map data</p> <p>National Trails, long distance trails, Coastal Paths, Core Paths</p> <p>Open access land (including registered common land)</p> <p>Database of registered town or village greens</p> <p>Visitor surveys/ studies</p> <p>Observations about recreational use/ enjoyment made in the field by the assessor</p>





Factor	Definition	Examples <sup>11</sup> of indicators of landscape value	Examples of evidence <sup>12</sup>
		enjoyment of a recreational activity	
<b>Perceptual (Scenic)</b>	Landscape that appeals to the senses, primarily the visual sense	<p>Distinctive features, or distinctive combinations of features, such as dramatic or striking landform or harmonious combinations of land cover</p> <p>Strong aesthetic qualities such as scale, form, colour and texture</p> <p>Presence of natural lines in the landscape (e.g. natural ridgelines, woodland edges, river corridors, coastal edges)</p> <p>Visual diversity or contrasts which contributes to the appreciation of the landscape</p> <p>Memorable/ distinctive views and landmarks, or landscape which contributes to distinctive views and landmarks</p>	<p>Landscape character assessment</p> <p>LANDMAP Visual and Sensory scenic quality question 46 (in Wales)</p> <p>Protected views, views studies</p> <p>Areas frequently photographed or used in images used for tourism/ visitor/ promotional purposes, or views described or praised in literature</p> <p>Observations about scenic qualities made in the field by the assessor</p> <p>Conservation Area Appraisals</p> <p>Village Design Statements, or similar</p>
<b>Perceptual (Wildness and tranquillity)</b>	Landscape with a strong perceptual value notably wildness, tranquillity and/or dark skies	<p>High levels of tranquillity or perceptions of tranquillity, including perceived links to nature, dark skies, presence of wildlife/ birdsong and relative peace and quiet<sup>16</sup></p> <p>Presence of wild land and perceptions of relative wildness (resulting from a high degree of perceived naturalness<sup>17</sup>, rugged or otherwise challenging terrain, remoteness from public mechanised access and lack of modern artefacts)</p> <p>Sense of particular remoteness, seclusion or openness</p> <p>Dark night skies</p>	<p>Tranquillity mapping and factors which contribute to and detract from tranquillity</p> <p>Dark Skies mapping</p> <p>Wildness mapping, and Wild Land Areas in Scotland</p> <p>Land cover mapping</p> <p>Field survey</p> <p>LANDMAP Visual and Sensory Aspect</p>

<sup>16</sup> More about tranquillity can be found in Landscape Institute Technical Information Note [01/2017](#) (Revised; Landscape Institute, 2017).

<sup>17</sup> Relating to extensive semi-natural vegetation, presence of wildlife and presence of natural processes/ lack of human intervention.



Factor	Definition	Examples <sup>11</sup> of indicators of landscape value	Examples of evidence <sup>12</sup>
		A general absence of intrusive or inharmonious development, land uses, transport and lighting	
Functional	Landscape which performs a clearly identifiable and valuable function, particularly in the healthy functioning of the landscape	<p>Landscapes and landscape elements that contribute to the healthy functioning of the landscape, e.g. natural hydrological systems/ floodplains, areas of undisturbed and healthy soils, areas that form carbon sinks such as peat bogs, woodlands and oceans, areas of diverse landcover (benefits pest regulation), pollinator-rich habitats such as wildflower meadows</p> <p>Areas that form an important part of a multifunctional Green Infrastructure network</p> <p>Landscapes and landscape elements that have strong physical or functional links with an adjacent national landscape designation, or are important to the appreciation of the designated landscape and its special qualities</p>	<p>Land cover and habitat maps</p> <p>Ecosystem services assessments and mapping (particularly supporting and regulating services)</p> <p>Green infrastructure studies/strategies</p> <p>Development and management plans for nationally-designated landscapes, Local Plans and SPDs</p> <p>Landscape character assessments</p>

### The practical application of factors in coming to a judgement on landscape value

**2.4.5** The following bullet points provide some advice on the practical application of the factors in Table 1:

- *The factors to be considered are not fixed as they need to be appropriate to the particular project and location. It is recommended that the factors used to assess landscape value in a particular assessment are, where appropriate, discussed with the relevant planning authority or statutory consultees.*
- *The indicators of value should be reviewed on a case-by-case basis, taking into account what they contribute (positively or negatively) to a specific landscape. The relative importance to be attached to each indicator is likely to vary across different landscapes. Once evidence for each factor has been collated and assessed, it is important to step back and judge the overall 'weight of evidence' in coming to an overall judgement on landscape value.*
- *There are likely to be overlaps between the factors, as well as overlaps with other specialist studies for example in relation to natural and cultural factors. These overlaps should be acknowledged and considered when presenting conclusions on the overall value of the landscape.*
- *While condition/intactness of a landscape is one factor that can influence value, poor landscape management should not be a reason to deny a landscape a valued status if other factors indicate*





*value. Deliberately neglecting an area of landscape and allowing its condition to deteriorate should not be allowed to diminish its value in a planning context.*

- *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 within, 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.*
- *Landscape function can influence value, but the presence of a spatial designation (e.g. Green Belt or Green Gap) is not in itself an indicator of high landscape value.*
- *The presentation of information about landscape value should be proportionate to the task at hand.*
- *Landscape value, and the way in which landscapes are valued by people, is a dynamic process, and can change over time. Any value assessment will be a snapshot in time.*



# Appeal Decision

Inquiry held between 8-11, 14-15 and 30-31 August and 13 September 2023  
Accompanied site visit made on 31 August 2023

**by David Spencer BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17<sup>th</sup> October 2023**

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**Appeal Ref: APP/M3645/W/23/3319149**

**Land at The Old Cottage, Station Road, Lingfield RH7 6PG.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Woolbro Group and Morris Investment against Tandridge District Council.
  - The application Ref TA/2022/685, is dated 20 June 2022.
  - The development proposed is outline application with all matters reserved except for access and layout for a residential development of 99 dwellings (40% affordable) with associated access, formal open space, landscaping, car & cycle parking and refuse.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The date of the application in the decision banner above reflects the revised application form which contained the amended site address details.
3. The proposal was submitted in outline with all matters reserved except for the means of access and layout. The application was accompanied by a Design and Access Statement (DAS), a layout plan, detailed drawings of the proposed vehicular access from Town Hill and various technical documents. Whilst the layout plan is labelled 'illustrative' it is to be regarded as the details to be approved. The Local Planning Authority (LPA) considered the proposal on this basis, and so shall I.
4. The appellant submitted subsequent drawings<sup>1</sup> showing details of the proposed arrangement where vehicular access to serve the northern parcel of the appeal proposal would cross the existing footpath public right of way (PROW) No. 381a which connects Station Road to Church Road. Access is not a reserved matter and so the detail of all points of access to the appeal site, including via this PROW, are not to be reserved for later consideration. Accordingly, I have considered the appeal proposal on the basis of these further drawings. They clarify the means of the crossing, the principle of which is clearly shown on the layout plan. As such I do not consider anyone would be prejudiced by my having regard to these technical drawings, which have informed a subsequent statement of common ground with the LPA, who had sought input from the Local Highway Authority<sup>2</sup>.

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<sup>1</sup> Drawing ref Nos. 1912026-06 & 1912026-07.

<sup>2</sup> ID11



5. Lingfield Parish Council (LPC) received Rule 6 status on 12 May 2023. In addition to being a statutory consultee on the planning application, LPC have also been active in the ongoing examination into the emerging Tandridge Local Plan. LPC is currently preparing a Lingfield Neighbourhood Plan (LNP). Star Fields Action Group (STAG) received Rule 6 status on 2 May 2023. STAG is a local group opposed to the allocation of the site in the emerging Tandridge Local Plan and the development proposal which is the subject of this appeal.
6. An executed agreement pursuant to Section 106 (S106) of the Town and Country Planning Act 1990 (as amended) signed and dated 22 September 2023, was provided shortly after the Inquiry event concluded. It is substantively the same document as discussed at the Inquiry on 31 August and 13 September. I return to the matter of the planning obligations in more detail later in this decision.
7. I refer in my decision to site visits. In addition to the accompanied site visit on 31 August 2023 with the main parties and Rule 6 parties I also undertook unaccompanied site visits on 7 and 14 August.

### **Main Issues**

8. As established at the Case Management Conference on 14 June 2023, and not disputed at the inquiry, the main issues in this appeal are as follows:
  - (1) The effect of the proposal on the openness of Green Belt and the purposes of including land within it;
  - (2) The effect of the proposed development on the Lingfield Conservation Area and the setting of nearby listed buildings and non-designated heritage assets;
  - (3) The effect on the character and appearance of the area, including whether the appeal site is part of a valued landscape; and
  - (4) Whether the harm to the Green Belt by reason of inappropriateness, and any 'other harm' identified as arising from the appeal proposal, would be clearly outweighed by 'other considerations', so as to amount to very special circumstances.

### **Reasons**

*Context: The site, the Development Plan and emerging Plans.*

9. The appeal site is situated at the south-east edge of Lingfield, a large village with a good range of services and public transport. The site comprises a patchwork of generally small-scale pastoral fields bounded by hedging of varying height and density. The vast majority of the site is outside of the current adopted settlement boundary for Lingfield. This land is wholly within the Metropolitan Green Belt. A slither of land within the north-west of the site, adjacent to the Star Inn, is inside the adopted settlement boundary and is separately identified by the LPA as an urban capacity site. Approximately, two-thirds of the 6.2 hectares appeal site is within the Lingfield Conservation Area.
10. The adopted development plan was prepared in two parts. The Tandridge District Core Strategy (the CS) was adopted in October 2008. The subsequent Tandridge Local Plan Part 2: Detailed Policies (TLPP2) was adopted in July

2014. For the purposes of this appeal the CS established a housing requirement and spatial strategy. Given the housing requirement stems from the South East Plan<sup>3</sup> and the spatial strategy reflects this, these are now both out of date. As such paragraph 11d) of the National Planning Policy Framework (NPPF) is of particular relevance for this decision. Various policies of the CS and TLPP2 are identified by the LPA as being contravened by the appeal proposal in relation to the main issues in this appeal. The CS policies are clearly of some age, predating the NPPF, and so the weight to any conflict with them must reflect the extent to which they remain consistent with national policy. The TLPP2 policies are more recent and were found sound in the context of the 2012 NPPF. Whilst the NPPF has been through subsequent iterations, in relation to the main issues in this appeal there has been reasonable consistency. Consequently, I give the relevant TLPP2 policies full weight in this decision.

11. An emerging Tandridge Local Plan to 2033 (the eTLP) was submitted for examination in January 2019. The eTLP and the evidence base submitted for examination alongside the Plan have unsurprisingly formed a central part of this appeal given the appeal site was allocated in the Plan for residential development at submitted Policy HSG12. During the Inquiry matters on the eTLP have come to a head following a procedural meeting between the examining Inspector and the District Council on 27 July 2023. The plan Inspector's subsequent correspondence of 10 August 2023 advised that the eTLP be withdrawn or found unsound. All parties at the Inquiry were able to make submissions on this evolving context and I heard no evidence from the District Council that it would be seeking to resist the Inspector's options. I deal with this below including the impact of the eTLP situation on the ability to deliver housing through a plan-led approach.
12. In respect of the submitted eTLP, from all that I have read and heard, what is irrefutable are the following contextual points, relevant to this decision. Firstly, the eTLP classified Lingfield as a 'Semi-Rural Service Settlement' (Tier 2), being a sustainable location for additional housing growth. It consequently allocated the appeal site at Policy HSG12, with an estimated site yield of 60 dwellings. This was the sole housing allocation proposed in the village. Secondly, the site was assessed by the Council as forming sustainable development<sup>4</sup> and meeting the threshold for the exceptional circumstances for altering the Green Belt boundary in this location. Various evidence documents supported this position. Thirdly, the eTLP Inspector arrived at some preliminary findings in December 2020 including, amongst other things, seeking an additional assessment of the heritage impacts associated with Policy HSG12. In the intervening 2½ years since December 2020 the District Council has not formally submitted a heritage assessment for Policy HSG12 nor did it request to the eTLP examination a proposed main modification to delete or amend the site allocation<sup>5</sup>.
13. Whilst the District Council now seeks to distance itself from the eTLP evidence base in this appeal, the evidence was never rescinded or superseded during the 4½ years of the eTLP examination. Other than heritage, there is little evidence that the examining inspector had other soundness concerns for the site allocation after the relevant hearing session for Policy HSG12. Whilst I

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<sup>3</sup> Regional Spatial Strategy for the South East of England (2009)

<sup>4</sup> Assessed as forming part of the most appropriate strategy through systematic Sustainability Appraisal (CD10.6)

<sup>5</sup> Including in the very recent correspondence to the examining Inspector in TED61 (ID19 to this Inquiry)

acknowledge that I am considering a specific scheme and detailed evidence submitted as part of this appeal, and that the test for Green Belt, as set out in national policy, is materially different, that does not mean that I should put the eTLP evidence entirely to one side. Accordingly, and irrespective of where the eTLP has now ended up, my starting point is that the eTLP evidence base is capable of being a material consideration. I deal with this thematically, as I address each of the main issues, in terms of the weight to be given to it.

14. Work is currently underway on preparing a Lingfield Neighbourhood Plan (LNP). A draft plan<sup>6</sup>, which proposed various options for housing allocations in the Green Belt other than the appeal site and an otherwise protective policy approach to the appeal site (Policy LNP5), was consulted upon in May and June 2023. This has engendered a testing response from the District Council<sup>7</sup> (and others) in terms of such a plan being capable of meeting the basic conditions and other legal tests required. Evidence<sup>8</sup> submitted by the appellant shows that the consultation response has not yielded a clear community coalescence around the plan's proposals, including the approach for the appeal site. There is clearly a significant amount of work to be done on the LNP, including resolving the serious concerns of the District Council, before progressing to submitting the document to the LPA, and ultimately an independent examination. On this basis, I give no weight to the emerging LNP.
15. The District Council published an Interim Policy for the Housing Delivery (IPSHD) in September 2022. Given the circumstances around the eTLP and the need to otherwise boost the supply of housing, including as part of the action plan in response to Housing Delivery Test results, the policy is intended to provide an element of certainty and support for those sites where the eTLP inspector did not raise any soundness concerns. Accordingly, the appeal site (Policy HSG12) is not included within the IPSHD for favourable consideration. The interim policy is not part of the development plan and nor has it been subject to any consultation. For this appeal it is a material consideration when considering the benefit arising from the additional supply of housing, but I only give it limited weight because of its non-statutory status.

### **Green Belt**

16. The NPPF seeks to protect Green Belt land and paragraph 137 confirms that the Government attaches great importance to Green Belts. The Green Belt purposes are set out at paragraph 138 of the NPPF. Paragraph 147 of the NPPF states that inappropriate development, is by definition, harmful to Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The NPPF states that very special circumstances will not exist unless the potential harm to Green Belt by reason of inappropriateness, and any other harm arising from the proposal, is clearly outweighed by other considerations.
17. In respect of the development plan, part B of TLPP2 Policy DP10 is wholly consistent with national planning policy at NPPF paragraph 148. Policy DP13 of

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<sup>6</sup> Regulation 14 Draft Submission

<sup>7</sup> CD11.2 – which amongst other things advises that consideration be given to re-doing the Regulation 14 consultation.

<sup>8</sup> ID21

TLPP2 also seeks to resist inappropriate development (buildings) in the Green Belt but sets out what development would not be inappropriate in the Green Belt in a Tandridge context. The appeal proposal would not comply with any of the criteria in Policy DP13.

18. There is no dispute that the appeal proposal would comprise inappropriate development. Consequently, as a starting point the appeal proposal would result in a definitional harm to the Green Belt by virtue of inappropriateness. This harm must be given substantial weight.

### Green Belt Openness

19. The NPPF states at paragraph 137 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. As such the NPPF confirms that the essential characteristics of Green Belts are their openness and their permanence. The PPG<sup>9</sup> advises that openness can have both spatial and visual elements having regard to factors such as the duration of development, and its remediability; and the degree of activity likely to be generated.
20. The appeal site comprises open land and development is otherwise absent on the site itself. Whilst the detailed layout plan shows various areas of open space and buffering, the vast majority<sup>10</sup> of the 6.2ha site would be permanently developed with housing, highway infrastructure, garaging, parking courts and boundary treatments. This would significantly reduce the openness of the site. Even when taking into account the existing hedgerow boundaries the spatial loss of openness would be highly perceptible and not significantly contained. This would be keenly experienced in views from the south-east from Station Road and Town Hill, further back on Racecourse Road (and the path from Lingfield station to the racecourse), along extensive parts of PROW381a and in glimpsed views from Church Road. The loss of openness will also be felt by residents of New Place Farm, New Place Gardens, and those properties on Town Hill and Church Road that back onto the north-western and northern parcels of the site, as well as by patrons of the Star Inn.
21. Whilst adjoining roads are, on occasion, heavily trafficked and the site is under the approach path to Gatwick Airport, there is generally a prevailing rurality at the appeal site, with any adjoining or nearby development not being especially prominent in most of the views identified above. This character would change due to the activity associated with a major 99 dwelling development. Taking all these factors together, the appeal proposal would palpably reduce both the spatial and visual sense of openness in this part of the Green Belt.
22. Areas of open space and landscape buffering are proposed, as well as the retention of most boundary hedgerows. The scale and extent of the development however would be challenging to visually contain especially in views in Town Hill and Station Road and along PROW381a as land gently rises up from the Eden Brook. The proposed layout also seeks to preserve medium range views through the development from both Town Hill and Station Road to heritage assets and in doing so the scale of development and attendant loss of openness would be evident in these perspectives. I accept that the proposed open space (approximately 31% of the total site area) would ensure that a

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<sup>9</sup> Paragraph 64-001-20190722

<sup>10</sup> Approximately 69%, Section 5.8 Design & Access Statement



degree of openness within the site would be preserved but it would be overwhelmed by the presence of the amount of housing and associated highway infrastructure proposed.

23. In light of these characteristics, the proposed change arising from the overall amount of built development would result in an appreciable level of harm to the openness of the Green Belt.

#### Purposes of Green Belt

24. As defined by paragraph 138 of the NPPF, the Green Belt serves five purposes. The Green Belt Assessment (GBA) Part 3 for the eTLP says the Green Belt in this location serves four purposes – safeguarding from encroachment; preventing sprawl; preventing settlements from merging; and preserving the Lingfield Conservation Area (which I take to mean purpose d) – preserving the setting and special character of historic towns). The LPA's case<sup>11</sup>, at this appeal, however, focuses on purposes c) and e) at NPPF paragraph 138.

25. Purpose c) is to assist in safeguarding the countryside from encroachment. As set out elsewhere in this decision the appeal site is a pocket of countryside extending from the edge of the shallow valley floor of the Eden Brook into the historic core of Lingfield village. Generally, I find the influence of any neighbouring development to be relatively weak, especially in the south-east parcel of the site. When experienced from Town Hill, Station Road, Racecourse Road, PROW381a and the path from the station to the racecourse there would be a tangible encroachment into countryside and a clear new urban edge would be formed. This edge would border onto adjacent countryside to the south and east of Town Hill and Station Road respectively, with scant relationship to any adjoining development other than two isolated rural dwellings at the Town Hill and Station Road junction. Accordingly, I conclude that the appeal proposal would have an adverse impact on the purpose of safeguarding the countryside from encroachment.

26. In relation to purpose e) in terms of assisting urban regeneration by encouraging the recycling of derelict and other urban land, 94% of Tandridge District is Green Belt and the full extent of housing need has not been met for some time and was not envisaged to be met by the eTLP. In this context of significant pent-up demand for housing it seems odd to me that there would be valuable urban sites or redevelopment opportunities whose delivery would be compromised or stalled by the appeal proposal. This may explain why the Council's own Green Belt Assessment for the eTLP did not raise issue with purpose e) when assessing this site. Moreover, the LPAs 2022 Interim Housing Policy supports various eTLP housing allocations in the Green Belt as means of boosting supply. Overall, I find there would be no conflict with purpose e).

27. The Parish Council and others submit that the proposal would conflict with purpose b) in relation to preventing neighbouring towns merging into one another, by reference to Lingsfield and Dormansland. I observed the character between the two settlements and that various intervening developments including the racecourse, Lingfield College, the St Piers complex and the housing at Tannery Gardens could contribute towards a perception that separation between the two settlements is fragile and as such remaining countryside gaps serve purpose b). Whilst the appeal proposal would result in

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<sup>11</sup> Paragraph 6.2, Clifford Thurlow Proof of Evidence

encroachment in the countryside there would remain distinguishable separation with Dormansland by virtue of a residual countryside gap around the Eden Brook and the unaffected strong sylvan character between the railway bridge / St Pier's Lane turn and the north-western edge of Dormansland. Overall, there would be no physical or perceptual merging of settlement and so purpose b) would not be conflicted with.

28. Whilst the LPA does not advance a case of harm to Green Belt purpose d) I note that the GBA for the eTLP did, and this is reflected by the appellant<sup>12</sup>. I deal with heritage in more detail below but it is clear that Green Belt at the appeal site serves a purpose to preserve the setting and special character of historic towns in terms of the historic settlement in Lingfield, a large rural settlement. As such purpose d) would be conflicted with, albeit only to a modest degree.

#### *Green belt and emerging Local Plan*

29. The Part 3 Green Belt Assessment<sup>13</sup> (GBA) for the submitted eTLP concluded that exceptional circumstances were justified to alter Green Belt at the appeal site. The site was assessed as LIN030 and Appendix 1 of the GBA makes clear that the appraisal was predicated on the site accommodating 50 dwellings. This is in marked contrast to the 99 dwellings scheme here. Whilst recording that previous Green Belt assessments for the eTLP (Parts 1 and 2) appear not to have found exceptional circumstances, the Part 3 GBA asserts that harmful impacts on the purposes of Green Belt could be limited by being contained by existing built form. The GBA then goes on to assess that "infilling this area" would "make positive contribution to settlement form". It also considers that buffers, landscaping and sensitive design could conserve the setting of Lingfield Conservation Area and states that impact on setting of listed buildings could be adequately mitigated. The impact on the significance of heritage assets was an unresolved aspect of the eTLP examination and so I am very cautious to give any weight to this aspect of the GBA.
30. It is not entirely clear on what basis the GBA considered a scheme of 50 dwellings but it is informative that the 'landscape' section of the GBA states: "The site is potentially suitable for limited development within the northern part of the site, in association with the existing surrounding development....." (my emphasis). This section of the GBA then goes on to say that the southern portion of the site protrudes into the surrounding landscape and is a noticeable part of the south-eastern approach to Lingfield providing a rural setting to the village. This all aligns with the requirement in part 4 of Policy HSG12. Ultimately, the GBA places some emphasis that development would infill a gap confined by built development and roads in the built-up area and would 'complete' settlement form (again, my emphasis). That is a matter of judgement and one which given the relatively weak relationship to development to the south-east of the pinch-point within the site could only be sensibly applied to the north-western parts of the site.
31. Consequently, whilst the GBA may have supported a conclusion of exceptional circumstances in respect of HSG12 for 60 dwellings (based on an assessment of 50 dwellings) it is of almost nil weight in terms of informing whether very

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<sup>12</sup> Alun Evans, Proof of Evidence, paragraphs 3.7 & 3.17

<sup>13</sup> Green Belt Assessment (Part 3): Exceptional Circumstances and Insetting – June 2018

special circumstances exist for 99 dwellings on the site, including the proposed significant extension of development into the south-eastern part of the site.

*Green Belt conclusion*

32. In conclusion, the appeal proposal would be inappropriate development which is harmful by definition. The scheme would also result in significant harm to the openness of the Green Belt. The proposal would also result in significant harm to the purpose of safeguarding the countryside from encroachment and moderate to limited harm to the purposes of preserving the setting and special character of historic towns. These harms, as set out in the NPPF, attract substantial weight. Accordingly, the proposal must be considered against TLPP2 Policies DP10 and DP13 which seek to resist inappropriate development in the Green Belt except in very special circumstances. 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.

***The effect on the significance of Heritage Assets***

33. On this main issue there is some common ground between the LPA and the appellant<sup>14</sup>. Except for the Conservation Area, no heritage assets would be physically affected by the proposed development, such that for many of the heritage assets the main issue relates to their setting<sup>15</sup> only. The issue of setting also applies to the Conservation Area as the appeal site straddles the designated boundary. There is no dispute that harm to the significance of heritage assets would arise as a consequence of the appeal proposal. Furthermore, there is common ground that in respect of the heritage significance of each asset the harm would be less than substantial. I concur with this. Consequently, it is the degree of any less than substantial harm, which is the matter in dispute.
34. As a precursor to dealing with this main issue, there is some fluidity in the heritage evidence as to the character of the appeal site in terms of the direct impact on the Conservation Area and character of the appeal site in assessing setting. The heritage evidence before me invariably describes the appeal location as either rural, semi-rural or as part of a townscape. I deal with character and appearance in more detail below as a separate main issue, but for purposes of heritage significance the appeal site is manifestly countryside. Despite the proximity of Lingfield Park Racecourse and development on Town Hill, Church Road, Station Road and to the north at New Place Gardens off Baker's Lane, the prevailing character of the appeal site is rural, being pastoral countryside at the edge of a large village. The District Council term the appeal site a 'green lung', that is an apt description.

*Setting of the listed buildings to the west at 'Church Old Town'*

35. To the west of the appeal site is group of buildings clustered around the church. Various references are made to this area as the 'Church Old Town' or 'church group'. There is agreement that the designated heritage assets at this location that need to be considered are the Grade I listed St Peter and St Paul Church, the Grade I listed Pollard Cottage and Pollard House (hereinafter referred to as Pollard House) and the Grade II\* listed Church House and Star

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<sup>14</sup> Heritage Statement of Common Ground (July 2023)

<sup>15</sup> Applying the definition of 'setting of a heritage asset' at Annex 2 of the NPPF

Inn Cottages (hereinafter referred to as Church House). These are part of a remarkable group of buildings, predominantly of medieval origin, where some of the earliest buildings in Lingfield are located. Part of the heritage significance of the assets listed above is their delineation of a period of vibrant but nucleated medieval settlement and activity at Lingfield.

36. The Grade I listed St Peter and St Paul Church, comprising a Fourteenth Century tower and the remainder of the church rebuilt in the Fifteenth Century, is a strong example of medieval ecclesiastical architecture. Due to its scale and grandeur, it is significantly more than an archetypal parish church<sup>16</sup>, reflecting the wealth and standing of the de Cobham family in the medieval period, including connections to the college and the training of chaplains. The church occupies slightly higher land above the shallow valley floor of the Eden Brook to the east. Furthermore, the church tower is topped with a dominant pyramidal broach spire. Consequently, it seems to me that the church was to some extent intended to be experienced in the wider rural landscape as a locator of notable medieval settlement and as a marker of the wealth and status of the de Cobham family.
37. Whilst the majority of the heritage significance is embodied in the architectural (aesthetic) and spiritual value of the building and this would remain unaffected, setting is an important aspect of its significance for the reasons set out in the preceding paragraphs. I share the assessment of Dr Edis that the immediate churchyard environs, the later churchyard extension and the grouping of buildings in the immediate vicinity of the church are the more sensitive part of the setting and this would remain unaffected. Whilst there are some verdant qualities in this immediate setting there is little sense of the church in a wider rural landscape within which it was originally conceived and located.
38. Whilst there is no direct intervisibility to the appeal site within the immediate churchyard, there remains a sense of rural openness beyond the Star Inn when approaching the Church Old Town group from the south on Church Road. Whilst development from the late Nineteenth Century onwards has enveloped the Church Old Town to the north, west and south, the appeal site, despite the intervening presence of the Star Inn building, survives to the south-east as the last discernible trace of countryside close to the church. In various views from within Lingfield, the church is now mainly experienced in the context of intervening development, with little sense of its origins and long-held position (for some 500 years) as a relatively isolated rural church. As such I consider the surviving rurality of the appeal site makes a notable contribution to the wider setting of the church as part of its significance. This aspect of setting would be moderately harmed by the perceptible infilling of the appeal land when approaching the church from Church Road to south, through the gaps to either side of the Star Inn.

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<sup>16</sup> "Surrey's only Perpendicular church of any size or pretension and overall therefore one of the stateliest in the county." Quoted from O'Brien, Nairn & Cherry, in 'The Buildings of England: Surrey' at paragraph 4.3.2 of Mr Reynold's Proof of Evidence



39. The appeal site affords the last remaining views across countryside, from Station Road and beyond<sup>17</sup>, towards the upper part of the church tower and its spire. In these limited views its prominence and status as a substantial parish church, in a rural context, is revealed. The views from the Station Road footway were, due to the height and density of the hedge in full leaf, limited to glimpses of the tower from two places broadly at the location of Figure 5 in Mr Reynolds' evidence<sup>18</sup>. In winter months when the hedge is not verdant, I am satisfied that the church spire would be more clearly visible from Station Road. A clearer, unimpeded view of the tower, albeit over a slightly longer distance is available from the path to the racecourse at the point of Dr Edis' Figure 82 and again on the same path slightly to the south after the footbridge over the brook. In all of these views the appeal proposal would have a harmful effect on the setting of the church by reducing visibility of the spire in a rural setting. In the case of the appeal site this has particular significance in being the last meaningful area of countryside fringing the 'Church Old Town' and its survival as an edge to clearly demarcate the period of medieval settlement including the church.
40. The layout of the appeal scheme is purposefully designed to create a central avenue through the housing development to establish a sightline to the church tower from Station Road and which would also line up to Dr Edis' Figure 82 viewpoint on the racecourse path. This is shown in a sketch vignette<sup>19</sup> for purely illustrative purposes. Whilst the tower and upper parts of the church would be revealed it would be experienced in the context of a dominant suburban foreground with any sense of rurality significantly diminished. I do not consider this design approach significantly reduces the harm. Overall, I find there would be less than substantial harm to the setting of the church and this would be at the low end of any range of such harm. I am mindful, however, that this harm would be to a particularly fine Grade I heritage asset, which has significant community value. Accordingly, even a low level of less than substantial harm must weigh heavily against the proposal.
41. Pollard House is a Grade I listed building whose heritage significance is mainly embodied as a fine example of a surviving Fifteenth Century Wealden Hall House with a later Sixteenth Century jettied cross wing. As recorded on the listing description, this later element contains a "rare survival" of an original medieval shopfront. The building forms part of the edge of the "Church Old Town" group and so its position in marking the extent of medieval settlement and the stasis that followed, in terms of the preservation of the proximity of countryside to the south-east is a moderate part of its heritage significance. In terms of setting, the principal experience of Pollard House is as part of the grouping of other buildings forming the entrance to the southern side of the churchyard. I do, however, for similar reasons as set out above for the church, consider that the current openness and rurality of the appeal site a short distance to the south-east of Pollard House is a spatial aspect of its setting. Additionally for Pollard House there would be some direct, limited visibility of the appeal proposal from the first floor window of the jettied cross wing

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<sup>17</sup> There was some dispute at the Inquiry as to the status and accessibility of the footpath connecting from Racecourse Road to Lingfield railway station. It is a generous tarmac path with streetlamp lighting. There is nothing at either end of the path to say access is restricted. On all site visits I have undertaken (various times of the day and none coinciding with a race meeting) I have observed several people using this path. A viewpoint from this path is assessed by Dr Edis (his Figure 82) and he does not dispute the accessibility of this path (paragraph 3.5, footnote 29).

<sup>18</sup> Also STAGs Viewpoint B and Dr Edis' Figure 53.

<sup>19</sup> Core Document 1.21 Drwg 2661 C 1053 Rev A

between the Star Inn and its outbuilding to the north. Whilst the Star Inn provides a considerable physical intervention, a clear sense of rurality can be experienced beyond the Star Inn in the gaps to either side of the building, when approaching Pollard House from the south on Church Road or at the front of the building. This sense would be tangibly reduced by the extent and layout of the proposed development, even allowing for the proposed area of open space. This less than substantial harm in terms of impact on its setting would not be negligible but it would be very much towards the low end of any range of such harm. In coming to this view, I have given appreciable weight to the submissions of Historic England who share the Council's assessment of a low level of less than substantial harm.

42. Church House is a Grade II\* listed building where the heritage significance mainly comprises its architectural quality and its scale as a building of some status reflecting its past function as a hostelry. In terms of setting as part of its significance there are some parallels to Pollard House in terms of being towards the edge of the medieval nucleus and the significance of the proximity of the appeal site in terms of the original rurality of the Church Old Town group. In respect of Church House, I consider the contribution of the appeal site to the setting to be slightly less because it is a building of later reconstruction which largely faces away from the appeal site with little evidence that upper floor windows were intended to take in the appeal site. Furthermore, the listing description, reflecting that Church House is somewhat further tucked into the Church Old Town group, purposefully states that it forms an "important part of the approach to the Church." The same is not said of Pollard House. As such I consider the aspect of setting provided tangentially by the appeal site is not as significant to appreciating the heritage significance of Church House as it is for Pollard House and so it would be reasonable to conclude that the scale of less than substantial harm would be minimal.

#### *Setting of New Place*

43. New Place is a Grade II\* listed building of early Seventeenth Century origin. It is a substantial house, in the Jacobean style, sitting within its own grounds, the most immediate of which are contained within a substantial and separately listed wall. Its heritage significance derives from a combination of its architectural quality, including the durability of materials used and the quality and detail of its openings. Its heritage significance also derives from its status as a building of some grandeur conceived to be experienced as a stand-alone country house. In terms of setting, the house is orientated to be principally experienced from the east, from what is now Station Road. The contained garden grounds to the west are also an important part of its immediate setting. I also consider, however, that another important dimension of its setting is the intervening countryside at the appeal site, which serves to reveal that New Place was established as a separate, satellite development in the countryside rather than extending from the Church Old Town core established earlier by the de Cobham family. Another aspect of the setting to New Place is the interrelationship to the nearby New Place Farm to the south-west and the extent to which the appeal site was in common ownership as farmed land associated with New Place.
44. In terms of the appeal proposal there would be no impact on how the building is experienced from Station Road. There would be scant intervisibility within New Place with the proposed dwellings due to the orientation of openings,

intervening vegetation and the buildings at New Place Farm. There would be no interruption of any significant views from within New Place towards historic Lingfield. The dynamic between New Place and New Place Farm would not be affected by the appeal proposal. Within the contained private grounds of the house there would be only a limited physical awareness of the proximity of the proposed development. There would, however, be harm to setting arising from the significant physical loss of intervening countryside and a consequent enclosure and final enfolding of New Place into the built-up area of Lingfield, significantly eroding the original, detached countryside origins of New Place. I share the assessment of Historic England that the proposed buffer zone of open space to the west of New Place would not be sufficient to maintain a meaningful sense of rurality to New Place. Overall, the harm identified to the setting of New Place would be less than substantial and towards the low end of such harm.

### *Lingfield Conservation Area*

45. The Lingfield Conservation Area (LCA) encompasses the historic core of settlement at Lingfield, including the 'Church Old Town' assemblage. The LCA also extends east of the Church Old Town group to include various parcels of open land as far as and to include the substantial dwelling at New Place and the nearby New Place Farm. The latter has been converted to residential units but is recognised as a non-designated heritage asset. Whilst there is not a Conservation Area Appraisal<sup>20</sup>, in my assessment the delineation of the LCA decisively sought to envelop an important dimension of the evolution of the settlement morphology of Lingfield in terms of New Place establishing close to, but separate from, the earlier medieval core in Lingfield. Whilst the appellant queries the rationale for the boundary of the LCA as it crosses open land in the southern part of the appeal site and the direct heritage value of the appeal site, by reference to archaeology and other matters, I also note that there is little dispute that the LCA boundary has been purposefully drawn<sup>21</sup>.
46. Notwithstanding the development of the Star Inn in the early Twentieth Century and the later residential development at New Place Gardens, the LCA encompasses an appreciable area of open land that still allows for the historic relationship between the medieval core and New Place to be tangibly experienced and understood. The heritage significance of the LCA is its encapsulation of the pattern of historic development in Lingfield as a rural settlement in the Low Weald.
47. As set out above, the degree of proposed open space and buffering to PROW381a and the retained garden land to New Place, would not mitigate the fact that the scale and layout of the appeal proposal would extensively remove any meaningful sense of separation between Church Old Town and New Place. There would be significant harm to the ability to appreciate and understand historic settlement pattern in this part of Lingfield. The proposed development would also extend into open farmland forming the immediate setting to the south of the LCA and the New Place group including New Place Farm. This projection of development would further adversely impact on the ability to read and understand the historic settlement pattern contained within the LCA.

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<sup>20</sup> Initial preparatory work for a CAA has been undertaken by Lingfield Parish Council and Surrey County Council but there is not an advanced output to inform this decision.

<sup>21</sup> Dr Edis Proof of Evidence, paragraph 3.3, footnote 27.

48. In terms of experiencing this harm, I am satisfied, as set out above, that the loss of openness and rurality of the appeal site, whilst not strongly visible, would be perceptibly experienced from within the LCA on Church Road between the gaps either side of the Star Inn in terms of noise, lights and glimpses of rooftops, including above what is currently a modest marquee structure to the south of the pub. The impact on the LCA would be readily and significantly experienced on PROW381a due to the proximity of proposed development in both the north and north-western parcels either side of the path and with the new vehicular highway crossing over the path. Additionally, the harmful loss of openness and consolidation of settlement would be highly experienced in the setting of the LCA from Town Hill and Station Road and more widely to south-east on Racecourse Road and from the racecourse path.
49. The appellant asserts that the less than substantial harm to the LCA would be at the middle of any range. Historic England comment that the harm to LCA would be 'middling' in any less than substantial spectrum. The LPAs position is at variance to this in concluding that the less than significant harm would be at the upper end of the range. Clearly the appeal proposal would not result in the total loss of the heritage significance of the LCA but it would significantly, permanently infill an open area that is key in revealing historic settlement pattern in Lingfield. New Place and New Place Farm would become subsumed within a pattern of modern residential development and their original rural identity would be irrevocably lost. The appeal proposal, through the direct loss of open land intrinsic to understanding historic settlement pattern and the evolution of Lingfield would inherently fail to conserve and enhance either the character or appearance of the LCA. Accordingly, I arrive at my own conclusion that the less than substantial harm would be in the upper half of any range, above the mid-point.
50. In coming to this assessment, I give credence to the submissions of Mr Reynolds that when looking at the heritage significance of the LCA one should factor in the non-designated heritage asset at New Place Farm on the south-western edge of the LCA rather than potentially 'double counting' by dealing with New Place Farm separately. In terms of New Place Farm, its heritage significance as both being within the LCA and as a non-designated heritage asset is its spatial and functional relationship as the 'home farm' to the nearby New Place and its agrarian form and function connected to the tenure of the surrounding land of the appeal site, which is either within the LCA or its immediate setting. The buildings have been converted to residential, but the original layout and character of the farm complex is still evident. The conical oast house and its cowl are prominent in numerous views from Town Hill providing a clear marker in the landscape of the agrarian heritage in this part of Lingfield parish. Due to the adjacent fields, including those of the appeal site, New Place Farm is generally detached from the pattern of built-up development in Lingfield and remains to be mainly experienced as a rural heritage asset.
51. Layout is not a reserved matter and the proposal to position a particularly large building<sup>22</sup> immediately to the south of New Place Farm within an extensive area of car parking would insensitively overwhelm the form and scale of the original farm buildings. In my view, it would be a particularly poor design response. It

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<sup>22</sup> Whilst scale and appearance are reserved matters, the sizeable footprint of the building on the fixed layout plan is consistent with Section 5.2 of the Design & Access Statement which shows a bulky apartment building.



would remove the rural setting of the buildings, and firmly incorporate them within a modern housing development. I recognise that a considerable part of the setting of New Place Farm is the spatial relationship to New Place and this would not be interrupted by the appeal proposal. However, the immediate land of the appeal site informs the very purpose of the origins, function and form of the buildings and this sense and relationship would be harmfully lost.

52. At present there are several uninterrupted views along Town Hill of the Oast House and its distinctive cowl as well as other parts of New Place Farm. Having regard to the proposed layout details all but one of these views would be fundamentally lost with the proposed development. The one retained view from Town Hill is purported to be from the proposed access road junction. Based on the proposed layout the principal access road does not align with the position of the Oast House. Any view would be limited to a point at the extreme south-east of the proposed access road junction. As such I do not share the appellant's assessment that the appeal scheme would positively frame a view to the Oast House and the New Place Farm buildings. In contrast to what is currently an unimpeded view of the historical farm complex in its intended arcadian setting, the consequence of the appeal proposal would be to reduce a view of the Oast House to a relatively narrow sightline where modern housing development in the foreground would harmfully dominate and interfere.
53. All of this reaffirms in my view that an assessment of less than substantial harm to the heritage significance of the LCA is somewhere between the middle and upper end of the range of such harm.

#### *Heritage Benefits*

54. The appeal proposal would deliver new areas of accessible open space, including notably an area to the north-west of the site adjacent to the Star Inn. Within this area there would be views of parts of the church and elements of Church House and Pollard House. The views of the church would not be comparable to the longer-range views from Station Road and on the racecourse path where the spire is experienced within a wider, deeper rural setting. There would be a strong sense of enclosure at the proposed open space with modern housing and the Star Inn being dominant features. As such I only give very limited weight to the potential heritage benefit of public views from what is currently private land.
55. As set out above, I acknowledge the scheme seeks to retain two views across the site to the church and New Place Farm oast. As a consequence of the layout and amount of development proposed (both of which are fixed for determination as part of this appeal) I find these views would be compromised in the extent to which they could positively reveal the heritage significance of the assets. In balancing this against the views that would be lost there would be minimal beneficial gain.

#### *Emerging Plan and Heritage*

56. As set out above, the eTLP inspector, despite having the Sustainability Appraisal (SA) report and the Tandridge Landscape Capacity and Sensitivity Study 2017, nonetheless requested additional evidence in relation to the effect on the significance of heritage assets. The SA itself identified that the heritage impacts of a 60 dwelling scheme were minor negative/uncertain, indicating a

degree of harm. I am advised that Mr Reynolds' evidence to this inquiry would have formed the District Council's assessment had the eTLP examination advanced. I have no reason to disagree that this would have been case. Various proposed modifications by the LPA to HSG12 on plan submission (the red text) appear to indicate that the heritage impacts of a 60 dwelling scheme on HSG12 may have been under-estimated when preparing the eTLP. Accordingly, on the issue of effects on heritage assets, I find myself giving no weight to the emerging plan evidence base because of the unresolved concerns of the examining Inspector and the variance between what was tested in SA and the significantly different amount of development proposed in the appeal scheme.

### *Overall conclusion on heritage*

57. For the reasons set out above, there would be less than substantial harm to the significance of various heritage assets. The harm to the setting of the Church of St Peter and St Paul, Pollard House and New Place would be at low end of less than substantial harm. Given these are Grade I and Grade II\* listed buildings that degree of harm, to some of the most nationally important heritage assets, is not to be regarded lightly. The less than substantial harm to the setting of Church House would be slightly lower than those above. In respect of the direct effect on the LCA and the impact on its setting, including the presence of New Place Farm as a non-designated heritage asset within the LCA, the less than substantial harm is at a point between the middle and upper end of any range of such harm.
58. The proposal would be contrary to CS Policy CSP18 and TLPP2 Policy DP20 by virtue of failing to respect the character, setting and local context, including heritage assets that contribute to local distinctiveness. Specifically, the proposal would not protect, preserve or wherever possible enhance the historic interest and setting of the District's heritage assets and historic environment. Paragraph 189 of the NPPF states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The NPPF states at paragraph 199 that great weight should be given to an asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 199 goes on to say, that this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states that any harm either directly or from development within its setting, should require clear and convincing justification. In this appeal, there is no dispute that the harm would be less than substantial, and I do not arrive at a different conclusion, and so paragraph 202 of the NPPF states that such harm should be weighed against the public benefits associated with the proposal.
59. Importantly, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special regard to the desirability of preserving a listed building or its setting. Similarly, Section 72(1) of the Act<sup>23</sup> requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. These are stern

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<sup>23</sup> Engaged by virtue of the appeal site comprising land within the LCA.

tests and as such it is incumbent that I attach considerable importance and weight to the harm that has been identified.

***The effect on the character and appearance of the area and whether valued landscape***

60. Under this main issue I deal first with general character and appearance matters including whether the appeal site is valued landscape for the purposes of NPPF paragraph 174 a) and then secondly whether the proposed layout for 99 dwellings would be an appropriate response to the local character given it would not be a reserved matter for future consideration.
61. The appeal site comprises an intimate patchwork of pastoral fields, generally enclosed by hedging of various density and height. There are occasional trees on parts of the site closer to the Star Inn and numerous trees sporadically around the edge of the site, particularly to the north. I appreciate my site visits have occurred in summer when deciduous trees and hedging are in full leaf but in various perspectives around the site, built development is not a particularly strong or consistent feature, with long-established development on Town Hill, Church Road and Station Road generally filtered through maturing vegetation. Indeed, when approaching the site from the south-east as Racecourse Road crosses the Eden Brook, the appeal site presents a bucolic scene in which any palpable sense of the adjacent modern settlement<sup>24</sup> at Lingfield is astonishingly absent. Overall, the appeal site is a remarkably intact verdant pocket of countryside at the south-east edge of Lingfield.

***Valued Landscape***

62. The appeal site does not fall within, nor is it immediately adjacent to, any national or strategic level designation which reflects a landscape character or quality dimension, for example, an Area of Outstanding Natural Beauty. Nor is the appeal site within a local landscape designation in an adopted development plan. The Surrey Landscape Character Assessment for Tandridge (2015) identifies the appeal site as within a landscape area of Low Weald Farmland, and specifically the Horley to Swaynesland Low Weald Farmland Landscape (referenced as area WF3). The WF3 area comprises a large tract of gently undulating land in Tandridge between the narrow band of Greensand hills to the north and the wooded hills of the High Weald to the south. I note the appellant's Landscape and Visual Impact Assessment 2022 (LVIA) states that WF3 is considered to have a "local/district value". This is defined as being locally or regionally designated landscapes, which is not the case here, or areas which site observation indicates as being more valued than the surrounding area.
63. The Low Weald Farmland landscape within which the appeal site is located is an area of generally attractive but otherwise relatively ordinary lowland farmland. I accept that the Landscape Character Assessment work is necessarily 'broad-brush' but the appeal site coherently fits within the wider host landscape rather than exhibiting a particular level of landscape characteristics that distinguish it on a very localised level.
64. The verdant character and openness of the appeal site is clearly appreciated by many in the local community, with this value potentially heightened by the

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<sup>24</sup> By which I mean development from the late Nineteenth Century onwards

northern part of the appeal site being dissected by a very well-used public footpath. PROW381a connects large parts of the village to the train station, allowing for a pleasant rural walk in an otherwise large built-up village. Popularity, however, in and of itself is not a basis for a valued landscape<sup>25</sup>.

65. The appellant has undertaken an assessment applying recognised guidance<sup>26</sup>. The LPA has not undertaken to record a comparable methodical exercise. I attach appreciable weight to the Technical Guidance Note (TGN) which has overlap with the earlier Box 5.1 methodology in GLVIA3<sup>27</sup>. Looking at the various landscape factors the site has some localised ecological value but no designations. It has cultural heritage value in terms of a large part of the site being within the Conservation Area and providing part of the setting to other designated and non-designated heritage assets. This could equally be said of many parts of the countryside and the site itself displays little to reveal a 'natural time depth'<sup>28</sup>. As such I am cautious that cultural heritage alone elevates the site to a valued landscape. There are no associative connections to the site.
66. I accept there are relatively few striking views across the site and that the site possesses no wildness. Other than within the boundaries of PROW381a there is no formal or agreed public access to the site. I agree with Mr Croot's assessment that the landscape condition is relatively intact<sup>29</sup>. I am, perhaps, more positive than Mr Croot regarding the distinctiveness and perceptual (aesthetic) qualities of the site, in terms of the contribution it makes to the character and identity of the historic core of Lingfield and sense of arrival from the south-east. However, having regard to the TGN and what it says about distinctiveness and scenic and perceptual qualities I am clear I should not conflate my observations of what is a pleasant, bucolic approach and area within Lingfield with a landscape that distinctively confers a strong sense of place.
67. In looking at the evidence on valued landscape in the round, I have also considered the Tandridge Landscape Capacity and Sensitivity Addendum 2017. This assessed the appeal site under reference LIN030 providing a scoring mechanism for landscape value against recognised factors. The overall value judgement score is 20 which is 'moderate'. I note the range for moderate is 16-21 placing the site towards the upper end of the spectrum but I see nothing irrational in the component scores. It confirms my view that the appeal site has some strong landscape qualities, but these make the site a 'good' ordinary rather than something exceptional or substantial in landscape terms that elevates the site "beyond mere countryside".
68. It is finely balanced but, overall, I am satisfied that the appeal site does not meet a threshold to be considered a valued landscape for the purposes of NPPF paragraph 174 a).

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<sup>25</sup> Stroud District Council v. SSCLG & Gladman Developments Ltd [2015] EWHC 488 (Admin)

<sup>26</sup> Landscape Institute Technical Guidance Note (TGN) 02/21: Assessing landscape value outside national designations.

<sup>27</sup> Guidelines for Landscape and Visual Impact Assessment – 3<sup>rd</sup> Edition 2013

<sup>28</sup> Archaeology, historic field patterns etc

<sup>29</sup> Table 1, para 6.3.1. Proof of Evidence of Ben Croot



### *Landscape – character and appearance*

69. The appeal site is redolent of intrinsic key characteristics for the host WF3 landscape. These are set out in the Surrey Landscape Assessment for Tandridge at pages 78-9 and those applicable to the appeal site include, the low-lying landscape with some undulation, the occasional areas of smaller pastoral fields (my emphasis); and the consistent network of well-maintained hedgerows. Whilst the WF3 landscape wraps around several built-up areas (including Lingfield) it is described as a relatively peaceful landscape with limited settlement, particularly to the east<sup>30</sup>.
70. The landscape guidelines for WF3 advise that built development should conserve the pattern and character of existing settlements, resisting spread and to conserve and enhance the landscape setting to villages and edge of settlement. It goes on to advise that distinctive open areas should be conserved, and that built form be integrated by woodland edges, hedgerows and open areas linked to the existing network. Incontestably, the appeal proposal would result in the loss of one of the occasional areas of smaller pastoral fields, key to the character of the host landscape. Whilst various areas of landscape buffer and open space are proposed these would be largely of a suburban amenity character due to the dominance of modern housing and parked vehicles adjacent to these areas. Accordingly, there would be little effective mitigation for the substantial area of pastoral land lost to development. Due to the extensive projection of development beyond the mid pinch-point of the site into an area more prominently experienced in the rural approach to Lingfield from the south-east, the proposed extent of landscaping and retained boundary hedging would not conceal the visible spread of development or significantly reduce its urbanising presence. Overall, the appeal proposal would negatively impact on several key characteristics of the host landscape type.
71. Tellingly, the Tandridge Landscape Capacity & Sensitivity Study 2017 advises in relation to landscape capacity: "The site is potentially suitable for limited development within the northern part of the site, in association with the existing surrounding development, provided it has regard for the existing character of the area and demonstrates no adverse impacts on the surrounding local landscape..." (my emphasis). The appeal proposal would be at significant variance to this. The proposed layout and mitigation would not reduce the landscape or visual impacts to an acceptable degree, in large part due to the extensive volume of development, including breaching beyond what is arguably a stronger point for both landscape containment and assimilation with the existing settlement pattern.

### *Layout*

72. The appeal site comprises three distinct parcels of land. There is a discrete, small parcel of land north of PROW381a which is shown to accommodate 9 dwellings. To the south of the footpath are two larger rectangular parcels of pastoral fields which are diagonally adjacent to each other on a north-west to south-east axis and nipped in the middle by a pinch point located between the eastern most dwelling on Town Hill and New Place Farm<sup>31</sup>. The remaining balance of 90 dwellings to the south of the footpath appears to be broadly

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<sup>30</sup> The appeal site is in the east of the WF3 landscape area.

<sup>31</sup> More eloquently described by others as taking the form of the wings of either a butterfly or a bat.

evenly split between the two areas. The north-west area would, in plan form, be better related to the existing pattern of residential development on Church Road and Town Hill. The south-east portion would result in the proposed housing markedly extending out into open countryside forming a new built edge to Lingfield along Town Hill and Station Road where there would be limited relationship to existing development. This change in countryside character would be accentuated by the sole vehicular access to the development being taken from what is currently a rural part of Town Hill which is not strongly or visually related to existing development to the west.

73. Highway access is shown to significantly extend into and around the site to serve the somewhat disjointed parcellated form of the appeal site. Additionally, the proposed spread of a moderately low density across the site has produced a layout with a notable use of cul-de-sac arrangements. Elsewhere dominant areas of parking courts are proposed to serve apartment development. Overall, I find the extensive degree of highway environment would have a significantly harmful urbanising effect at the appeal location.
74. With regards to the relationship to adjoining development, the appeal proposal, even at an estimated indicative density of around 23.5dph<sup>32</sup> would be moderately denser than development on Town Hill and Church Road. Whilst I note Core Policy CSP19 envisages a density of 30-40dph in rural areas, the appeal site has significant sensitivities which means a bespoke approach is required<sup>33</sup>. To some extent that appears to have informed the assessment of 50-60 dwellings for the site as part of the eTLP process and the proposed content of Policy HSG12. Whilst the outward facing plots around the south and east perimeter would follow the rhythm of housing on Town Hill they would be on much shallower plots. As such the proposed development behind would readily reveal the overall higher density in these perspectives, thus limiting the extent of replication and assimilation with the character of the established dwellings on Town Hill and Church Road.
75. Elsewhere around the appeal site where there is limited development, such as New Place Gardens, Station Road (including Heatherwell House) and New Place Farm this is low to very low density and generally it tends to subtly blend into the verdant edges of these parts of Lingfield. The proposed layout would not be a sympathetic response to this. For example, there would be a small but notable, one-off cluster of relatively dense development north of PROW381a which would have a very limited relationship to the surrounding pattern of development. Similarly, the layout and density of development between New Place Farm and Station Road would significantly jar with the more dispersed pattern of development to the north. Furthermore, as set out above, the proposed layout would unduly dominate and urbanise the rural New Place Farm through a harmful combination of proximate bulky buildings and a swathe of car parking across two areas.
76. Landscaping is proposed at the southern and eastern edges of the site, including provision for sustainable drainage features. The details of this landscaping would be controlled at any reserved matters stage but the depth of this buffer is relatively modest along Town Hill and thin along the northern part of Station Road boundary. Given the likely footprint and proximity of the proposed dwellings and the dominance of frontage cul-de-sac arrangements I

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<sup>32</sup> Dwellings per Hectare, figure taken from Design and Access Statement, page 49.

<sup>33</sup> Applying 30-40dph would result in a capacity of 189-252 homes, Deely Proof of Evidence para 7.4.

find the proposed scope for landscaping would have only a limited effect in mitigating the visual impact and projection of development into what is currently a distinctly rural location. Whilst I accept that visibility of development can serve as a means of wayfinding, I find that to be minimal relevance or benefit here.

77. Ultimately, the site is countryside with a prevailing rural character despite the proximity of some development. Some parts of the site clearly have a greater capacity to accommodate development than others. I am mindful that the site is highly sustainably located, close to facilities in Lingfield, a train station with frequent services and there are various bus stops around the site. NPPF paragraph 124 supports the tenet of making efficient use land, albeit caveated at point e) in terms of the desirability of maintaining the area's prevailing character and setting. The proposed approach of evenly spreading a major development of 99 dwellings with only modest buffering to sensitive edges (or not all in the case of New Place Farm) and necessitating extensive highway to access to various parts of the site means a particularly harmful urbanising effect would result which would fail to be a sympathetic response to local character.

#### *The crossing of PROW381a*

78. I am satisfied, having regard to the Statement of Common Ground Addendum on the PROW<sup>34</sup>, that highway access to the northern parcel of land could be safely achieved. However, in doing so, some mature boundary vegetation either side of the footpath, at what is currently a notably rural and secluded part of the path, would need to be removed. Whilst landscape buffering is proposed in this part of the appeal site, due to the required degree of opening up to get the road safely across the path with sufficient visibility for path users, the proposed housing development either side of the path would be highly conspicuous, particularly to the north. The rural nature of the path would be further eroded by the physical interruption of the new road across it. Whilst this road would only be lightly trafficked it would nonetheless, in combination with the removal of mature vegetation, harmfully interfere with the rural, tranquil nature of the footpath. I consider the urbanising effect the character and experience of using the pleasantly rural PROW381a would be a further moderate harm under this main issue.

#### Character and Appearance and eTLP evidence

79. In terms of the harm to character and appearance I am mindful that the entire appeal site formed proposed allocation HSG12 and so some degree of change to character and appearance was clearly anticipated when the LPA submitted the eTLP. There are, however, a number of significant differences between submitted Policy HSG12 and the appeal proposal that have a bearing on this main issue.
80. Firstly, submitted Policy HSG12 estimated a site yield of 60 dwellings on the 6.2 hectares site and the evidence base in relation to HSG12 on plan submission was predicated on either on this capacity<sup>35</sup> or a lower figure of 50 dwellings<sup>36</sup>. The appeal proposal represents a 65% uplift to the 60 dwellings

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<sup>34</sup> ID11

<sup>35</sup> For example - "approximately 60 residential units" in the eTLP Sustainability Appraisal, CD10.6 p.293

<sup>36</sup> Green Belt Assessment Part 3 CD13.15

figure (noting the appeal scheme is fixed at 99 dwellings, and not up to 99 dwellings). Whilst the LPA confirmed as part of the plan examination that 60 dwellings was to be regarded as a minimum figure<sup>37</sup> no alternative or higher figure was either offered by the Council or recommended by the Inspector for HSG12 as being necessary for plan soundness. Indeed, the Council's response in TED17 specifically states at Section 5 that the submitted 60 dwelling yield estimate reflects "...conservation, town / landscape and environmental character constraints." No alternative figure had been tested or consulted upon over the following 4 years of the plan examination.

81. On any measure a 65% uplift in capacity is a significant difference to what the eTLP anticipated for the site. Furthermore, I find the evidence in Appendix 1 of TED17, which calculates a "possible revised capacity" figure of 151 dwellings to be of very limited relevance. It appears to be little more than a theoretical exercise on a standard density multiplier (60% net developable area at 40 dwellings per hectare) with little regard to the sensitivities of the appeal site. Indeed, it was put forward without the benefit of any detailed heritage assessment as sought by the plan inspector. There are no proposed modifications to the eTLP before me to indicate that such a capacity was ever seriously contemplated. Ultimately, the eTLP evidence base does not assess the ability of the site to accommodate 99 dwellings. This places significant limitations on any weight I should give the eTLP evidence base on the issue of character and appearance.
82. Secondly, the language of submitted policy HSG12 is unambiguous. It refers to supporting development where site-specific matters/requirements are addressed. A requirement ordinarily means something which is necessary or that must be satisfied. Part (iv) of the submitted Policy HSG12 states that: "To limit the impact to the wider landscape, development should be focused toward the areas adjacent to existing built form and the north of the site." This part of the policy was not proposed for modification on plan submission and there is no evidence that the plan inspector was seeking to recommend changes in this regard. By significantly extending development into the south and east of site and substantially breaching the obvious pinch point that defines the north of the site, the appeal proposal would not conform with this envisaged requirement. I do not consider the small range of buildings at New Place Farm and the pair of dwellings at the junction of Town Hill and Station Road provide a sufficient extent of 'built form' to which development in the south-east parcel could be related to in order to create an infill extension to the village. In large part the development in the south-east part of the site would harmfully project into open countryside contrary to what eTLP Policy HSG12 was clearly seeking to achieve.

### Conclusion on character and appearance

83. I conclude that the proposed development would have a significantly harmful effect on the character and appearance of the area. In failing to preserve and enhance landscape character it would be contrary to CS Policy CSP21. It would also be contrary to TLLP2 Policy DP7 due to neither integrating effectively with its surroundings nor reinforcing local distinctiveness and landscape character. The proposal would also conflict with paragraph 174b) of the NPPF insofar as it seeks to recognise the intrinsic character and beauty of the countryside. In

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<sup>37</sup> Document TED17 – Tandridge District Council Allocated Housing Site Yields – October 2019 – Section 2



terms of design and the urbanising effect, the proposal would be contrary to CS Policy CSP18 which requires, amongst other things, that development must reflect and respect the character, setting and local context. There would be further conflict with TLLP2 Policy DP7 in terms of respecting and contributing to character and appearance of the area, being in keeping with the prevailing landscape/streetscape and by avoiding overdevelopment or unacceptable intensification. In terms of design the layout of the proposal would not accord with NPPF paragraphs 126 and 130 in terms of achieving well-designed places as a key aspect of sustainable development. The development would not add to the overall quality of the area (NPPF paragraph 130a), it would not be visually attractive as a result of good layout and effective landscaping (NPPF paragraph 130b), and it would not be sympathetic to local character and landscape setting (NPPF paragraph 130c). NPPF paragraph 134 states that development that is not well designed should be refused.

## **Other Considerations**

### *Housing Delivery*

84. Due to the circumstances with plan-making, the appropriate measure is the latest local housing need using the recommended 2014 household projections. The LPAs latest 2022 Annual Monitoring Report says there is 1.57 years supply although there is persuasive evidence before me that it is now likely to be even less at 1.54 years. Against either figure, the housing land supply situation in Tandridge is highly unsatisfactory. Recent housing delivery in Tandridge has been lamentable at just 39% of the required target.
85. Unfortunately, these circumstances are likely to have been exacerbated by the protracted eTLP process. Despite the LPA's Interim Policy Statement for Housing Delivery the situation is likely to worsen further in the short term in the absence of an up-to-date Local Plan. Whilst I recognise the District Council may not necessarily be starting with a blank piece of paper for any successor development plan to the eTLP, the hard reality is that in a district with 94% Green Belt, there will not be a plan-led approach to tackling housing delivery for some time. Given the significant objections to the nascent LNP, I am not persuaded that this plan will promptly provide a local framework for housing delivery in Lingfield. The situation regarding the eTLP and the realistic timeframe for any successor Local Plan means that housing land supply issues are unlikely to be resolved in any meaningful way through plan-making any time soon.
86. In light of the above, the appeal proposal would deliver 99 much needed homes with attendant significant social and well-being benefits that derive from giving households a decent home. This would accord with the aim of national planning policy to significantly boost the supply of housing and providing types and tenures of housing needed for different groups, including family housing.
87. I am mindful of the LPA's Interim Policy Statement for Housing Delivery and progress being made on some of the eTLP sites identified in the policy at Appendix A. I am concerned, however, that on closer examination the headline support for these sites in the policy has not necessarily transferred into practice. This is evidenced in the very recent appeal in early 2023 for 100 homes west of Limpsfield Road in Warlingham (eTLP site HSG15) where the LPA maintained an in-principle objection on Green Belt harm despite the site being identified in Appendix A. Other sites on the list appear to be taking some

considerable time to progress through the planning process. I am also directed to other developments, notably the recent St Piers scheme between Lingfield and Dormansland for 152 units<sup>38</sup>. Whilst this provides some evidence of the LPA taking a positive approach to development proposals, ultimately, I am being referred to relatively few examples. Accordingly, I am not confident that, despite the interim policy, that there are currently sufficient signals to indicate a marked improvement in housing delivery is materialising in Tandridge in the short term, such that I should give reduced weight to the benefits arising from the delivery of an additional 99 dwellings.

88. Overall, in the context of a most optimistic figure of 1.57 years deliverable supply and against a recent backdrop of very poor delivery and having regard to the appeal scheme's ability to bring forward a variety of house types and sizes, the benefits arising from the proposed market housing must carry very significant weight.

### *Affordable Housing*

89. Turning to affordable housing, the evidence before me in the District Council's latest housing strategy is of an annual need for 456 dwellings over a five year period (2019-2023 and then 284dpa thereafter to 2033). Given that average house prices in Tandridge are circa £500,000 and the evidence before me is that the District housing waiting list is just shy of 1,800 households, it is unsurprising that there is a significant need for affordable housing. Looking at the latest Annual Monitoring Report (AMR)<sup>39</sup>, Table 2 shows the monitoring for CS Policy CSP4 and confirms that since 2006 only 68 affordable homes have been delivered on average each year. At the recent Warlingham decision it was considered that performance would decline with only 53 affordable dwellings likely to be completed per annum over the next 5 year period. Given the Warlingham appeal was allowed (with 40% affordable housing provision) that figure increases to approximately 61 affordable homes per year. Accordingly, I fully concur with my colleague at the recent Warlingham decision that the affordable housing situation in Tandridge is "extremely bleak"<sup>40</sup>.
90. I was referred to the District Council's commendable efforts to increase the supply of affordable housing through amongst other things its own land assets<sup>41</sup>, but the scale of what is being envisaged would make relatively little inroads into the substantial scale of need identified. Particularly, when on closer scrutiny some of the schemes referred to are already accounted for in the housing trajectory in the AMR. Overall, there remains a pressing and acute need for affordable housing within the District.
91. The appeal scheme would deliver 40% affordable housing, which would be in excess of the CS Policy CSP4 requirement for 34% in this location. Through the submitted S106 this would be direct, on-site provision, over which the District Council would have nomination rights applying its choice based letting scheme to align provision with greatest need. Accordingly, I afford the benefit of 40% on site delivery of affordable housing very significant weight in favour of the appeal proposal.

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<sup>38</sup> A scheme for extra-care (C2) units and so its impact on housing delivery would be adjusted downwards using the multiplier in the Housing Delivery Test.

<sup>39</sup> Core Document 9.5

<sup>40</sup> APP/M3645/W/22/3309334 – paragraph 72

<sup>41</sup> ID20

### *Economic Benefits*

92. The proposal would deliver economic benefits during the construction phase. Over the long term, future occupiers of the dwellings would contribute to the local and wider economy including expenditure in local facilities. The proposal would also be liable for CIL and generate annual Council Tax revenue. I give the economic benefits of the proposed development moderate weight.

### *Biodiversity*

93. Baseline evidence records populations of grass snakes and an 'exceptional' population of common lizard at the appeal site, with approximately 0.3 ha of suitable habitat lost or affected. An Outline Reptile Strategy has been submitted which provides a basis for mitigation, including as a backstop the strategy of a translocation site. I have some reservations about the effectiveness of what is being proposed in terms of the preference to deliver a receptor area on-site within the proposed greenspace given the likely preponderance of cats and a general aesthetical desire amongst most people for tidiness and neatness that would be inimical to tolerating the kind of scrubby, scruffy habitat that would suit reptiles.
94. It may well be that a translocation site for reptiles would be more effective, and this would be secured through the S106 as part of any required offsetting. I also accept a condition could be imposed requiring further details on a reptile mitigation strategy prior to commencement. Whilst my concern regarding reptiles is not something that specifically weighs against the appeal proposal it does dampen, in my view, the extent to which any biodiversity benefits would flow from the scheme.
95. The site is likely to be of foraging value to other species including badgers and bats and of benefit to breeding birds and hazel dormice. I am satisfied that these matters can be appropriately addressed by conditions on landscaping, lighting and protective measures to be taken during the construction phase. The Parish Council raised particular concern regarding newts but the evidence before me, including from Surrey Wildlife Trust, is that they are unlikely to directly present on the site.
96. Biodiversity net gain (BNG) through a combination of habitat and hedgerow units shows there would be gain in excess of the minimum 10% which is shortly to be enacted through legislation. The BNG is committed to through a combination of condition (in terms of a Biodiversity Enhancement Strategy) and various obligations through the S106 to secure offsetting provision if required. The S106 includes a financial contribution towards biodiversity offsetting as well as securing off-site land (receptor site) and its ongoing management over a reasonable period. The S106 also makes provision to the District Council for monitoring the implementation of the various obligations relating to S106. The monitoring sum is significant at £120,000 but it is to endure for an appropriate period to ensue the necessary requirements are met and so is fairly and reasonably related in scale and kind. The proposed approach to biodiversity would generally accord with CS Policy CSP17 and TLPP2 Policy DP19. NPPF Paragraphs 174 d) and 180 d) seek to minimise harm and improve biodiversity in and around developments, especially where this can secure measurable net gains for biodiversity. Accordingly, and notwithstanding my reservations about the potential effectiveness of mitigation

for a valuable reptile population, I afford the environmental benefits arising from the predicted biodiversity net gain moderate weight.

### *Highways*

97. The proposal is supported by a comprehensive Transport Assessment which forecasts the likely vehicle trip rates to be generated by the development using widely recognised formula. I have observed that traffic levels on this road can get busy at peak periods, but it appears to be a reasonably free-flowing road. Whilst there is some local concern about the speed of traffic at this location, I attach significant weight to the absence of an objection from the local highway authority on highway safety grounds, subject to the imposition of conditions. The proposed visibility splays at the junction with Town Hill would reflect the local highway conditions including recorded speeds. There is nothing substantive before me to demonstrate that the proposed point of access would be unsafe or have an unacceptable impact on the road network more generally. As set above residual concerns regarding highway safety where a proposed access road crosses the PROW 381a have now been resolved through detailed technical drawings, which could be secured by condition. I am satisfied that the proposed arrangement shown in the drawings would be safe for all highway users including those using PROW381a. Consequently, the appeal proposal would be acceptable on highway safety grounds and there would be no conflict with Policy DP5 of the TLPP2 or with paragraphs 104a), 110b) and 111 of the NPPF.

### *Sustainable Location and Climate Change*

98. Lingfield has very good sustainability credentials including a range of services and facilities within walking and cycling distance of the appeal site. The appeal site is within very short walking distance of the train station which benefits from regular and direct train services to nearby towns and into London and there are bus stops on both Station Road and Town Hill with a reasonable frequency of service<sup>42</sup>. There is a very good prospect that future occupiers of the appeal scheme would not be reliant on the private car and modal shift could further be enhanced by the proposed planning obligation to improve bus stops in the vicinity of the site and through the provision of cycle storage in the scheme and a travel plan both of which could be secured by condition. The appeal proposal would be highly sustainably located in accordance with NPPF paragraph 105. I consider this to be a significant benefit weighing in favour of the proposal.

99. A small part of the appeal site close to Station Road is within Flood Zone 2. No built development is proposed in this area and it would form part of the landscaped area to the south-east of the site. The S106 contains obligations requiring that a Sustainable Drainage System (SuDS) is implemented in accordance with approved details and maintained and kept free for that use. Whilst there were some reservations about the effectiveness of the proposed approach, these have now been resolved<sup>43</sup> subject to the S106 and the imposition of conditions. Accordingly, there would be no conflict with TLPP2 Policy DP21 or paragraphs 167 and 169 of the NPPF.

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<sup>42</sup> See Appendix A to McMurtary Proof of Evidence, especially Figure 3.2 and Tables 3.1 and 3.2

<sup>43</sup> ID9



100. The homes would be constructed to latest energy efficiency standards and incorporate measures for electric vehicle charging. I attach moderate weight to these environmental benefits.

### *Planning Obligations*

101. I have dealt with those planning obligations relating to affordable housing provision and BNG in terms of the weight to be given to benefits that would arise in the preceding paragraphs. Planning obligations would also provide for open space, including play area provision and for the ongoing management of these areas. Such provision is required by CS Policy CSP13 and TLPP2 Policy DP18 and would accord with NPPF paragraphs 92 and 93. Whilst the open space and play area could be used by the wider community as it is provision which largely mitigates demands arising from the development, I have treated its provision as neutral in any planning balance.
102. Planning obligations would also provide for “highway works” comprising a new pedestrian crossing over Station Road and improvements to bus stops in the vicinity of the appeal site on Town Hill, Church Road and Station Road including shelters, accessible height kerbing and real time passenger information. This would support modal shift in accordance with CS Policy CSP12. What is being sought would meet the relevant legal tests and so I have taken the “highway works” obligation into account. What would be secured would represent an improvement on existing provision, including safer means of crossing the highway to reach the railway station, which would have wider benefits for the local community, particularly those without access to a car. This would amount to a modest social and environmental benefit in favour of the appeal proposal.
103. A separate contribution of £32,000 is proposed to fund improvements to PROW381a. I observed that the footpath has a tarmacadam surface along its entire length and lighting columns at regular intervals. There are places where the path surface is either narrow or particularly uneven and/or beginning to disintegrate. The path would serve the appeal proposal as one of the means of pedestrian connection. The LPAs CIL Compliance Statement provides details of how the sum has been calculated and I find it would be reasonably related in scale and kind to the appeal proposal. As such I have taken the obligation into account and assign it positive weight in the overall balance in terms of the wider benefit to Lingfield from enhancements to what is clearly a well-used path.
104. A planning obligation is presented to contribute £300,000 towards the installation of a mobility impaired persons access at Lingfield station. At present the station has a stepped footbridge for passengers alighting on the platform from the London direction or for travel to East Grinstead, which disincentivises impaired mobility persons from using the train, including future occupiers of the appeal proposal. The District Council’s Infrastructure Delivery Plan identifies the project, and it was specifically referenced in Policy HSG12. A project prepared by Network Rail to install lifts is costed at £6million, which is not yet fully funded or in receipt of any CIL monies. CS Policy CSP12 seeks that new development contribute towards improvement to rail facilities including accessibility. The obligation would contribute 5% to the overall cost which I consider to be fairly and reasonably related in scale and kind. As such I have taken the obligation into account.

105. A planning obligation is proposed to contribute £224,330 towards re-provision of existing doctor surgery facilities in Lingfield. There is little dispute that the existing surgery facility in the village is too small. Policy HSG12 sought such a contribution in relation to the proposed eTLP allocation. The contribution would be in accordance with CS Policy CSP11 in terms of providing additional capacity to meet the needs arising from the development with further explanation provided in the Council's CIL Compliance Statement<sup>44</sup>. As such I find the obligation would meet the relevant tests but again as mitigation to meet demands of the development, I treat it as neutral rather than something positive in any balance.

### **Other Matters**

106. I have been referred to other appeal decisions, including those where very special circumstances for inappropriate development in the Green Belt have clearly outweighed the harms identified. As a general principle, however, each case must be determined on its own merits and on the particular facts of the case. There are two recent appeals (Warlingham<sup>45</sup> and Billericay<sup>46</sup>) which I consider have the greatest relevance to the circumstances before me.

107. As a very recent appeal decision in Tandridge District for major residential development of 100 homes in the Green Belt, on a site proposed for allocation in the eTLP (site HSG15) the Warlingham decision is clearly a notable material consideration for this appeal. I have arrived at a comparable conclusion to this decision in relation to the economic benefits of what are almost identically scaled schemes. In relation to general housing and affordable housing delivery I have arrived at a different conclusion of very significant weight (as opposed to significant weight) mainly because of the situation with the eTLP examination and the ramifications that there will now be a further hiatus before there is any plan-led grip on meeting the housing requirement in Tandridge.

108. On the other hand, there are significant differences which limit the extent to which the Warlingham scheme provides a basis on whether very special circumstances exist at the appeal site before me.

109. Firstly, the Warlingham scheme would deliver the re-provision and enhancement of a sports facilities, a benefit which does not apply here. Secondly, the Warlingham scheme did not entail any heritage harm and concluded that there would be no unacceptable harm to the character and appearance of the area. The absence of such 'other harms' in determining whether very special circumstances exist is materially different to this appeal. Thirdly, whilst matters have moved on with regards to the eTLP examination since March 2023, I note in the Warlingham decision that no specific soundness concerns were raised by the examining inspector on site HSG15 in contrast to the circumstances at this HSG12 appeal site<sup>47</sup>. Accordingly, that would inform a different assessment against paragraph 48(b) of the NPPF in terms of weight to emerging Local Plan policy than the situation before me. Allied to this, the Warlingham appeal site, unlike the appeal site before me, is positively identified in the District Council's Interim Policy Statement for Housing Delivery. Consequently, on the substantive matter of reaching a view on

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<sup>44</sup> ID26, in particular Appendix 1

<sup>45</sup> APP/M3645/W/22/3309334 – Land West of Limpsfield Road, Warlingham – decision dated 11 April 2023

<sup>46</sup> APP/V1505/W/22/3298599 – Land North of Kennel Lane, Billericay – decision dated 9 December 2022

<sup>47</sup> Paragraph 59 of 3309334 refers to the "evident lack of unresolved objections to the principle of the proposed housing allocation on the appeal site in Policy HSG15 in the ELP" and paragraph 48 of the NPPF.

whether very special circumstances exist I find the Warlingham decision, overall, to be of limited applicability and weight.

110. Turning to the Billericay decision, and having regard, in particular, to NPPF paragraphs 147 and 148, I share my colleague's assessment in that case that demonstrating very special circumstances represents "an extremely high policy bar to cross"<sup>48</sup>. Whilst the Billericay decision states that the Green Belt Review evidence for the withdrawn Local Plan weighed "very heavily" in favour of the appeal in that case, I have relatively few details about the Local Plan and have to assume there was reasonable synergy between the appeal proposal capacity for up to 200 dwellings and the proposed local plan allocation, which is not the case in this appeal. Ultimately, the Billericay decision hinges on Green Belt harm and no other harms, which again is materially different to the circumstances before me and so limits the weight I can give to this decision in terms of withdrawn Local Plan evidence and whether very special circumstances exist.

111. Details are provided of an unimplemented scheme for 51 dwellings on the appeal site granted planning permission in August 1970 under reference GOR/475/70. This scheme preceded the designation of the LCA in 1972. It was also granted prior to the increased professional understanding and policy guidance of such matters as historic environment, landscape and design quality. Accordingly, I do not consider it a material consideration for this appeal, which is taking place some 53 years later in a markedly different development plan and national planning policy context.

**Whether any harm to Green Belt and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposed development.**

112. In respect of the Green Belt, harm would arise from inappropriateness, the appreciable reduction in openness and conflict with two of the five Green Belt purposes. The identified harm to the Green Belt attracts substantial weight against the proposal.

113. In terms of other harms, there would be less than substantial harm to the significance of various heritage assets. There would be a high degree of less than substantial harm to the significance of the Lingfield Conservation Area, including its setting and significant harm to the setting of a non-designated asset within it. There would be a generally low level of less than substantial harm to various listed buildings. This low level of harm is nonetheless to four designated heritage assets of the highest significance being either Grade I or Grade II\*. Whilst there would be some limited heritage benefits from additional public views, this would do little to reduce or lessen the harm identified. The identified heritage harm must be given very great weight given heritage assets are an irreplaceable resource, whose significance should be conserved and enhanced.

114. The harm to the character and appearance of the area, including the particular urbanising effects of the proposed development, attracts significant weight against the proposal.

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<sup>48</sup> Paragraph 71 of 3298599

115. In terms of the other considerations, I have given very significant weight to the provision of both market and affordable housing as positive benefits that would arise from the appeal proposal. The proposed housing would be highly sustainably located being close to services, facilities and good public transport and this also attracts significant weight in favour of the appeal proposal. Moderate weight is given to the economic benefits that would arise. Limited weight is given to the benefit of biodiversity net gain and moderate weight to the benefits of new homes built to latest energy efficiency standards. The benefits that would arise for the wider community from enhancements to PROW381a, improved bus stops, safe pedestrian crossing of Station Road and financial contributions to accessibility measures at Lingfield station are all of moderate weight.
116. I have also taken into account the other consideration that the appeal site was allocated in the eTLP under Policy HSG12 and that various evidence base documents prepared by, and for, the District Council sought to demonstrate that exceptional circumstances existed for altering the Green Belt at this location to facilitate sustainable housing development. As set out in my decision, the appeal scheme is significantly at variance with Policy HSG12 and parts of the accompanying evidence base. The examination on the eTLP has now all but unsatisfactorily finished at the time of writing this decision and the examining inspector's soundness concerns regarding the heritage impacts of HSG12 remained unresolved. As such, I have variously given either only limited or nil weight to the eTLP and its evidence base being in support of the appeal proposal. Therefore, the proposed allocation in HSG12, adds little in my view, as part of any 'other considerations' that should weigh in favour of the appeal proposal. Moreover, the threshold for exceptional circumstances required when reviewing Green Belt boundaries through the prism of strategic plan-making as part of the eTLP process is materially different to the extremely high bar needed to demonstrate very special circumstances.
117. In having regard to the other considerations in this case, they do not clearly outweigh the harms I have identified. Consequently, the very special circumstances necessary to justify the proposed development do not exist. The appeal proposal would therefore conflict with TLLP2 Policies DP10 and 13 and national planning policy as summarised above, notably paragraph 148 of the NPPF.
118. As set out above there is no five year supply of deliverable housing land and various development plan policies that are most important for determining the application are out-of-date. In terms of the application of paragraph 11(d) of the NPPF and whether planning permission should be granted (subject to Section 38(6) of the 2004 Act) I turn first to limb (i) of the paragraph.
119. In respect of heritage matters, the less than substantial harm identified, should be weighed against the public benefits of the proposal in accordance with paragraph 202 of the NPPF. Whilst I have found that the less than substantial harm to the setting of various Grade I and Grade II\* listed buildings would be to the lower end of any spectrum of less than substantial harm, I cannot overlook that this harm would be to heritage assets of the highest national significance. Moreover, the direct harm to the significance of the LCA would be firmly above the middle of any range of less than substantial harm.



120. Heritage assets are an irreplaceable resource, and the last vestiges of the conservation area's rural qualities, providing an important demarcation between the historic edge of the medieval core and later satellite settlement at New Place, contributing to the heritage significance in terms of the setting of the listed buildings, would be irrevocably eroded to an unacceptable degree. Whilst the cumulative benefits of the appeal scheme are considerable and there would be a limited heritage benefit in terms of newly created viewpoints, I do not find the public benefits would outweigh the harm to heritage assets.
121. Consequently, when considering limb (i) of paragraph 11(d) of the NPPF I am drawn to footnote 7 as to whether there are policies that provide a clear reason for refusing the development proposed. In this case both Green Belt and heritage policy, as referred to in footnote 7, are engaged and provide clear reasons for refusing the appeal proposal. Consequently, the presumption in favour of sustainable development is overcome in this appeal and with it, potential support from TLLP2 Policy DP1.
122. In conclusion the appeal proposal would be contrary to CS Policies CSP18 and CSP21 and TLLP2 Policies DP7, DP10, DP13 and DP20. It would also fail to accord with national planning policy at paragraphs 126, 130, 134, 137, 138, 147, 148, 174, 189, 199, 200, 202 and 203 of the NPPF, as set out above. The CS policies identified are reasonably consistent with the relevant parts of the NPPF and the conflict with them should be given significant weight notwithstanding their age. The TLLP2 policies are consistent with the NPPF and so carry full weight. For the reasons given, there are not material considerations in this appeal, including very special circumstances, to indicate a decision should be made other than in accordance with the development plan. Accordingly, the appeal fails.

### **Conclusion**

123. For the reasons set above and having regard to all other matters including the intended allocation of the site in the eTLP, the appeal should be dismissed and planning permission should be refused.

*David Spencer*

Inspector.

## **APPEARANCES**

### **FOR THE LOCAL PLANNING AUTHORITY:**

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For the Round Table discussion on proposed conditions:

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## FOR THE RULE 6 PARTIES:

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Parish Councillor and Vice Chair of the Parish Council

For Planning matters she called:

Kate Hearnden

Chair of Lingfield Neighbourhood Plan Working Group

### Star Fields Action Group (STAG):

Ian Jones

Chairman of STAG

For Heritage Matters he called:

Bill Stevenson

Chair of RH7 Local History Group

## INTERESTED PARTIES:

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- Ward District Councillor

Julie Duggan

- Parish Councillor

Edward Lowy

- Local Resident

Alison Verlander

- Local Resident

Ryan Howard

- Local Resident

Andrea Watson

- Local Resident

Richard Young

- Local Resident

Richard Wickham

- Local Resident

Stuart Scholes

- Local Resident

Cllr Lesley Steeds

- Ward County & District and Parish Councillor

Ben Rispin

- Local Resident

Lindsey Smith

- Local Resident

## **Inquiry Documents (IDs) submitted at the event**

- 1 Opening Statement for the Appellant
- 2 Opening Statement for the Local Planning Authority
- 3 Opening Statement for Lingfield Parish Council
- 4 Opening Statement for STAG
- 5 Statement of Cllr Katie Montgomery
- 6 Statement of Parish Councillor Julie Duggan
- 7 Statement of Cllr Lesley Steeds
- 8 Photographs from Ben Rispin
- 9 Correspondence from the Local Lead Flood Authority 2 August 2023
- 10 Extract from Volume 1 of Sustainability Appraisal for the Submitted Tandridge Local Plan 2019 - Key to Appraisal Scores

- 11 Statement of Common Ground Addendum re. Public Right of Way – 10 August 2023
- 12 Map of LCA WF3 Horley and Swaynesland Low Weald Landscape
- 13 Local Plan Examination ID23 Inspector Letter of 23 May 2023
- 14 Local Plan Examination TED59 TDC Letter to Inspector 15 June 2023
- 15 Local Plan Examination ID24 Inspector Letter of 23 June 2023
- 16 Local Plan Examination TED60 TDC Letter to Inspector 4 July 2023
- 17 Email of 21 July 2023 notifying Local Plan Procedural Meeting Of 27 July 2023 and hyperlink to TED61
- 18 Email of 25 July 2023 from Local Plan Examination Programme Officer with agenda for procedural meeting of 27 July 2023
- 19 Local Plan Examination Document TED61 – TDC document for Procedural Meeting of 27 July 2023
- 20 Tandridge District Council Leader’s Column June 2023 – Council House Building and Affordable Homes
- 21 Responses to Lingfield Neighbourhood Plan Regulation 14 consultation
- 22 Local plan inspector correspondence of 10 August 2023 (ID26 to the Local Plan Examination)
- 23 Mr Thurlow’s Supplementary Proof of Evidence on Local Plan Examination
- 24 Draft Section 106 agreement submitted by the appellant 31 August 2023
- 25 Revised List of Suggested Conditions submitted 29 August 2023
- 26 Updated CIL Compliance Statement submitted 8 September 2023
- 27 Amended Conditions 11 and 12 and new condition 23, submitted 12 September 2023
  
- 28 Closing Statement for the Local Planning Authority
- 29 Closing Statement for Lingfield Parish Council
- 30 Closing Statement for STAG
- 31 Closing Statement for the Appellant

### **Inquiry Documents submitted after the event**

- 32 Engrossed Planning Obligation – Received 22 September 2023