

From: Clive Smith <clive.smith@surreycc.gov.uk>
Sent: 15 July 2025 09:32
To: Cliff Thurlow; Statutory
Subject: Re: Application 2025/245 - 190 dwellings, care home and associated development on land south of Barrow Green Lane, Oxted.
Attachments: Application 2025:245 - 190 dweliings and care home, barrow Green Road, Oxted..pdf

Dear Cliff and Admin Team,

Please substitute the above National Planning advice on this application from that submitted below on 11 July to that attached to this email which corrects the reference to Wheelers Lane to Wheeler Avenue in Section 3 to bullet point 3.

Many thanks.

Regards,

Clive Smith
Surrey Hills National Landscape Planning Adviser



From: Clive Smith <clive.smith@surreycc.gov.uk>
Sent: 11 July 2025 11:30
To: Cliff Thurlow <cthurlow@tandridge.gov.uk>; Statutory Emails <statutory@tandridge.gov.uk>
Subject: RE: Application 2025/245 - 190 dwellings, care home and associated development on land south of Barrow Green Lane, Oxted.

Dear Cliff,

Please find attached my protected landscape planning advice on the above planning application.

Regards,

Clive Smith
Surrey Hills National Landscape Planning Adviser



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SURREY HILLS NATIONAL LANDSCAPE PLANNING APPLICATION ADVICE.

Application 2025/245 - 190 dwellings , extra care facility for up to 80 beds and associated development , land south of Barrow Green Road, Oxted.

The above planning application site does not currently fall within the existing Surrey Hills National Landscape, formerly AONB, but nevertheless raises 3 relevant National Landscape planning issues:

- Whether the proposed development would spoil the setting of the Surrey Hills National Landscape by harming public views into or from the National Landscape,
- The relevance of Section 245 of the Levelling-Up and Regeneration Act 2023 to the duty placed upon the Council as Planning Authority that it must “seek to further the purpose of conserving and enhancing the natural beauty of the AONB”, now termed National Landscape, when considering the setting of the Surrey Hills National Landscape,
- The relevance and weight to be given to Natural England’s proposal to include the application site within the designated Surrey Hills National Landscape to be submitted to the Secretary of State.

1. The Setting of the Surrey Hills National Landscape.

NPPF paragraph 189 in the December 2024 version includes the following wording regarding protecting the setting of National Landscapes;

“development within their (National Landscapes) setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”

Further, that NPPF paragraph 187 includes the following under its section heading of conserving and and enhancing the natural environment ;

“187. Planning policies and decisions should contribute to and enhance the natural and local environment by:

A) protecting and enhancing valued landscapes

B) Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services”

The current Surrey Hills AONB Management Plan 2020-2025 includes the following relevant policy which being formally adopted is a relevant planning consideration:

“Policy P6. Development that would spoil the setting of the of the AONB by harming public views into or from the AONB will be resisted.”

The application submission is well documented. From a landscape aspect it includes Landscape and Accurate Visualisations of the Proposed Development and a Landscape and Visual Impact Assessment. The Surrey Hills National Landscape is about 600m to the north of the site.

The visualisations of the proposed development give the easiest impressions of the visual impact of the proposed development on the setting of the National Landscape. I comment on these as follows.

- Appendix H3 Part 1. These visualisations from the bridleway crossing the middle of the site illustrate probably the most significant changes to public views into the National Landscape. 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. That provides an attractive backdrop to this part of Oxted. The bridleway is well used and seemingly publicly important. The manner in which the multitude of objectors to the application express themselves illustrate how important the protection of this view of the North Downs is to them. The proposed tree planting either side of the bridleway in the visualisation shows that the narrow view of the North Downs in the short term would in time be lost. There are also informal footpaths around the periphery of the field where current views of the National Landscape would be lost by the development.
- Appendix H3 Part 3. Currently, visitors to the burial ground benefit from attractive and tranquil views of the North Downs and the absence of any intervening development. As the visualisations show, the massing of the care home would obstruct that view which I consider would detract from visitors' experience to this publicly sensitive location. From the entrance to the burial ground the introduction of a dwelling close to the burial ground would spoil a lovely approach to the burial ground by blocking the view of the North Downs.
- Appendix H3 Part 5. Although not as widely important as the above views, the attractive view of the National Landscape at the end of the cul-de-sac of Wheeler Avenue would be obstructed by the proposed development.

Consequently, I do not consider that the degree of harm to public views into the National Landscape could reasonably be argued to meet the need set out in NPPF paragraph 189 for developments within the setting of National Landscapes to be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. Neither would the development meet NPPF paragraph 187.

The submitted Landscape and Visual Impact Assessment is comprehensive but the conclusions as to the impact of the development do not seem to tally with the body of the report. For instance paragraph 12.4.73 in relation to users of the public bridleway fairly states:

“The visual receptors are considered to have a high sensitivity to the type of change proposed since they are engaged in outdoor recreation and their attention is likely to be focussed on the landscape. The value was assessed as high and sensitivity is therefore judged to be high.”

But then the conclusion at paragraph 12.10.15 simply states *“Effects on the AONB are therefore predicted to be negligible”*.

2. Duty under the Levelling-Up and Regeneration Act 2023 for a Planning Authority to seek to further the purposes of Protected Landscapes.

Section 245 of the Act places a duty on relevant authorities, including Planning Authorities, in fulfilling their functions affecting a National Landscape *“must seek to further the purpose of conserving and enhancing the natural beauty of the AONB”*, now termed National Landscape.

As Defra’s December 2024 published “Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes” states, the new duty is intended to facilitate better outcomes for England’s Protected Landscapes. It is an active duty placed upon planning authorities and not on planning applicants, although the latter may seek to assist a planning authority in meeting the duty, where applicable, with mitigation. As the guidance states in its final section, the duty also applies to the setting of Protected Landscapes.

The duty does not prevent a Planning Authority from granting permission for development within the setting of a National Landscape but it needs to apply Defra’s guidance. This includes taking appropriate, reasonable and proportionate steps to explore measures which further the statutory purposes of Protected Landscapes.

In my view, the nature and scale of this proposal and its relationship to the setting of the National Landscape means that the furthering the purposes of Protected Landscapes cannot be satisfied by mitigation measures such as the design and extent of the proposed development. It is more whether the principle of the development and the harm to the setting of the Surrey Hills National Landscape can be justified by other overriding relevant planning considerations.

But the thrust of this new duty would seem to justify in this case great or substantial weight should be given to avoiding harm to the setting of the National Landscape. If the Council were nevertheless to conclude, on balance, that permission should be granted it needs to be confident that it has applied and met Defra's guidance relating particularly to the sections on what a relevant authority should do and consider, together with the section on the setting of Protected Landscapes.

3. Natural England's proposal to include the application within the Surrey Hills National Landscape.

The very fact that Natural England's (NE) consultant landscape consultants have assessed this site as meeting NE's criteria of natural beauty sufficient for National Landscape designation and meets its desirability requirement demonstrates the high landscape value of this site. Furthermore, NE's landscape consultants are specialists and experienced in having advised NE in defining National Park and National Landscape boundaries elsewhere in the country. In my view, their judgements need to be respected.

As farmland the nature of the site changes in appearance through the seasons. This is in contrast to whether the site were in equestrian use that does not possess these landscape qualities. Besides remaining farmland making a positive contribution to the character of the better landscapes in the Surrey Hills area, their retention has become more recognised in recent times to be important to the nation's food supply.

Of relevance to this planning application and the setting of the existing National landscape, Natural England in its one sentence summary justification of the proposed addition of the application site in its proposals to extend the National Landscape referred to it as a "sweep of arable land with dramatic views to the chalk scarp".

Of the 191 respondents to the inclusion of the application site and adjoining land as Addition 13 to NE's proposed extensions there was overwhelming support for it while 5 disagreed with the designation largely as it is considered to be not sufficiently beautiful and there is a need for more housing.

NE in responding to those that disagreed with the proposed inclusion of Addition 13 stated the following.

"NE also acknowledges that 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. Whilst this results in a more convoluted boundary, NE considers on balance it reflects the continuation of the landscape to the

urban edge, despite declining elevation, and that the settlement edge does not exert significant influence on the qualities of this land.”

NE was aware of a scoping proposal for 140 dwellings and 80 unit care home on part of the proposed extension of the NL (2024/956/EIA). NE’s response continued:
“The Scoping Report notes sensitive views from the site to the AONB, Church and scarp, as well as proximity to The Bogs. These qualities contribute to the natural beauty of the area as a whole.”

NE’s response further goes on to state that should circumstances change in so far as planning permission is granted for the development prior to the Designation Order being made this will need to be reviewed. However, NE considers this proposed addition and associated boundary remains robust.

NE’s boundary review has reached an advanced stage following the assessment of two stages of public consultation. I anticipate the planning applicants would have objected to the site’s proposed inclusion in the National Landscape. If so their case would have been considered by NE not to be sufficient for the proposal to be deleted. Later this year NE’s Board is expected to approve the Boundary Review to be placed on formal deposit for final consultation before being submitted to the Secretary of State in 2026 for a Variation Order to be made.

As there is a proposal for the site to be a National Landscape, the great weight under NPPF paragraph 189 cannot currently be attached to its protection as a designated site. However, like the progression of a Local Plan through its stages leading to formal adoption as it progresses greater weight can be attached to its policies. As the Boundary Review has reached a fairly advanced stage, it will be for the Planning Authority to determine the weight that needs to be given to the proposed National Landscape designation having regard to the fact that NE has not accepted objections to the site’s proposed NL designation. It is suggested that more than limited weight should be given to the proposed designation. If an appeal is lodged against a planning refusal the Appeal Inspector will need to consider the weight to be given to the progression of the Boundary Review proposals at the time of a public inquiry.

4. Conclusions.

The Planning Authority is understood to be gaining its own detailed landscape architect advice. If that advice accords with and supports this National Landscape planning advice it would seem to point towards the following conclusions.



In balancing the different relevant planning considerations the Planning Authority is asked to give substantial or even great weight to the proposed development spoiling the setting of the Surrey Hills National Landscape by harming important public views into it. The current Surrey Hills AONB Management Plan Policy P6 ,which is a material planning consideration, resists developments that would spoil the setting of the AONB/National Landscape.

Further, the Planning Authority will need to be confident that if were to grant permission that other relevant planning considerations outweighed the Council's duty under the Levelling-Up and Regeneration Act 2023 that it must seek to further the purpose of conserving and enhancing the natural beauty of the National Landscape which includes its setting. That may be difficult.

Lastly, some significant weight should be given to Natural England and its experienced landscape advisers considering that the site meets NE's criteria of natural beauty and desirability for National Landscape designation in its proposals for extending the Surrey Hills National Landscape.

I consider that collectively the above would justify a landscape reason for refusal.

Clive Smith

Surrey Hills National Landscape Planning Adviser



11 July 2025.



The Surrey Hills was one of the first landscapes to be designated an Area of Outstanding Natural Beauty (now referred to as National Landscapes) in 1958. It is now one of the 34 National Landscapes in England having equal landscape status to a National Park. The Surrey Hills National Landscape stretches across rural Surrey, covering about a quarter of the county.

The Surrey Hills Board was established in 2008 as a Joint Management Committee to develop policies and programmes that:

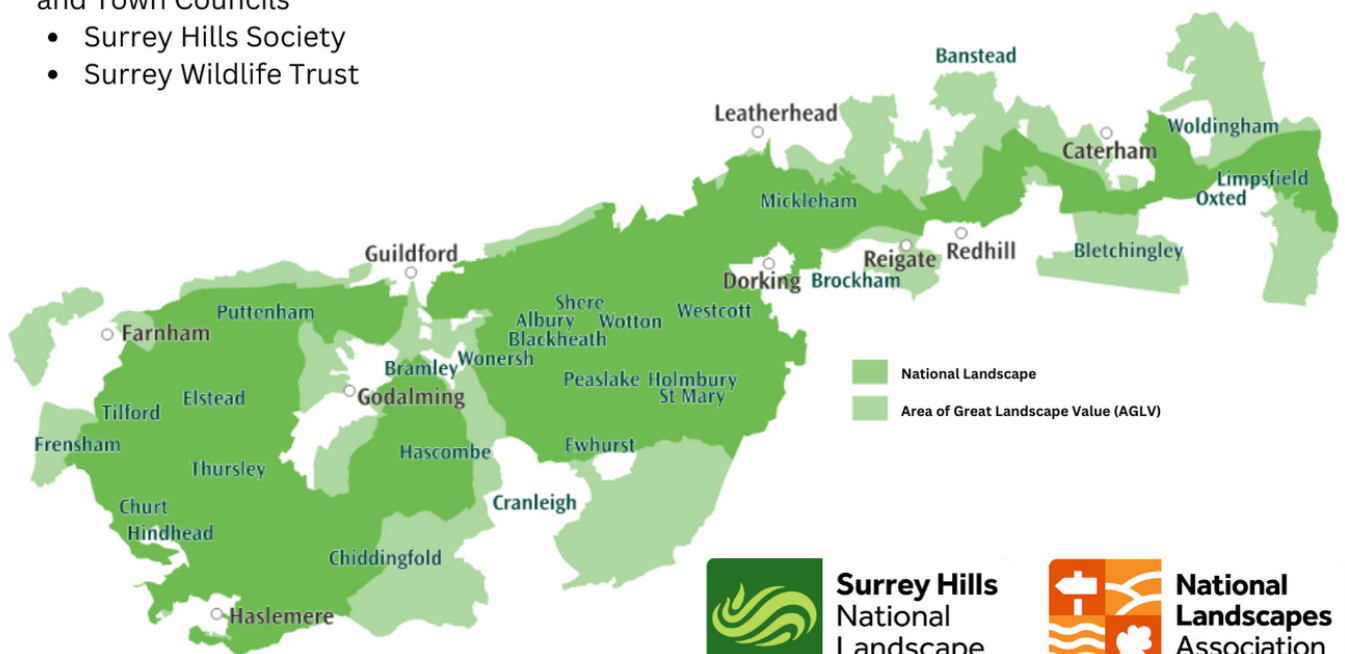
- Protect and enhance the natural and cultural heritage of the Surrey Hills
- Enhance public understanding and enjoyment of the area
- Promote the social and economic wellbeing of the Surrey Hills, particularly in regard to achieving the above objectives

The Core Members funding the Surrey Hills Board are:

- Guildford Borough Council
- Mole Valley District Council
- National Trust
- Natural England
- Reigate and Banstead Borough Council
- Surrey County Council
- Tandridge District Council
- Waverly Borough Council

The Advisory Members (non funding) are:

- CPRE Surrey
- Country Land and Business Association
- National Farmers Union
- Surrey County Association of Parish and Town Councils
- Surrey Hills Society
- Surrey Wildlife Trust





Surrey Hills
National
Landscape