
Appeal Decision

Site visit made on 27 May 2026

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2026

Appeal Ref: 6006504

Land off north west side of Rook Lane, Chaldon, Surrey CR3 5BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Rob Turner on behalf of Virtue Land Ltd against the decision of Tandridge District Council.
 - The application Ref is TA/2025/753.
 - The development proposed is residential development of six new dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development of six new dwellings at Land off north west side of Rook Lane, Chaldon, Surrey CR3 5BN in accordance with the terms of the application, Ref TA/2025/753, dated 24 June 2025.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle route has two stages: the first 'permission in principle' stage establishes whether a site is suitable in-principle, and the second 'technical details consent' stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. In this instance, because the site is in the Green Belt, these matters must be assessed in relation to national and local Green Belt policies. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted.
4. An applicant can apply for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, permission in principle has been sought for six dwellings. Drawings were submitted with the application showing a house type and a layout of six detached dwellings utilising two vehicular accesses, which I have treated as indicative only.
5. The Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2025 to 2040 Referendum Version March 2026 (NP) was made on 24 June 2026, after the determination of the planning application. Insofar as they relate to matters in dispute, the policies of the plan carry full weight.

6. The adjacent property, Rook Cottage, is Grade II listed. The duty under S66(1) of the Listed Buildings and Conservation Areas Act 1990 to have special regard to the desirability of preserving the setting of listed buildings was not discharged when the application was determined. The necessary publicity in accordance with Regulation 5A of the Listed Buildings and Conservation Area Regulations 1990 (as amended) has since been undertaken, and I am satisfied that no parties have been prejudiced. I have invited submissions from the main parties on this matter, and address it below.

Main Issues

7. The main issues in this appeal are:
- whether the appeal site is grey belt land and whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
 - whether the site is suitable for residential development having regard to its location, the proposed land use and the amount of development.

Reasons

Whether inappropriate development

8. The development plan and accompanying policies map identify the appeal site as lying within the Metropolitan Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that development in the Green Belt should be regarded as inappropriate, subject to a number of exceptions set out in paragraphs 154 and 155. Whilst there is no evidence before me that the proposal meets any of the exceptions in paragraph 154, the appellant has made a case that the development would utilise grey belt land and that, by satisfying the requirements of paragraph 155, it should not be regarded as inappropriate development.
9. Grey belt is land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not contribute strongly to any of the purposes (a), (b) or (d) in paragraph 143 of the Framework. The appeal site constitutes other land, and it is not in dispute between the main parties that it does not contribute strongly to checking the unrestricted sprawl of large built-up areas (purpose a), preventing neighbouring towns merging into one another (purpose b) or preserving the setting of historic towns (purpose d). On the basis of the evidence before me, I find no reason to disagree with these conclusions.
10. As a result, and since the site does not include any of the areas or assets listed in footnote 7 of the Framework, it is grey belt as defined by the Framework. Having found the site to be grey belt, the proposal falls to be assessed against the four criteria in paragraph 155 of the Framework. The main parties agree, and I concur, that the proposal would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan (criterion a).
11. The Council, although arguing that a housing target based on an unconstrained local housing need figure is not appropriate for Tandridge, nonetheless accepts

that it does not currently have a five year housing land supply. The Tandridge District Council Annual Monitoring Report 2024/2025 records a supply of 2.17 years. The Framework confirms that the lack of a five year supply of deliverable housing sites amounts to a demonstrable unmet need for the type of development proposed. The proposal therefore satisfies criterion (b).

12. Criterion (c) requires development to be in a sustainable location. The site is located close to a primary school and a village hall. There is a convenience store located approximately 1.5km away, accessible via Rook Lane which has a 30mph speed limit and benefits from pavements and street lights. From my observations, walking or cycling to the convenience store would be a feasible option, notwithstanding the relative narrowness and steepness of the road in places. There are bus services to Caterham and Redhill, which possess higher order facilities and train stations. Although buses only run at two hour intervals on weekdays, the service would facilitate journeys to and from work and school.
13. The Council has raised a concern about the accessibility of bus stops in relation to footways, crossings and waiting areas. The nearest bus stops are located at the junction of Rook Lane and Doctors Lane, a short distance from the appeal site via a pavement which benefits from street lighting. The pavement is on the opposite side of Rook Lane from the appeal site, meaning that future residents would need to cross the road, as they would in order to walk anywhere from the site, but the speed limit is 30mph and there is good visibility in both directions.
14. The westbound bus stop on Rook Lane is located on the pavement. The eastbound bus stop is within a densely planted highway verge, but there is a pavement close to it which could safely accommodate a person waiting for a bus. I am therefore satisfied that future residents would be able to access bus services, and consequently I have not identified a need to improve pedestrian infrastructure or public transport facilities.
15. The appellant has drawn my attention to a number of appeal decisions, one of which relates to the field between 84 and 90 Rook Lane¹, close to the appeal site. In allowing a recent appeal for housing, the Inspector concluding that, having regard to the advice in paragraphs 110 and 115 of the Framework, the site offered a genuine choice of travel modes. This decision confirms my findings regarding the sustainability of the location.
16. The Council has highlighted that the Planning Inspectorate Webinar 6 “What is meant by a sustainable location?” postdates the appeal decision at 84 and 90 Rook Lane. However, the webinar is intended to amplify the advice on sustainable location contained in the Framework and Planning Practice Guidance, and not to update it. The Council has not indicated in what respect the Webinar could lead to a different conclusion being reached on the sustainability of the appeal site compared with that the site at 84 and 90 Rook Lane.
17. The Government’s Connectivity Tool was launched after the appeal decision at 84 and 90 Rook Lane was issued. The main parties agree that the appeal site scores 45 out of 100, which is below the Connectivity Tool’s median score, but the Government emphasises that it is necessary to consider the wider context of locations when interpreting the score. Scores for sites in rural settlements which are low in absolute terms may in fact be high in relative terms, and it seems to me

¹ PINS reference APP/M3645/W/24/3347815

that that is the case here. In light of the guidance at paragraph 110 of the Framework that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the score of 45 generated by the Connectivity Tool does not undermine my findings regarding the site's sustainable location. In reaching this conclusion, I have taken account of a recent appeal decision at Leigh in Tonbridge², where an Inspector found that a site scoring 35 using the Connectivity Tool was sustainably located.

18. Taking all of these factors into account, future residents would have a choice of travel modes, and would not therefore be wholly reliant on the private car. The proposal would be in a sustainable location, in accordance with paragraph 155(c).
19. The site is grey belt and accords with criteria (a)-(c) of paragraph 155 of the Framework. The proposal is not major development and so it is not necessary for me to consider the 'Golden Rules' referred to in criterion (d) of paragraph 155. The proposal would therefore not be inappropriate development. In these circumstances, it is not necessary to consider the impact of the proposal on openness, since this is accounted for in the Framework's identification of exceptions to inappropriate development.
20. The Tandridge District Core Strategy Adopted 15 October 2008 (CS) and the Tandridge Local Plan Part 2: Detailed Policies 2014-2019 Adopted Version July 2014 (LP) both predate the 2024 version of the Framework. Policy CSP 1 of the CS and policies DP1, DP10 and DP13 of the LP set out the Council's Green Belt strategy. Policy DP10 indicates that planning permission for inappropriate development will normally be refused unless very special circumstances apply, while Policy DP13 provides a list of exceptions to the prohibition on inappropriate development.
21. While the list of exceptions in Policy DP13 does not include grey belt, I have found by reference to the Framework that the proposal is not inappropriate development, and therefore very special circumstances do not need to be demonstrated. Because of the age of the respective plans and my finding that the proposal is not inappropriate development, I afford limited weight to the conflict between the plans' policies and the up-to-date Framework.

Location, proposed land use and amount of development

22. Policy DP5 of the LP requires, amongst other things, that proposals provide access by public transport, foot and bicycle to nearby facilities. Surrey County Council's Local Transport Plan 4 (LTP4) reinforces these aims by seeking to establish liveable neighbourhoods and is a material consideration. As I have identified, by reference to paragraphs 110 and 115 of the Framework, that the appeal site would be accessible by a range of transport modes and would not place undue reliance on the car, the proposal would accord with Policy DP5.
23. Given that the site is on a relatively straight stretch of road with a 30mph speed limit, there is nothing to suggest that a safe means of access could not be created. The traffic generated by the proposal would not be so great as to give rise to congestion on nearby roads, even accounting for the nearby presence of a primary school and a village hall. The detailed design would need to incorporate arrangements for the delivery of goods and access by emergency vehicles, meet

² PINS reference APP/G2245/W/25/3367917

the needs of those with disabilities, make adequate provision for car parking to avoid overspill onto nearby roads, and provide charging facilities for electric vehicles. In so doing, the requirements of Policy DP5 and paragraph 117 of the Framework would be satisfied.

24. The area is semi-rural, consisting of a mix of fields, woodland and houses. The site forms part of a field which extends into open countryside, and whilst it is unclear if the site is currently in productive agricultural use, the loss of such a small parcel of land would have only a very limited impact on agricultural output.
25. By utilising only the front section of the field, the site's depth would be comparable with some of the longer residential plots found on Rook Lane. The layout of the site could take the form of two rows of dwellings, as shown on the indicative scheme, but whilst cul-de-sacs are not characteristic of the immediate area, development in depth to the extent indicatively shown would reflect the deep positioning of some of the nearby houses on their plots. The site is long enough to allow houses at the front to be positioned to match the prevailing building line, and wide enough to create plots of similar width to the existing houses opposite.
26. I conclude that the site is suitable for residential development having regard to its location, the proposed land use and the amount of development.

Other Matters

27. S66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 places a statutory duty on decision makers to have special regard to preserving the setting of listed buildings. Rook Cottage is a Grade II listed two storey timber framed building with brick and render infill, a thatched roof and casement windows. Its significance derives from its sixteenth century origins, its design and detailing, and its links to the area's former more rural character.
28. Rook Cottage faces Rook Lane, from which it is screened by a substantial hedgerow. It retains a physical link to open countryside at the rear, albeit the closest land is in equestrian rather than agricultural use. A belt of mature trees separates Rook Cottage from the appeal site such that, at the time of year when I visited, there was limited intervisibility between the two sites.
29. The proposal would result in the appeal site changing from a field containing a small number of outbuildings and a field gate, to a housing development with one or more potential vehicular accesses. The size and design of the proposed houses would be established at the technical details consent stage, but in the event they were two storeys high, they would be higher than Rook Cottage, which has a relatively low eaves line. The scale and appearance of the houses, the probability of development in depth, and the new access(es) would all affect the setting of Rook Cottage.
30. However, the setting of Rook Cottage is semi-rural in character, having been significantly altered by later ribbon housing along Rook Lane. Subject to careful layout and design, the proposed houses are capable of reflecting the character of Rook Lane, thus representing a continuing evolution of Rook Cottage's setting rather than a step change. The retention of the existing belt of trees between the two sites, which is suggested on the indicative drawings, would be critical to maintaining the setting of Rook Cottage. There is no reason why these matters could not be satisfactorily resolved at the technical details consent stage.

31. I conclude that the proposal would have a neutral impact on the setting of Rook Cottage, and would not therefore harm its significance. It would satisfy Policy DP20 of the LP and Policy CCW6 of the NP, which together require proposals to conserve the significance of designated heritage assets and those elements of the setting that contribute to this significance, in addition to being sympathetic in terms of the quality of their design and layout.
32. The site is not identified as being in an area at risk of flooding. Subject to suitable surface water drainage proposals coming forward at the technical details consent stage, there is no reason for the proposal to give rise to flood risk.
33. I have not been advised of a Tree Preservation Order on or close to the site, and even if this were to be the case, the trees I observed were on the perimeter of the site and thus capable of being retained as part of any scheme.
34. Ecological impacts would be assessed at the technical details consent stage, and appropriate mitigation agreed and conditioned at that stage.
35. The mix of units and detailed design of the scheme would be determined at a later stage, at which point landscaping proposals and the protection of neighbouring living conditions would be considered in detail.
36. Whilst interested parties have suggested that local infrastructure is under pressure, the precise nature of the problem and the affected infrastructure have not been explained.
37. The potential for nuisance during the construction phase is capable of being controlled through the imposition of an appropriate condition at the technical details consent stage.
38. Other housing schemes which may come forward in the area in future would be judged against the relevant policies and on their own merits.

Conclusion

39. The PPG makes it clear that it is not possible for conditions to be attached to a grant of permission in principle, whose terms may only include the site location, type, and amount of development. Therefore, I have not imposed any conditions. Where permission in principle is granted by application, such as this, the default duration of that permission is three years, and there is no justification to vary this period in this case.
40. Although the proposal would conflict with the development plan, I attach limited weight to this conflict since, by reference to the updated Framework, the proposal is not inappropriate development in the Green Belt. Consequently, material considerations in this case indicate that a decision should be taken other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

J Heppell

INSPECTOR