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**Former Laporte Works Site, Nutfield Road,  
Nutfield, RH1 4HG**

**An Appeal Under Section 78 of the Town and  
Country Planning Act 1990**

**Appeal Reference:  
APP/M3645/W/25/3374913**

**Proof of Evidence of  
Richard Henley BA (Hons) TP B.PL MRTPI**

**On Behalf of  
Nutfield Park Developments Ltd**

February 2026

CD 11.3



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## 1.0 QUALIFICATIONS

- 1.1 My name is RICHARD JUSTIN HENLEY, and I am an Executive Director of hgh Consulting.
- 1.2 I am a Chartered Town Planner having become a member of the RTPI in 1996 and hold a Bachelor of Arts in Town & Country Planning and a Masters in Planning from Manchester University, England.
- 1.3 Having joined Chesterton plc. in 1994 as a planner, I have over 30 years' experience working as a town planner in the private sector specialising in new settlements, strategic land promotion and residential and mixed use development in urban, rural and Green Belt locations across London and the South East. Following promotion through to Associate Director I left Chesterton in December 2001.
- 1.4 In January 2002, I joined Preston Bennett Holdings Ltd, a residential estate agency and land development company, in Stanmore, North London, to set up an in-house town planning consultancy, advising public and private developers, landowners and charitable organisations on their land and property assets, the planning process and land assembly and development agency.
- 1.5 My role included advising clients on development prospects / site appraisals, public consultation, land promotion through the local plan process, securing planning permissions for large and small scale residential and mixed use developments and the sale and marketing of land with and without planning permission.
- 1.6 In January 2014, Preston Bennett Holdings Ltd was acquired by Hamptons International, part of Countrywide plc. following which I remained as Planning and Development Director at Preston Bennett Hamptons. In February 2016, I was appointed to Group Planning and Land Director of Countrywide Plc, until I left in December 2016.
- 1.7 In January 2017, I joined H & G Planning, based in Welbeck Street, London, an independent town planning consultancy, which was subsequently re-branded to hgh Consulting. As a founding Director of hgh Consulting, now an Employee Ownership Trust, I maintain my principal planning consultancy role advising clients in the residential, care, education and leisure sectors.
- 1.8 In this latter capacity, I was instructed in September 2022 by the Appellant to advise on the planning aspects of a proposed residential-led development of the Former Laport Works Site, Nutfield and lead on the appointment of the technical team and co-ordination of the pre-application discussions, submission of the planning application and subsequently on the subject Appeal Scheme.
- 1.9 The evidence set out in this Proof is factually correct to the best of my knowledge. My evidence has been prepared and presented on the basis of the ethical codes of my professional institution, The Royal Town Planning Institute, and the opinions expressed are my own based upon my experience over 30 years in town planning and development consultancy.

## 2.0 INTRODUCTION & SCOPE OF EVIDENCE

### Introduction

- 2.1 This Appeal is made by Nutfield Developments Limited (Ltd) (“The Appellant”) against the decision by Tandridge District Council (“TDC” or “the Council”) to refuse an outline planning application for the Appeal Scheme (application ref: 2023/1281) at the Former Laporte Works Site, Nutfield Road, Nutfield.
- 2.2 The Appeal Scheme is in outline with only the principle of developing the Appeal Site for new homes (use class C3), Integrated Retirement Community (IRC) (use classes C2, E(e) and F2) and with the means of access to the Appeal Site to be determined. Appearance, landscaping, layout and scale are reserved for subsequent determination.

### The Appellant

- 2.3 At this public inquiry, I represent Nutfield Developments Ltd, the Appellant.
- 2.4 The Appellant is committed to creating a highly sustainable community whilst delivering significant environmental enhancements on the Appeal Site for the benefit of existing residents, as well as future residents. The Appellant’s vision for the Appeal Scheme is to deliver new homes of various tenures to meet local needs, achieve a high standard of layout, design and sustainability to support a new community of residents that will also complement and enhance the facilities and services of the existing resident community of Nutfield and South Nutfield and its environs. The Appeal Scheme proposes to deliver a positive contribution to the area, creating a beautiful, healthy, sustainable and enjoyable place to live, work and access green spaces, supported by a fully developer funded range of highway improvements and sustainable movement facilities / services that will reduce the use of the private car.
- 2.5 The Appellant team are based locally in Surrey and comprise a range of experience and expertise in housebuilding, land remediation / restoration and sustainable drainage systems making them suitable to lead, deliver, and manage the development now and in the future.

### Scope of Evidence

- 2.6 My Proof of Evidence relates principally to matters of planning policy in the context of assessing development in the green belt / grey belt and locational sustainability, and the overall planning balance in respect of the Appeal Scheme. I also seek to address concerns raised by interested parties and the Rule 6 Party by Mrs Christine Doney setting out objections on highway safety, flood risk, appearance and design/scale and dominance, noise, dust and fumes, privacy, impacts on infrastructure, community and other services and parking provision.
- 2.7 Appendix 1 of my evidence includes a series of photographs of the former Laporte Works to demonstrate the extent of the infrastructure and structures previously located in the southern part of the Appeal Site.
- 2.8 Appendix 2 is a Housing Land Supply Statement by Ben Pycroft, Director of Emery Planning, which I rely on as part of my evidence.
- 2.9 Appendix 3 is a letter of support from Prof. Stephen Langley, a Professor of Urology.

- 2.10 Appendix 4 is a letter of support from Mr John Rockwell, a dentist currently based in Bletchingley.
- 2.11 Appendix 5 is a letter of support for the Appeal Scheme from Raven Housing Trust (affordable housing provider in Tandridge District).
- 2.12 Appendix 6 is a letter of support from The Clavadel, part of The Geoghegan Group, focussing on specialist care needs and the proposed IRC.
- 2.13 Appendix 7 includes my response to the Rule 6 objection.
- 2.14 Appendix 8 includes a graphic illustration of the proposals / benefits of the Appeal Scheme.
- 2.15 All appendices accompanying my proof of evidence are provided at **CD 11.4**.
- 2.16 There is common ground between the Appellant and the Council on a number of matters. To avoid duplication with the content of the Statement of Common Ground (“SoCG”) (**CD 8.1**) and topic specific SoCGs in respect to transport, 5-year housing land supply, affordable housing, older persons, self-build and custom and heritage<sup>1</sup> (**CD8.2-9**), I do not outline these matters in full in my evidence.
- 2.17 My evidence has been compiled having regard to the December 2024 version of the National Planning Policy Framework (NPPF) (**CD 5.1**) and minor amendments published in February 2025. It addresses the heritage planning balance under NPPF paragraph 215 (heritage), and paragraph 11(d)(i), and paragraph 11(d)(ii) and paragraph 155 (grey belt), paragraph 153 (green belt) and Section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 balances (**CD 5.21**), and considers the acceptability of the Appeal Scheme in the context of the overarching planning policy context, whilst drawing upon the evidence from the Appellant’s expert witnesses on the topic-specific matters, including:
- (a) Heritage: Andrew Josephs - Andrew Josephs Associates - Managing Director. (**CD 11.5, 11.6, 11.7**).
  - (b) Landscape: Gary Holliday - FPCR - Senior Director. (**CD 11.8, 11.9, 11.10**).
  - (c) Transport: David Bird - Rovia - Director. (**CD 11.11, 11.12, 11.13**).
  - (d) Affordable housing: James Stacey - Tetlow King - Managing Director. (**CD 11.14, 11.15**).
  - (e) Older persons housing: Iain Warner - Tetlow King - Senior Director. (**CD 11.16, 11.17, 11.18**).
  - (f) Self-build and custom housebuilding: Andy Moger - Tetlow King - Director. (**CD 11.19, 11.20, 11.21**).
- 2.18 I refer to this Proof of Evidence to documents that are listed in the agreed Core Documents List, using the abbreviations stylised “(CD X.X)”.

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<sup>1</sup> At the time of the submission of the Appellant’s evidence (13.02.26), the heritage SOCG is yet to be agreed.

### My Position

- 2.19 In considering the Development Plan and other material considerations, as required by Section 38(6) of the PCPA 2004 (CD 5.21), I conclude that there are two scenarios under which the Appeal Scheme should be allowed:
- 2.20 In my judgement, the Appeal Site would utilise grey belt land and accords with the Golden Rules thereby meeting the tests of paragraph 155 and 156 of the NPPF. By virtue of this approach (in summary):
- (a) The Appeal Scheme does not strongly contribute to any of the green belt purposes (a), (b) or (d) of paragraph 143 of the NPPF.
  - (b) There are no footnote 7 considerations that represent a strong reason for refusal.
  - (c) The Appeal Scheme would not fundamentally undermine the purposes (taken as a whole) of the remaining Green Belt across the area of the Plan, as required by paragraph 155(a) of the NPPF.
  - (d) It is a matter of common ground that TDC are unable to meet its 5-year housing land supply. There is also an evident acute shortfall in the delivery of market, affordable and self-build homes and care (use class C2) provision, consistent with the demonstrable unmet need criterion in paragraph 155(b) of the NPPF.
  - (e) The Appeal Site is in a sustainable location, by virtue of proposed transport measures and other sustainability aspects, as required by paragraph 155(c) of the NPPF and with particular reference to paragraphs 110 and 115 of the NPPF.
  - (f) The Appeal Scheme satisfies the Golden Rules as set out in paragraphs 155(d), 156 and 157 of the NPPF. The Appeal Scheme proposes 50% of all the accommodation (166 residential homes and 41 extra care units) to be provided as affordable housing; delivers necessary improvements to local infrastructure (secured via suitably worded planning obligations in the S.106 agreement) and secures access to extensive open green spaces that would be available to the existing community and new residents. This compliance with the Golden Rules carries significant weight in favour of the grant of planning permission (paragraphs 158 of the NPPF).
- 2.21 I conclude for the reasons set out in this proof that the Appeal Site is grey belt and the Appeal Scheme meets the criteria in paragraph 155 of the NPPF and is therefore not inappropriate development in Green Belt terms. As the most important policies in the plan are out of date as the Council are unable to demonstrate a five year supply of deliverable housing sites and the Housing Delivery Test is substantially below the housing requirement, pursuant to footnote 8 of the NPPF, the tilted balance in paragraph 11(d)(ii) of the NPPF is engaged. The location of the Appeal Site in the Green Belt does not, therefore, provide a strong reason for refusing the Appeal Scheme, pursuant to footnote 7 of the NPPF and paragraph 11d(i). There are no adverse impact(s) arising from the proposals which would significantly and demonstrably outweigh the considerable planning and public benefits, such that applying the tilted balance in paragraph 11(d)(ii) of the NPPF permission should be granted.

- 2.22 My alternative position comes into play in the event the Inspector considers (contrary to my analysis) that the Appeal Scheme does not satisfy the paragraph 155 criteria. In that event, the Appeal Scheme would therefore represent inappropriate development in the Green Belt and the paragraph 153 test would be engaged, whereby the benefits must clearly outweigh any harm(s) - including Green Belt harm and any other harm.
- 2.23 I have carried out a planning balance for the paragraph 153 test as part of my evidence below. My evidence concludes for the reasons set out in this proof that any Green Belt harm and any other harm are clearly outweighed by the other considerations and substantial planning benefits associated with this Appeal Scheme. The appeal should also therefore be allowed under the paragraph 153 route in any event.

### 3.0 THE APPEAL SITE / APPEAL SCHEME

#### The Appeal Site

- 3.1 The Appeal Site measures approx. 58.8 hectares (ha). It is located to the north of the A25 Nutfield Road, west of Cormongers Lane, south and west of Nutfield Marsh Road, south east of Chilmead Lane, west of Church Hill and to the immediate north of the village of Nutfield.
- 3.2 The Appeal Site comprises a mixture of grassland, blocks of self-seeding woodland and waterbodies in the northern part of the Appeal Site with an area of the former infrastructure remains to the south of the Appeal Site including access roads and pipework and former settlement lagoons. The Appeal Site is partially publicly accessible with several formal public rights of way (PROW) footpaths throughout, as shown by Appendix 1 of Mr Holliday's evidence at **CD 11.10**.
- 3.3 The remains of the former Laporte Works lie to the south and relate to the Appeal Site's historic use as a minerals and landfill site, which was subsequently restored and self-seeded to its current state. The operational mineral extraction largely ceased in the 1950s with some works ongoing on part of the Appeal Site, to the west, as late as 1986. The Site was decommissioned in 1997. Photos of the Appeal Site's previous use are provided at Appendix 1.

#### The Surroundings

- 3.4 The village of Nutfield adjoins the southern and eastern boundaries of the Appeal Site, which primarily comprises residential dwellings, with a mixture of house types including larger detached houses and terraced houses. Some local services are located along the high street. South Nutfield is located to the south and provides a further range of local services, as detailed at paragraphs 2.5-2.8 of the SOCG (**CD 8.1**).
- 3.5 Redhill is the nearest town to the Appeal Site, approx. 2.4 kilometres (1.5 miles) west. Redhill is accessed via the A25 from the Appeal Site, which is a 3-minute drive, 10-minute bus (peak) or 5-minute bus (off-peak), or an 8-minute cycle. Redhill comprises a town centre providing a range of services including supermarkets, retail shops, restaurants, bars and a mainline Railway Station. The Appeal Scheme's current accessibility to local transport networks is outlined within the agreed SOCG (**CD 8.1**) and the transport specific SOCG (**CD 8.2**).
- 3.6 More widely, Tandridge comprises a combination of rural and suburban settlements with a population of around 88,000 residents. The area experiences high levels of commuting, predominantly by private car, with strong transport and economic connections to London and Gatwick Airport<sup>2</sup>.
- 3.7 Approximately 94% of the District is designated green belt.

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<sup>2</sup> Tandridge District Local Plan 2024 - 2044, Regulation 18 Consultation draft (January - March 2026 - CD 7.1)

### Planning History

- 3.8 On 18 July 2023, the Council confirmed that Environmental Impact Assessment was not required for the proposed development (ref: TA/2023/737/EIA). The EIA Screening Opinion is enclosed at Appendix 1 of the submitted Planning Statement (CD 1.35).
- 3.9 In May 2021 an outline planning application was submitted for the following proposed development (ref: TA/2021/1040):

*“Outline application (including details of means of access and layout) for the construction and operation of Nutfield Green Park with access from Nutfield Road and Nutfield Marsh Road comprising the construction of an outdoor activity park using imported inert materials, the operation of an outdoor activity park, the construction and operation of an associated wellbeing centre (GP surgery, pharmacy, community diagnostic hub, community shop, restaurant/café, creche, office hub, event space, indoor and outdoor gyms together with ancillary uses such as 2 staff accommodation units, treatment rooms and storage) together with development of up to 239 residential units, a 70 bedroom rehabilitation and respite care facility with an associated up to 100 extra care units and staff accommodation for up to 21 staff together with infrastructure, landscaping and open space at the Former Laporte Works, Nutfield.”*

- 3.10 The 2021 outline application was refused by the Council on 21 September 2021, with 20 reasons for refusal. The refusal was not appealed.
- 3.11 Other planning applications relating to the Appeal Site date back to before 1998 but these are not considered relevant to this appeal.

### The Appeal Scheme

- 3.12 The planning application was validated on 20 October 2023 by TDC under reference 2023/1281.
- 3.13 The description of development read as follows:

*“Outline planning permission for the development of the site for new homes (Use Class C3) and Integrated Retirement Community (Use Classes C2, E(e), F2), creation of new access, landscaping and associated works to facilitate the development, in phases which are severable (Outline with all matters reserved, except for Access).”*

- 3.14 Of the total Appeal Site area of approx. 58.8ha, only approx. 7ha of the total Appeal Site area will be subject to built development or hardstanding. This accounts for only approx. 12% of the total Appeal Site area. The remaining 52ha of the Appeal Site is proposed to be open space, of which approx. 2ha will be open space in and around the developable areas, with general open space making up the remaining 50ha of the Appeal Site.
- 3.15 A brief summary of the key characteristics of the Appeal Scheme is provided below:

- (a) Up to 166 residential units inclusive of market and affordable homes and self-build plots (Class C3);
- (b) Up to 70 care home beds (Class C2);
- (c) Up to 41 extra care units (Class C2);
- (d) Up to 1,500 sqm Class E(e), F2 flexible use floorspace;
- (e) A new vehicular access junction onto the A25 including pedestrian/cycle facilities;
- (f) A package of highway improvements, including: a £4M contribution towards Surrey County Council's Digital Demand Responsive Transport (DDRT), provision for e-cycles, Sustrans21 route upgrading, improved cycleways and footpaths; and
- (g) An on-site Biodiversity Net Gain of +22% (set out in full at paragraphs 7.92 - 7.100 and table 4 of the Planning Statement (CD 1.35)).

3.16 The full description of the Appeal Proposal is outlined within the SOCG (CD 8.1).

#### **Application Background**

- 3.17 Throughout the protracted determination of the application, the Appellant has responded to comments from the case officer and both statutory and non-statutory consultees and has engaged in meetings with relevant consultees and provided further supporting information to respond to consultee comments throughout the near 2-year determination period.
- 3.18 Notwithstanding these efforts, and an attempt during the determination of the application by the Council officers not to accept the Appellant's submissions on the NPPF 2024 and grey belt (Planning Statement Addendum - March 2024, CD 2.54), which the Council's legal advisors did not concur and subsequently advised to accept, an extension of time was agreed with officers until 6 October 2025 to allow the application to be presented and determined at 2 October 2025 Planning Committee. The application was subsequently refused under delegated authority on 3 October 2025.

#### 4.0 REASONS FOR REFUSAL & MAIN ISSUES

4.1 Outline planning permission was refused on 3 October 2025, under delegated powers. The reasons for refusal are as follows:

- 1) REASON FOR REFUSAL 1: *The proposed development would constitute inappropriate development in the Green Belt causing significant harm to the openness and harm to the visual amenities of the Green Belt. The proposal would not comply with the requirements of paragraphs 155 and 156 of the National Planning Policy Framework (2024) as the development would not be in a sustainable location and necessary improvements would not be made to local infrastructure to cater for the needs of the occupiers of the new development. No very special circumstances exist, either individually or cumulatively, to clearly outweigh the harm by reasons of inappropriateness and other identified harm. As such, the proposal is contrary to the provisions of Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies and the provisions of the National Planning Policy Framework (2024) as a whole.*
- 2) REASON FOR REFUSAL 2: *The proposed development would result in less than substantial harm to the heritage significance of St Peter and St Paul's Church and the Folly at Redwood, as defined in paragraph 215 of the NPPF. No heritage or public benefits have been demonstrated as part of this application to outweigh such harm given the unsustainable location of the proposed development. The proposal would therefore be contrary to the provisions Policy DP20 of the Tandridge District Local Plan: Part 2 - Detailed Policies (2014) and the provisions of the National Planning Policy Framework 2024.*

#### Third Party Comments & Rule 6 Party

- 4.2 9 interested parties and a Rule 6 Party Mrs Christine Doney object to the Appeal Scheme setting out objections on grounds of highway safety, flood risk, appearance and design/scale and dominance, noise, dust and fumes, privacy, impacts on infrastructure, community and other services and parking provision.
- 4.3 I have enclosed a response to the Rule 6 objections at Appendix 6 of my evidence (CD 11.4). Mr Bird also addresses the highways related comments within Section 7 of his evidence (CD 11.12).
- 4.4 In short, I consider the topics of appearance and design/scale, dominance and privacy to be matters that will be dealt with via detailed application(s) through Reserved Matters Applications in the event the Appeal is allowed. Similarly, the layout of the proposals is yet to be confirmed and as such, parking provision is yet to be determined. However, as outlined by the SOCG (CD 8.1) the illustrative masterplan has been designed to accommodate the Council's car parking guidance (Tandridge Parking Standards Supplementary Planning Document (2012)). The compliance with the parking standards will be a matter for future Reserved Matters Applications.

- 4.5 Highway safety is a matter that has been considered throughout the determination of the application. As noted within SCC's consultation response received on 14 March 2025 (CD 9.1) the Appeal Scheme would not result in any unacceptable impacts on the safe operation of the public highway and there would be no severe residual cumulative impacts on the road network, following mitigation applying paragraph 116 of the NPPF.
- 4.6 There are therefore not considered to be any highway safety issues that arise as a result of the Appeal Scheme. This is an agreed matter set out at paragraph 7.34 of the SOCG (CD 8.1).
- 4.7 The topics of noise, dust and air quality and flood risk have not been raised as areas of objection throughout the determination of the application. Further, work on all detailed aspects of the scheme will be matters to be determined at Reserved Matters Application stage in the event the Appeal is allowed.

#### **Main Issues & Areas of Disagreement**

- 4.8 As discussed in the Case Management Conference (CMC) on 16 January 2026 and as outlined in the SOCG, the main areas of disagreement comprise:
- (a) Whether or not the Appeal Site is in a sustainable location.
  - (b) The degree of harm to the character and appearance of the area.
  - (c) The degree of heritage harm and the weight to be attached to the heritage harm, and regarding the outcome of the balancing exercise under paragraph 215 of the NPPF.
  - (d) Whether or not the Appeal Scheme comprises not inappropriate development under paragraph 155 of the NPPF.
  - (e) If the Appeal Scheme is not inappropriate development under paragraph 155 of the NPPF the parties disagree as to:
    - the weight to be attached to the benefits of the scheme
    - whether the adverse impacts of the development significantly and demonstrably outweigh the benefits of the scheme under paragraph 11(d)(ii) of the NPPF.
  - (f) Alternatively, if the Appeal Scheme is considered to be inappropriate development in the Green Belt then the parties disagree as to:
    - the degree of harm to the Green Belt in terms of the Appeal Proposal's impact on openness (both spatial and visual)
    - the weight to be attached to the benefits of the scheme.
  - (g) whether or not the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations under paragraph 153 of the NPPF.

## 5.0 THE DEVELOPMENT PLAN

- 5.1 This section of my evidence summarises the Development Plan position, which is assessed to determine the acceptability of the Appeal Scheme in planning policy terms. This section should be read alongside the agreed position between TDC and the Appellant at Section 6 of the SOCG (CD 8.1).
- 5.2 As set out by Section 38(6) of the PCPA 2004, the determination of any planning application shall be in accordance with the development plan (taken as a whole)<sup>3</sup> unless material considerations indicate otherwise.

### Adopted Development Plan

- 5.3 The adopted development plan for Tandridge District Council comprises:
- a) Tandridge District Core Strategy (October 2008) (CD 4.1);
  - b) Local Plan Part 2: Detailed Policies 2014-2029 (July 2014) (CD 4.2); and
  - c) Tandridge District Planning Policy Map (2018).
- 5.4 The Core Strategy sets the strategic vision for the development in the Borough between 2008 and 2026 and in line with the South East Plan, Policy CSP1 sets out the spatial strategy (location of development) to meet housing need. The Core Strategy was adopted 18 years ago, and no formal completed review has been undertaken since this adoption. It is therefore not unsurprising that the Core Strategy is severely out of date in terms of its lack of consistency with the NPPF.
- 5.5 The evidence base used to determine the housing requirement of 125 new homes per annum was part of the Regional Spatial Strategy (RSS) process for the South East Plan (SEP) at policy H1(b) (CD 6.54). These figures were based on regional demographic and household projections, dating back to the 2001-based ONS population projections and 2003-based CLG household projections.
- 5.6 The supporting text of policy H1 confirms:

*“This Plan [SEP] has gone some way towards this goal but at 32,700 dwellings per year, the level that is set here is still significantly below the forecast growth of households and even more so by the more recent 2006-based population projections....” (paragraph 7.6) [my emphasis]*

*“Local authorities can test higher numbers through their development plan documents provided that they are consistent with the principles of sustainable development set out in PPS1 and tested through sustainability appraisal and Habitats Regulations Assessment. The review of this RSS will examine the current levels of housing and a rate of provision higher than 32,700 dwellings per annum is likely to be necessary to meet the strategic needs in the region.” (paragraph 7.7) [my emphasis]*

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<sup>3</sup> S.38(3)(b) PCPA 2004 (CD 5.21)

*“these figures should not be regarded as annual targets and are intended to be used in monitoring progress towards achievement of plan objectives, and to inform management of housing supply. The fact that an annual provision or local trajectory number has been met should not in itself be a reason for rejecting a planning application”. (paragraph 7.8)*

- 5.7 The SEP was submitted for examination in March 2006 and later adopted in May 2009 (CD 6.54). This confirms that the housing needs figures relied on for the Core Strategy are not only more than 25 years old, but the SEP sets out that the housing figures at policy H1(b) only partially met the need, requiring further review upon the adoption of the SEP. It should be noted that the further review never took place as the SEP was abolished in February 2013, and as such, the evidence base and SEP, on which the 2008 Core Strategy was adopted, under-provides for future housing need and significantly pre-dates the 2012 NPPF which introduced locally objectively assessed need for market and affordable homes. This reinforces my position that the development plan is wholly out of date. The housing need figures and spatial strategy on which it is based are woefully below current requirements and achieving a balanced distribution across the District. The current lack of a five year housing land supply (Appendix 2 - CD 11.4) has been a compounding under-provision position evident for over 25 years.
- 5.8 The 2014 Local Plan, whilst substantially out of date, remains the statutory development plan for Tandridge. However, the 2014 Local Plan did not review the spatial strategy and/or the housing requirement.
- 5.9 The development plan policies from the Core Strategy and the Local Plan Part 2 cited by the LPA SOC (CD 12.1) are listed below. The policies that I consider to be most important (for the purpose of paragraph 11(d)(ii)) are underlined and the policy which I consider to conflict with the Appeal Scheme are in **bold**. Those that are not considered relevant to this application are ~~struck through~~.

Tandridge District Core Strategy (October 2008):

- (a) **CSP1 - Location of Development**
- (b) CPS2 - Housing Provision
- (c) CPS3 - Managing the delivery of housing
- (d) CSP4 - Affordable Housing
- (e) CSP7 - Housing Balance
- (f) CPS8 - Extra Care Housing
- (g) CSP11 - Infrastructure and Services
- (h) CSP12 - Managing Travel Demand
- (i) CSP13 - Community, Sport and Recreation Facilities/ Services
- (j) CSP14 - Sustainable Construction
- ~~(k) CSP16 - Aviation Development~~
- (l) CSP17 - Biodiversity

- ~~(m) CSP18 – Character and Design~~
- ~~(n) CSP19 – Density~~
- (o) CSP21 - Landscape and Countryside
- (p) CSP22 - The Economy

Local Plan Part 2 (2014): Detailed Policies 2014-2029.

- (a) DP1 - Sustainable Development
- ~~(b) DP4 – Alternative use of Commercial & Industrial Sites~~
- (c) DP5 - Highway Safety and Design
- (d) DP7 - General Policy for New Development
- ~~(e) DP9 – Gates, Fences, Walls & Other Means of Enclosure~~
- (f) **DP10 - Green Belt**
- (g) **DP13 - Buildings in the Green Belt**
- (h) DP18 - Community, Sports and Recreational Facilities
- (i) DP19 - Biodiversity, Geological Conservation and Green Infrastructure
- (j) **DP20 - Heritage Assets**
- (k) DP21 - Sustainable Water Management
- (l) DP22 - Minimising Contamination, Hazards and Pollution

**Compliance with the Development Plan**

The Appeal Site Location

- 5.10 The Appeal Site is located in the Green Belt and whilst adjoining, it is beyond the settlement policy boundary as defined on the Local Plan Proposals Map. In addition, the Appeal Site is not allocated for housing development. As such, the Appeal Scheme is contrary to Policy CSP1. However, this settlement policy refers to a pre-NPPF spatial strategy dating back to 2008 to meet a housing need of the time (125 homes per annum<sup>4</sup>), that is defined by regional demographic and household projections, dating back to the 2001-based ONS population projections and 2003-based CLG household projections, which today is clearly wholly unsuitable and inadequate to address the current standard method housing need (634 homes per annum<sup>5</sup>). Policy CSP1 is therefore inconsistent with the NPPF and as such, and applying paragraph 232 of the NPPF, **I attach limited weight to this policy conflict.**

<sup>4</sup> Core Strategy (2008), policy CSP2 (CD 4.1)

<sup>5</sup> Government Standard Method for calculating housing need, cited by Mr Pycroft's statement, paragraph 7.9 (Appendix 2, CD 11.4)

### Green Belt

- 5.11 Policy DP10 of the Local Plan Part 2 seeks to protect the Green Belt from inappropriate development. Part A of the policy refers to plan making but part B is relevant to the Appeal Scheme. As made clear in my evidence, my position is that the Appeal Scheme does not constitute inappropriate development and in the event the Appeal Scheme is found to be inappropriate development, my alternative case confirms in the context of Policy DP10(b) that very special circumstances exist, or as I refer to it, the paragraph 153 test of the NPPF. I therefore find there to be **no conflict with this policy** in the context of paragraph 153 of the Framework.
- 5.12 Turning to policy DP13 of the Local Plan Part 2, the Appeal Scheme does not meet the exceptions listed by this policy and therefore is in conflict with policy DP13. However, the first sentence of the Policy is inconsistent with the wording of paragraph 153 of the Framework. The policy states that unless very special circumstances can be clearly demonstrated, development in the Green Belt is inappropriate. However, this wording is not aligned to the NPPF paragraph 153 test, which goes further, stating 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 (i.e. benefits). As paragraph 154 of the NPPF then goes on to state, development in the Green Belt is inappropriate unless certain exceptions as set out are applicable.
- 5.13 In my alternative case, my evidence demonstrates that the Appeal Scheme meets the 153 test. I therefore attach **limited weight to this conflict** by virtue of the inconsistency with the NPPF.
- 5.14 Where the Local Plan Part 2 Green Belt policies fails to accord with the Framework is in relation to my case and the introduction of grey belt as an exception to Green Belt policy and the ‘Golden Rules’. Where development accords with the provisions of paragraph 155, 156 and 157 of the NPPF a scheme is not regarded as inappropriate development in the Green Belt. Furthermore, paragraph 158 states that where the ‘Golden Rules’ are met significant weight should be attributed in favour of the development and granting planning permission.
- 5.15 I therefore consider this to be a **significant omission / conflict** with adopted Green Belt policies of the Local Plan by virtue of the inconsistency with the NPPF.

### Heritage

- 5.16 Local Plan Part 2 policy DP20 requires development proposals to protect and preserve and wherever possible enhance the historic interest, cultural value, architectural character, visual appearance and setting of the district’s heritage assets and historic environment. The policy continues and refers to “*only where the public benefits of a proposal significantly outweigh the harm to, or loss of a designated heritage asset or its setting, will exceptional planning consent be granted*”. [my emphasis]
- 5.17 The inclusion of the “significant” and “exceptional” thresholds is not consistent with the approach set out in the NPPF, at paragraph 215, which states “harm should be weighed against the public benefits of the proposal” where less than substantial harm is identified (as agreed between the principal parties on the Appeal Scheme). I therefore (applying paragraph 232 pf the NPPF) attach limited weight to this policy conflict.

5.18 That said, as outlined within my evidence, and based upon the assessment of significance in the evidence of the Appellant's heritage witness, Mr Josephs, I clearly conclude that the public benefits outweigh the low level of less than substantial heritage harm arising such that the Local Plan's exceptionality clause of policy DP20 is passed in any event. I **therefore find no conflict with this policy** in the context of the Appeal Scheme proposals, despite its inconsistency with the NPPF.

#### Character and Appearance

- 5.19 Whilst not referenced in the cited reasons for refusal, the officers report refers to Local Plan Policy CSP 18 Character and Design, and Policy DP7 General Policy for New Development. As these are not in the reasons for refusal, the Council does not allege any conflict with these policies.
- 5.20 Notwithstanding this, it is useful to explore any conflict at this stage of my proof of evidence. Mr Holliday addresses this and the assessment of character and appearance in more detail within his landscape proof of evidence (CD11.7).
- 5.21 Starting with policy CSP 18, this policy requires that new development is of a high standard of design that must reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness. Development must also have regard to the topography of the Appeal Site, important trees or groups of trees and other important features that need to be retained.
- 5.22 The policy sets out that development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any other adverse effect.
- 5.23 The siting of the built development parcels (7ha) within the wider Appeal Site (58.8ha) has been very carefully considered. The aim was to protect the features of greatest value, such as the highest quality trees, and to locate development to minimise harms on the immediate area. I also consider that the requirements of this policy will be determined at reserved matters stage. However, based upon the indicative Masterplan layout and broad design approach set out in the Design and Access Statement at this outline stage, I see **no conflict with this policy** and noting Policy CSP 18 is not part of the Council's reasons for refusal in any event.
- 5.24 Policy DP7 requires that all new development is expected to be of a high quality design. It states that development should integrate effectively with its surroundings, reinforcing local distinctiveness and landscape character, and that Innovative designs will be encouraged where appropriate.
- 5.25 The policy sets out matters to address, which as stated in the case of Policy CSP 18, the requirements are relevant to details of the scheme that will come forward at the reserved matters stage. At this outline application stage, I consider there to be **no conflict with this policy** and noting Policy DP7 is not part of the Council's reasons for refusal in any event.

### Other Policies and Planning Obligations

- 5.26 The Appeal Scheme is considered to be in accordance with the development management policies in the Development Plan, relating to housing, affordable housing, extra care provision and highway safety. Matters such as character and design and density are not matters dealt with in this outline planning scheme and therefore, I have disregarded these from my compliance consideration.
- 5.27 The legal agreement is in preparation between the relevant parties and will secure the necessary planning obligations, which will make provision relating (inter alia) to highway contributions, affordable housing provision, significant BNG provision (for a pre-mandatory BNG application) and other considerations.

### Summary

- 5.28 In considering my position in relation to the conflict between policies CSP1 and DP13 of Development Plan policies and the Appeal Scheme, I consider that the spatial strategy (policy CSP1) and the Interim Policy Statement for Housing Delivery (CD 6.7) has failed consistently to meet current housing needs and as set out are based on data dating back to 2001 and 2003. The adopted Plan is also inconsistent with the current Framework (2024) and the introduction of grey belt as an exception to inappropriate development in the Green Belt and the introduction of the ‘Golden Rules’, which forms the basis of my case in support of the Appeal Scheme. I further find that Green Belt policy (DP13) is not consistent with paragraph 153 of the NPPF. In the event the Inspector does not accept the grey belt case and the Appeal Scheme as not inappropriate development, my alternative case confirms that the paragraph 153 test of the NPPF is met and planning permission should be granted.
- 5.29 I therefore conclude that the Appeal Scheme does not accord with the development plan when read as a whole, in light of the conflicts with CSP1 (Location of Development), DP13 (Green Belt) and DP20 (Heritage Assets) being inconsistent with the NPPF 2024. I attach limited weight to this conflict. In accordance with s38(6) PCPA 2004 (CD 5.21) other material considerations as set out in my evidence justify granting planning permission.
- 5.30 In coming to this conclusion, I am cognisant of the findings of the Inspector in the determination of a recent appeal in Smallfield<sup>6</sup> on 17 June 2025 (CD 10.2) where at paragraphs 91 of the decision the Inspector states:

*“Although the proposal would accord with a number of policies, it would conflict with polices on Green Belt and landscape and countryside. As these policies relate to the spatial strategy of the plan, I conclude that the proposal is contrary to the development plan as a whole. That said, I attach limited weight to the conflicts with policies DP10, DP13 and CSP 21 because these policies are not consistent with the Framework for the reasons given above.”*

- 5.31 Section 6 of my evidence further outlines the material considerations that justify the grant of planning permission otherwise than in accordance with the Development Plan.

<sup>6</sup> Appeal Ref: APP/M3645/W/24/3355743 for the residential development (Use Class C3) comprising up to 270 dwellings; private parking; landscaping and public open space; SuDS; and flood alleviation measures (Outline application with all matters reserved saved for access) at Land West of Chapel Road, Surrey RH6 9JH.

## 6.0 MATERIAL CONSIDERATIONS

- 6.1 This section of my proof sets out other material considerations, which should be considered to contribute to the planning balance and ultimately the determination of this Appeal.

### Interim Policy Statement for The Housing Delivery

- 6.2 In September 2022, the Council adopted an Interim Policy Statement for the Housing Delivery (IPSHD) to enable increased housing delivery and boost housing supply in the District in the short and medium term. This interim criteria-based policy forms part of the Council's Housing Delivery Test and Action Plan, as required following the low level Housing Delivery Test results.
- 6.3 TDC's Interim Policy Statement for Housing Delivery (IPSHD) (2022) (CD 6.7) sets out criteria for assessing housing proposals on unallocated sites. It sets out that applications will be invited to come forward in certain circumstances including housing sites included in the withdrawn draft Local Plan where the previous Local Plan Inspector (for the 2024 withdrawn plan) did not raise concerns. The IPSHD was prepared by the Council and was not the subject of public consultation. Furthermore, the IPSHD does not form part of the development plan. Consequently, I afford **limited weight** to this document in the context of the determination of the Appeal and the strategic and local priority to deliver much needed new homes in the absence of an adopted Local Plan and spatial strategy. Lastly, I wish to note that since its publication, the IPSHD is clearly not working as a positive tool to deliver market and affordable housing in the absence of an up to date Local Plan, as it has failed to meet the acute housing and affordable housing needs in Tandridge, as is clearly set out in Mr Pycroft's Statement (my Appendix 2) and Mr Stacey's proof of evidence.
- 6.4 This position was similarly endorsed in the Limpsfield Appeal Decision (CD 10.40) in which the Inspector concluded that:

*"...the IPSHD does not form part of the development plan nor is it a supplementary planning document, that has been subject to public consultation. Therefore, whilst it is matter to which I can only give **limited weight**, given its non-statutory status, it is nonetheless a matter which weighs in favour of the proposal."* [my emphasis] (paragraph 62)

### Withdrawn Local Plan

- 6.5 I wish to briefly acknowledge the Council's work on its new Local Plan over the past twenty months.
- 6.6 Tandridge District Council formally withdrew the Regulation 22 Submission version of Our Local Plan 2033 at Full Council on 18 April 2024 (CD 6.2). This followed the Planning Inspector's report of 14 February 2024, which concluded that the plan was not capable of being adopted due to significant soundness issues.

*Evidence Base: The Settlement Hierarchy*

- 6.7 Within the evidence base work associated with the now withdrawn Local Plan, TDC published the Tandridge District Settlement Hierarchy in November 2015 (CD6.55) to look at what settlements exist, how well they are served by services and their general sustainability at that point in time. A later addendum was published in June 2018 (CD6.56) to take account of the time that had passed since the publication of the 2015 iteration and to update and clarify the Council’s position relating to settlements.
- 6.8 Both the November 2015 version (CD 6.55) and the 2018 Addendum (CD 6.56) set out that the study supports the objectives of the now withdrawn Local Plan (for example to provide a supply of homes (both affordable and market), which respond to the needs of the District and supports a mixed community), identify obvious gaps or opportunities for service and facility improvements. The original and Addendum also set out a clear hierarchy for settlements in the district as well as identifying which settlements are best equipped in sustainable terms, based principally on access to existing services and facilities to accommodate additional development.
- 6.9 The purpose and objectives of the studies is clear that the Settlement Hierarchy documents **do not**:
- (a) Make any decision regarding whether a settlement should accommodate growth;
  - (b) Identify sites for the allocation of additional growth, or demonstrate where exceptional circumstances exist to revised Gren Belt boundaries, in the context of green belt development; and
  - (c) Consider whether a settlement has the capacity for development.
- 6.10 The study clearly states that it should not be considered in isolation to the wider evidence base and represents just one piece of an extensive suite of evidence and technical studies (paragraph 1.7, CD. 6.56). The document was also prepared to aid plan-making and provides a moment in time snapshot of the settlements in TDC. Its intention is not to assess site-specific contexts, rather a settlement wide inventory within the plan-making remit.
- 6.11 With reference to the Appeal Scheme, Nutfield is identified as a Tier 4 settlement (limited and unserved settlement) as part of the 2015 and 2018 documents.
- 6.12 It is prudent to note that the 2019 Regulation 22 Submission version of Our Local Plan 2033 acknowledged the new Government’s standardised method for calculating housing need and the specific need for 645 new homes per annum within TDC. The now withdrawn Plan however sought to deliver 303 homes per annum.
- 6.13 The Foreword of the now withdrawn Plan noted that:
- “This [303 homes per annum figure] will be challenged but we have robust evidence to demonstrate this is what our district can accommodate” (CD 6.57).*

- 6.14 This acknowledges the large discrepancy between the Government’s standardised method and TDC’s evidence base work, further supporting my judgement that the study was a piece of evidence used to create a spatial strategy that was based on an out of date and insufficient housing requirement. Seeking to focus development into the higher order settlement tiers has clearly failed to meet housing need and delivery. Similarly, it fails to acknowledge site-specific elements of a proposed scheme, even if a Tier 4 settlement, to meet housing need. In this context the Appeal Scheme (which is detailed within my evidence below paragraphs 6.116-6.141 and within Mr Bird’s evidence (CD 11.12)) that can make a location more sustainable, in accordance with paragraph 110 of the Framework, and provide genuine choice of sustainable modes secured by s106 Agreement, has the ability to contribute towards meeting the needs of the District and support a mixed community to provide housing in a sustainable location.
- 6.15 On the basis that this evidence base document is primarily aimed to aid the plan-making process, provides a snapshot in time assessment of the settlement’s services and facilities and has been used within the context of the out of date housing need figures, I consider it holds **limited weight** in the determination of the Appeal Scheme.

#### **New Draft Local Plan**

- 6.16 The Council has in the interim been in the process of preparing a new Local Plan, now known as the Tandridge District Local Plan 2024-2044. The draft Regulation 18, Issues and Options Local Plan has recently been published for consultation between 19 January - 1 March 2026. The latest LDS, and as set out in the Regulation 18 document, states that the target adoption for the new Local Plan is mid-2028.
- 6.17 Whilst the draft document provides a direction of travel for the emerging Local Plan for TDC, due to the very initial stage of the preparation and consultation of the draft Local Plan, applying paragraph 49 of the NPPF, I afford **very limited weight** to the Regulation 18 Issues and Options Plan in the determination of this Appeal Scheme.

#### **Draft National Planning Policy Framework (December 2025)**

- 6.18 The Government published a draft NPPF for consultation in December 2025 (CD 5.2). Alongside the publication of the draft, a Written Ministerial Statement (CD 5.3) states:

*“England remains in the grip of a housing crisis that is both acute and entrenched. The detrimental consequences of this disastrous state of affairs are now all pervasive: a generation locked out of homeownership; 1.3 million people languishing on social housing waiting lists; millions of low-income households forced into unaffordable private rented housing; and more than 170,000 homeless children living in temporary accommodation”.*

- 6.19 In the context of the Cala Homes case in 2011<sup>7</sup> I consider that the Written Ministerial Statement, which accompanies the publication of the draft NPPF, is a material consideration in the determination of the Appeal Scheme. Within the Cala decision, Justice Sullivan held that *“The prospect of a change in planning policy is capable of being a material consideration”* (paragraph 25).

<sup>7</sup> Cala Homes (South) Ltd, R (on the application of) v Secretary of State for Communities and Local Government & Anor [2011] EWCA Civ 639 (27 May 2011)

- 6.20 Whilst the 2025 NPPF remains in draft and currently under consultation, it does present a clear and continued narrative (direction of travel) on the urgent need to address the national housing crisis and the policy imperative at both the national and local level, especially when coupled with local housing supply shortfall, to recognise this priority need for substantial home building which cannot be ignored. The draft NPPF also sets out continued support for the development of suitably located sites in the Green Belt and grey belt development, that address evidenced unmet need.
- 6.21 Consequently, I consider that the draft NPPF can be afforded some, albeit **limited weight** (as it is in draft and subject to consultation and may therefore change), in the determination of the Appeal Scheme, until it is formally published later this year.

### **National Housing Crisis**

- 6.22 Notwithstanding the numerical and statistical evidence set out by the Appellant's expert witnesses and summarised below, it is widely acknowledged at all levels of government and across all political divides that there is a severe and worsening housing crisis in this country, which has arisen as a direct consequence of too few houses being built to keep pace with a growing population and a change in household formation.
- 6.23 Since the planning application was submitted, the Labour Government has been elected and has, immediately upon coming into office, confirmed a commitment to delivering 1.5 million new homes over the current Parliament, "turbocharging" growth with new, mandatory targets to ramp up housebuilding which are now detailed and set out in national policy, which followed the 'Building the Homes We Need' Written Ministerial Statement on 30 July 2024 (CD 5.5). This requires the delivery of 370,000 new homes per year, with all areas of the country required to play their part in the national effort.
- 6.24 I consider the national housing crisis and Written Ministerial Statements to be a **material consideration** in relation to this appeal.

### **National Planning Policy Framework & Planning Practice Guidance**

- 6.25 The current NPPF published in December 2024 and amended with some minor clarificatory amendments on 7 February 2025 (NPPF 2024), accompanying Planning Practice Guidance (PPG) and recent Ministerial Statements, are critically important material considerations in the determination of the Appeal Scheme.
- 6.26 An update to the PPG on the Green Belt was published on 27 February 2025 setting out guidance on the role of the Green Belt in the planning system in light of the new NPPF for both Local Authorities undertaking a review of Green Belt boundaries and the assessment of grey belt land. The PPG provides guidance on the assessment of the contribution that a site makes to the Green Belt purposes in the assessment of grey belt. Mr Holliday's evidence provides a thorough assessment of the Green Belt purposes in the context of the PPG in relation to grey belt and purposes (a), (b) and (d) and also in the context of paragraph 155(a) of the Framework, whether the development would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. Within section 7 of his evidence (CD 11.9), Mr Holliday concludes that the Appeal Site does not strongly contribute to green belt purposes (a), (b), and (d) and the development would not fundamentally undermine all the green belt purposes of the remaining Green Belt in Tandridge.

- 6.27 Following recent case law<sup>8</sup>, the PPG has the same legal status as national policy in the NPPF in the determination of the Appeal Scheme.
- 6.28 Footnote 55 and paragraph 64-014-20250225 of the PPG confirms that if (as is my position) the Appeal Scheme is not inappropriate development on grey belt land then development is not considered to cause substantial harm to openness of the Green Belt<sup>9</sup>. As ‘not inappropriate’ development on grey belt land, the PPG confirms that it is then unnecessary to satisfy the paragraph 153 test to give substantial weight to any harm to the Green Belt, including its openness (noting that in the event whereby my position is not accepted, my alternative case is that the paragraph 153 test is met, whereby ‘other considerations’ (the benefits) of the Appeal Scheme clearly outweigh the harm to the Green Belt and other harms identified).
- 6.29 At the time of the application submission in 2023, which pre-dated the publication of the 2024 NPPF and the introduction of the grey belt concept, the Appeal Scheme constituted inappropriate development as defined by paragraph 153 of the NPPF. A clearly evidenced robust case was presented as part of the application which demonstrated that in the planning balance the collective planning benefits clearly and demonstrably outweighed the identified definitional and actual harm to the Green Belt and its openness, and other harm identified arising from the proposals such that the paragraph 153 test is satisfied. As set out in the Planning Application Planning Statement Addendum (CD 2.54) and the Appellant’s Statement of Case (CD 11.1), I consider that permission should be granted for the Appeal Scheme whether under the paragraph 155 grey belt criteria or under the paragraph 153 balance.
- 6.30 The NPPF paragraph 155 and 153 tests are explored in further detail in the remainder of this section and concluded with my planning balance at section 7 of my evidence.
- 6.31 In a Written Ministerial Statement published on 12 December 2024 (CD 5.4), the Minister of State for Housing and Planning stated that:

*“... there are simply not enough sites on brownfield land registers to deliver the volume of homes that the country needs each year, let alone enough that are viable and in the right location. And that is why we have grasped the nettle and proposed a modernised, strategic approach to Green Belt land designation and release, fit for the 21st century.*

*In the first instance, it requires local authorities to use the local plan process to adopt a ‘sequential approach’, considering brownfield, then grey belt, and only then higher performing land - all while ensuring that sustainability is a central consideration throughout. We expect authorities to conduct Green Belt reviews, to identify the right land to bring forward in their areas. **Where authorities fail to meet development needs, developers may bring forward proposals on low-performing grey belt land outside of the plan process, but with higher performing land protected from this form of release.**” [my emphasis]*

- 6.32 The key ‘material considerations’ that underpin my evidence and concluding planning balances include:

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<sup>8</sup> Mead Realisations Ltd v Secretary of State for Housing, Communities and Local Government [2025] EWCA Civ 32

<sup>9</sup> Confirmed as the correct approach in Mole Valley DC v SSHCLG [2025] EWHC 2127 (Admin) (CD 10.64)

- 1) Housing Land Supply
- 2) Affordable housing
- 3) Provision of care accommodation
- 4) Self-Build and Custom Housing
- 5) Heritage
- 6) Green Belt.

**1) Housing Land Supply**

- 6.33 Section 5 above outlines my analysis as to the conflicts with the Development Plan, namely, with policies CSP1, DP13 and DP20. However, this must be appreciated in the context of the Council’s acute housing shortfall and the inability to demonstrate a five-year housing land supply of deliverable housing land, such that the most important policies for determining the Appeal Scheme are out of date.
- 6.34 It is common ground between parties that the Council are only able to demonstrate 1.97 years of housing land supply (**CD 8.3**). This represents a very significant shortfall of 3,004 new homes. It is my position, which supports the analysis of Mr Pycroft (see Appendix 2 of my evidence - **CD 11.4**), that the Council is only able to demonstrate a 0.87 year supply of deliverable housing land, representing a shortfall of 4,094 dwellings.
- 6.35 Irrespective of the position taken (Appellant or TDC) on housing land supply, the Council and Appellant agree there is a significant undersupply of market and affordable housing (**CD 8.1** paragraphs 7.8 and 7.17).
- 6.36 The Government’s Housing Delivery Test (HDT) reinforces this position with relevant data showing that TDC delivered just 42% of its housing need over the last 3 years. This ranks TDC as the 13<sup>th</sup> worst performing Council in the whole of England. These results render the development plan ‘out of date’ in accordance with footnote 8 of the NPPF and triggers the presumption in favour of sustainable development, the application of the 20% buffer to the five year housing land requirement, meaning that the tiled balance in paragraph 11(d) of the NPPF is engaged.
- 6.37 Table 1 below shows the record of housing delivery in TDC in the Government’s HTD figures (source: Government HDT results).

*Table 1: Housing Delivery Test results*

Measurement Year	Total Required	Total Delivery	Percentage	HDT Measure
2019 (16/17 - 18/19)	1,541	776	50%	Buffer

2020 (17/18 - 19/20)	1,706	849	50%	Presumption
2021 (18/19 - 20/21)	1,672	634	38%	Presumption
2022 (19/20 - 21/22)	1,667	631	38%	Presumption
2023 (20/21 - 22/23)	1,716	716	42%	Presumption

- 6.38 The accumulated housing delivery shortfall from the HDT data in Tandridge is 3,074 new homes in the last three years of monitoring alone. The shortfall intensifies to 4,696 when accounting for the published Government data between 2019 - 2023 shown in Table 2 above.
- 6.39 In line with Mr Pycroft’s findings at Appendix 2 of my evidence (CD 11.4), the persistent under provision in the District, and the severe national housing shortage set out in the 12th December 2024 Written Ministerial Statement (CD 5.4), I conclude that the housing land supply position is so acute and extensive, with site allocations and a spatial strategy that has failed to meet the historic partially assessed and unmet need, and in the absence of an up to date Local Plan, which is at least two years away from being adopted, such that the delivery of housing proposed by the Appeal Scheme should be attributed **very substantial weight** in the determination of this Appeal Scheme.

**2) Affordable Housing**

- 6.40 As a direct consequence of the identified substantial shortfall in housing delivery there is a significant shortage of affordable housing in Tandridge. Policy CSP4 of the Core Strategy (CD 4.1) sets a requirement of 34% affordable housing on sites of 10 or more homes within rural area. Paragraph 61 of the NPPF sets out the Government’s objective of seeking to significantly boost the supply of homes, in locations where it is needed and ensure a sufficient supply of housing land to meet the needs of groups with specific housing requirements.
- 6.41 NPPF paragraph 67 requires at least 50% of the housing to be affordable as part of the Golden Rules for Green Belt development, which is a matter I address later in my evidence.
- 6.42 Mr Stacey addresses the affordable housing need and supply in his evidence (CD 11.14). I repeat some of his findings to support my assessment of the relative weight and that should in my view be separately attributed (to that of meeting the area’s general housing need) to the specific provision of affordable housing.

6.43 TDC have published three assessments of affordable housing need (2008 Strategic Housing Market Assessment (SHMA) and 2015 and 2018 Affordable Housing Need Assessments (AHNA)) over the course of the past 14 years since the start of the Core Strategy period in 2008. Each of the assessments clearly demonstrates a severe lack of affordable housing delivery in Tandridge District. These are summarised in table 2 below.

Table 2: Summary of Housing Needs Assessments in Tandridge District

Document	Base date	End date	Annual affordable housing need
2008 SHMA	2008/09	2012/13	720 dwellings
2015 AHNA	2015/16	2019/20	456 dwellings
2018 AHNA	2015/16	2019/20	391 dwellings
2018 AHNA	2023/24	2038/39	310 dwellings

6.44 As identified by Mr Stacey’s evidence (CD 11.14) and the Affordable Housing SoCG (CD8.4), Figure 2 in the SoCG demonstrates that between 2006/07 and 2024/25, the Council has added just 1,111 affordable homes per annum (net of Right to Buy and acquisitions) in the 19-year period of Annual Monitoring Report (AMR) data, since the start of the Core Strategy period in 2008/09, represented just 24% of overall net housing delivery, equating to just 58 affordable dwellings per annum, which is far below the requirement of Policy CSP4 (34%). As I have set out, these thresholds were based upon partial housing need figures from over twenty years ago that have never been reviewed and are grossly underestimated.

6.45 In the first seven years of the 2018 AHNA period, Mr Stacey outlines in his evidence (CD 11.14) and set out in Figure 3 of the SoCG (CD 8.4) that the Council have overseen the delivery of 381 affordable homes (net of Right to Buy) against a need of 2,575 net new affordable homes, being an average of 54 net affordable dwellings per annum, against an average net need of 368 affordable homes per annum over the same period. This amounts to a substantial cumulative shortfall of -2,194 affordable homes in the seven year period, equivalent to an average annual shortfall of -313 affordable homes.

6.46 Paragraph 8.21 of Mr Stacey’s proof of evidence states “When the shortfall is factored into the 2018 AHNA identified need of 310 affordable homes per annum for the period 2025/26 to 2029/30, the number of affordable homes the Council will need to complete increases by 142% to 749 net affordable homes per annum over the period.” This further highlights the identified severe and compounded shortfall in the provision of affordable housing in the District.

6.47 As a further metric to demonstrate the severe need for affordable homes, Mr Stacey adds that on 31 March 2025 there were 1,956 households on the Housing Register. Mr Stacey has further received a FOI response that indicated that on 31 March 2025, there were 53 households housed in temporary accommodation by the Council, of which 7 households were housed outside the District, up from a single household on 31 March 2024. Mr Stacey deals with this in greater detail in his evidence.

- 6.48 The ratio of median house prices to median incomes in Tandridge now stands at 12.98, an 11% increase since the start of the Core Strategy period in 2008 where it stood at 11.65. A ratio of 12.98 in 2024 stands substantially above the national median of 7.71 (+68%) and significantly above the South East median of 9.61 (+35%).
- 6.49 Notably the median house price to income ratio in Tandridge increased (+4%) in 2023/24 in stark contrast to the declines observed in England (-8%) and the South East (-9%). The national trend has been for falling ratio's both locally and nationally, further demonstrating the more acute problem in Tandridge.
- 6.50 Only 30 of the 318 local planning authorities in England and Wales have seen an increase (worsening) in the lower quartile affordability ratio in the last 12 months, Tandridge saw the largest increase - i.e. Tandridge was top of the list of authorities where the affordability of housing has worsened. This again provides another indicator of the severe housing problem for those households at the lower end of the house price ladder.
- 6.51 The acute level of affordable housing need in Tandridge, coupled with a persistent lack of delivery and worsening affordability, will detrimentally affect the ability of people to lead the best lives they can. This conclusion lays bare, the very real consequences of failing to provide enough affordable housing.
- 6.52 The Appeal Scheme was submitted on the basis of delivering a provision over and above the adopted affordable housing policy requirement with an on-site provision up to 36% affordable homes. Following the publication of the 2024 NPPF, the proposed scheme sought to increase the provision to 50% in response to paragraphs 67, 155, 156 and 157 of the NPPF ('Golden Rules'), which I deal with further below. In the context of the proposed Appeal Scheme this amounts to 103 affordable homes across the proposed 207 homes (166 new homes (C3) and the 41-unit extra care units (C2)).
- 6.53 The appeal proposal represents a clear opportunity to assist in meeting 'demonstrable' and 'acute' need for affordable housing in the District. In the absence of an up to date Local Plan, and the failures of the IPSHD, I cannot see how the Council can achieve a step change in the delivery of affordable housing to meet annual needs. Consequently, suitable sites, such as the Appeal Site, should be granted planning permission now in order to boost the supply of affordable housing.
- 6.54 In his conclusion, Mr Stacey identifies an acute unmet need for affordable housing within TDC. He considers that the Council have deliberately sought to downplay the specific provision of affordable homes at the Appeal Site in their Statement of Case by combining the benefits of housing into a single benefit. The provision of 50% affordable homes as part of the Appeal Scheme provides a substantial benefit and a strong material consideration weighing heavily in favour of the Appeal Proposal.
- 6.55 As a consequence of Mr Stacey's comprehensive and overwhelmingly stark and robust evidence of the demonstrable and acute need for affordable housing in the District, I contend that affordable housing provision is an individual benefit of the appeal proposals, responding to a related housing, but discrete need, which should be afforded **very substantial weight**. I wholly concur with Mr Stacey's findings and assessment that very substantial weight should be attributed to the provision of affordable housing in the determination of this appeal.

6.56 Local interest from a possible provider for the affordable housing provision has been expressed by Raven Housing Trust. A letter of support is included at Appendix 5 of my evidence (CD 11.4).

### 3) Provision of care accommodation

- 6.57 Paragraph 63 of the NPPF sets out a requirement to establish the need, size, type and tenure of housing needed for different groups in the community, including for older persons' accommodation.
- 6.58 Mr Warner address the need of older persons accommodation within his evidence (CD 11.17) in respect to both quantitative and qualitative methods. To support my assessment of the relative weight that should in my view be attributed to the specific provision of specialist housing / meeting care need in the District, I repeat some of Mr Warner's findings.
- 6.59 When considering the future requirements for extra care accommodation, Mr Warner has identified the need for a further 482.5 units over the longer term (that being through to 2045) or 326.5 units in the short term (through to 2029).
- 6.60 Mr Warner has also modelled the long term implications if adopting more ambitious provision rates as a means of providing positive choice for housing needs as people age. Under those alternative scenarios, future needs in the market sector would range from 486 to 1,138 extra care units.
- 6.61 The Council's position, having regard to the evidence from Surrey County Council, is a future need of 467 units as of 2025, increasing to 544 units by 2035.
- 6.62 Whilst our provision rates are therefore different, under either assessment there is a clear need for future provision within both tenure types.
- 6.63 When moving on to consider the future for care beds, Mr Warner identifies an overall requirement of 731 beds over the longer term (through to 2045) or 357 beds in the short term (that being through to 2029) covering personal and nursing beds. Again, those figures are based solely on the quantitative assessment.
- 6.64 If the qualitative assessment were used instead then the respective figures we have identified are 1,002 beds in the longer term and 628 beds in the short term.
- 6.65 Under either approach for future requirements, the dementia need is expressed separately, adding a further need for 87 beds over the longer term and 66.6 beds in the short term.
- 6.66 Mr Warner's assessment has also considered alternative approaches to modelling demand, which continues to demonstrate that in the longer term there will be a shortfall of at least 314 beds without further supply.
- 6.67 The Council's position, having regard to the evidence from Surrey County Council, is a future need of 57 residential/personal care beds as of 2030 and then 89 beds as of 2035. In respect of nursing care the figures are an oversupply of 182 beds in 2030 and then reducing to 148 beds in 2035.

- 6.68 It is therefore Mr Warner's conclusion that there is a clear demonstrable need for both the extra care and care home bed provision. Again, whilst related to housing need, the provision of Class C2 accommodation is a discrete need, which the Appeal Proposals are seeking to meet and in the absence of up to date adopted Policy or spatial strategy. The provision of older persons accommodation needs in the form of extra care units and the care home provide a further clear and demonstrable benefit of the scheme.
- 6.69 Mr Warner concludes that the provision of 70 additional care beds and 41 extra care units from the Appeal Scheme will make a meaningful contribution to addressing identified needs for older persons accommodation. Based upon Mr Warner's robust older persons needs assessment meeting the identified shortfall in care needs with specialist housing types as part of the Appeal Scheme should be afforded **substantial weight**. I have reviewed and concur with his assessment of **substantial weight** to the provision of older persons housing in the determination of this Appeal Scheme.
- 6.70 Local interest from a possible provider for the care provision has been expressed by The Clavadel, part of The Geoghegan Group. A letter of support is included at Appendix 6 of my evidence (CD 11.4).

#### 4) Self-Build and Custom Housing

- 6.71 At a national level, the Self Build and Custom Housebuilding Act (2015) (CD 5.13) placed a legal duty on Local Planning Authorities to keep a register of groups who want to acquire serviced plots. The Housing and Planning Act 2016 goes further, beyond the 2015 Act, to place a statutory duty on Local Planning Authorities to grant sufficient development permissions to meet the demand for self-build and custom housing.
- 6.72 PPG guidance (CD 5.11) and NPPF paragraphs 63 and Annex 2 (CD 5.1) further details definitions and guidance of for provision of Self-Build and Custom Housing. Locally, however, neither the Core Strategy (2008) nor the Local Plan (2014) contain any policies relating to the provision of self-build and custom housebuilding.
- 6.73 Mr Moger's evidence (CD 11.20) has assessed available secondary data (FOI information awaited 12.02.26), which sets out an estimated 1,469 people may be interested in building their own home across the authority area in the foreseeable future when national survey data is applied to ONS adult population data for Tandridge.
- 6.74 Mr Moger's evidence further estimates that there may be a need for between 1,180 and 1,680 self-build and custom housebuilding plots over the 20-year emerging period when national data on self and custom build is applied to the standard method figure for Tandridge. At a more localised level, within the Nutfield Parish, the Custom Build Homes Group data found that in January 2026 there were 51 registrants on Custom Build Homes Group databases.
- 6.75 In terms of supply, Mr Moger evidence sets out the Council's position that there is a shortfall of 66 plots across Base Periods 1 to 8, compared with the Appellant's supply position that there is a shortfall of 145 plots across Base Periods 1 to 8. On either basis, there is substantial self-build and custom housing need for serviced plots that is going unmet.

- 6.76 Mr Moger evidence demonstrates that the statutory duty has been failed for Base Periods 1-6 and there is a pending shortfall for Base Period 8 (6 plots) that must be addressed by 30 October 2026. This results in a cumulative shortfall of 145 plots relative to Part 1 register demand across Base Periods 1 to 8.
- 6.77 The provision of eight serviced plots as part of the Appeal Scheme, secured by legal agreement would make a significant contribution to meeting this unmet need, especially in the absence of any adopted policy or possibly an emerging policy in the new draft Local Plan, and deliver an economic benefit during construction and support for local facilities, and significant social benefit in terms of the diversity of housing type, whilst meeting the Council's duty under the 2015 Act.
- 6.78 Consequently, given the scale of shortfall in serviced plots secured as self-build and custom housebuilding relative to the identified demand in Tandridge, and consideration of other comparable appeal decisions, set out in Mr Moger evidence at Section 6 (CD 11.20) he considers that **substantial weight** should be attributed to the provision of eight serviced plots for self-build and custom housebuilding through the Appeal Scheme. In consideration of Mr Moger's robust and clear evidence, I wholly concur with his assessment and that **substantial weight** should be attributed to the provision of the eight serviced plots in the determination of this appeal.

## 5) Heritage

- 6.79 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects listed buildings in the exercise of planning functions. It provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.80 As set out in CD 11.6, Mr Josephs' evidence sets out that there would be a low level of less than substantial harm to two designated assets:
- (d) Church of St Peter and St Paul (Grade II\*), and
  - (e) Folly Tower In Grounds of Redwood (Grade II).
- 6.81 Of these assets, the Church of St Peter and St Paul is predicted to have views from the tower filtered by woodland (both existing and proposed) at 130m north east of the Appeal Scheme. However, as Mr Josephs evidence (CD 11.6) sets out the Church is not a prominent feature in the local landscape when viewed from the village that it served, located at a distance north of the A25 adjacent to Church Hill, and sitting in a topographically lower location. The Church's setting is defined by the enclosed churchyard, formed by hedgerows, trees and woodland. In views from the rural fields to the east and north the Church is largely enveloped by the trees within and around the Churchyard. There are only glimpsed views, predominantly in winter, and partially screened by Beechcroft Cottages, built around 1945, on the opposite side of Church Hill. As Mr Josephs' evidence sets out, the built form of the Appeal Scheme, particularly the IRC, is highly filtered in views from the curtilage boundary by the intervening woodland. Whilst the outline of the building is determinable, it is not considered by Mr Josephs' to be intrusive (paragraph 4.20, CD 11.6).

- 6.82 Overall, Mr Josephs concludes that views of the IRC will cause a minor adverse impact on the setting and appreciation of the Church. This results in a low level of less than substantial harm to the Church's setting and significance, thereby requiring an assessment of the development in the context of public benefits set out at paragraph 215 of the NPPF.
- 6.83 The Folly Tower is a mid-19th century Grade II stone tower set amongst later development, 110m south of the development area of the Appeal Proposals, particularly the IRC. The Folly Tower is located to the rear of Redwood (a residential property fronting onto the A25) together with associated outbuildings and a swimming pool, residential properties on High Street and Church Hill. The extensive tree coverage within the red line boundary of the Appeal Site (Figure 25, CD 11.6) between the IRC and the Folly Tower is retained (save for the loss of a small tree group G7 (category C)), thereby retaining the screening as existing.
- 6.84 Historically the setting of the Tower would have been formed by Well House and its gardens. Since its construction, the immediate surroundings have been subject to mineral extraction, restoration and extensive modern residential development. More recently, a large covered swimming pool has been constructed 20m north west of the Tower. Little therefore remains of the setting of the Tower, and none that is in its original form. Mr Josephs concludes that there will be a minor adverse effect on the appreciation of the significance of the Tower resulting in a low level of less than substantial harm to the setting and significance of the Tower (para 5.11, CD11.6).
- 6.85 The Historic Building Officer at SCC confirmed (CD 9.7):
- “there will be a low degree of less than substantial harm under paragraph 202 [now 215] of the NPPF to The Folly Tower and to St Peter and St Paul’s Church owing to the reduction of their rural and landscape setting which informs the significance of each building. Great weight must be applied to this harm in line with paragraph 199 [now 212] of the NPPF and even greater weight as the church is Grade II\* listed”. [Appellant emphasis].*
- 6.86 In considering the impact on The Folly Tower, whilst the views are important to the Folly Tower's function, the SCC officer confirms that:
- “much of the surroundings have already been developed and the building’s original context has been largely lost. As the views only make a small contribution to the significance of the building, I consider the harm from the proposal to be a low form of less than substantial harm.”*
- 6.87 This is consistent with paragraph 12.23 of the officer's report (CD 3.1), which states:
- “the proposal will have an impact on heritage assets, but this would not be considered to be a ‘strong’ reason for refusing planning permission under the terms of Footnote 7”.*
- 6.88 Notwithstanding these clear conclusions, the officer's report then proceeds to outline heritage as a reason for refusal on the basis that applying the heritage balance in paragraph 215 of the NPPF no heritage or public benefits of the Appeal Proposals outweigh the “low degree of less than substantial harm”.
- 6.89 TDC's SOC (CD 12.1) goes on to outline it:

*“...does not consider that the public benefits outweigh the great weight that should be given to the conservation of the setting of two listed heritage assets, particularly St Peter and St Paul’s Grade II\* listed church” (paragraph 11.6).*

6.90 As Mr Josephs sets out within his proof, paragraph 212 of the NPPF (CD 5.1) clearly states:

*“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

6.91 Mr Josephs confirms that considerable importance and weight must still be attached to this less than substantial heritage harm identified to the significance of the Church and the significance of the Folly applying paragraph 212 of the NPPF and relevant case law<sup>10</sup>. Paragraph 215 of NPPF is then engaged whereby:

*“Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal.”*

6.92 The approach in ‘Barnwell’ does not prevent the grant of permission even where there is identified residual heritage harm. The case reaffirms that the statutory objective of preservation is a planning consideration of great weight and importance. Having acknowledged that, and then having regard to the particular facts of the case, the decision maker is then entitled to balance the benefits against harm.

6.93 Paragraph 215 of the NPPF requires any harm to designated heritage assets to be weighed against the public benefits of the proposal (paragraph 18a-020-20190723 of the PPG). The PPG confirms that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the NPPF (paragraph 18a-020-20190723 of the PPG).

6.94 Overall, I concur with Mr Josephs’ assessment and findings on heritage matters that the development will give rise to a low level of less than substantial harm, and in accordance with the Officer’s Report this does not amount to a strong reason for refusal under footnote 7. In Section 7, I carry out the paragraph 215 NPPF balance (i.e. weighing the public benefits of the proposals against the low level less than substantial heritage harm identified).

## 6) Green Belt

6.95 Paragraph 155 of the NPPF introduces the concept of “grey belt” land, which enables development of homes, commercial or other development in the Green Belt not to be regarded as inappropriate if specific criteria are met.

6.96 It is common ground amongst both parties that the Appeal Site accords with the NPPF Glossary definition of grey belt, (CD 5.1, paragraph 6.27), as the Appeal Site does not strongly contribute towards purposes (a), (b) and (d) in paragraph 143 of the NPPF, as highlighted in red text below:

<sup>10</sup> *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council & Ors [2014] EWCA Civ 137 (18 February 2014) (CD 10.24)*

143: Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

6.97 The NPPF Glossary definition of ‘grey belt’ also has a second limb which states “‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.”

6.98 Footnote 7 relates to policies regarding designated habitats sites; Sites of Special Scientific Interest; Local Green Space; National Landscapes; National Park or defined as Heritage Coast; irreplaceable habitats; designated heritage assets and sites of archaeological interest; and areas at risk of flooding or coastal change. As demonstrated in the Appellant’s planning application submission or set out in my evidence, none of these designations apply to the Appeal Site. In relation to heritage assets, the Development would cause less than substantial harm, which does not, as the Officers Report confirmed (paragraph 12.23, CD 3.1), amount to a strong reason for refusal of the Appeal Scheme under Footnote 7, where public benefits, as set out in Section 7, outweigh the heritage harm. No objection has been raised by the EA or LLFA to the Appeal Scheme in relation to flood risk. Therefore, the Appeal Site can be considered grey belt, as there are no strong reasons for refusing or restricting the Development under Footnote 7.

6.99 However, it is the Council’s position that the Appeal Scheme does not meet in full the grey belt tests set out in paragraph 155 of the NPPF.

6.100 Paragraph 155 states that:

*“155. The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:*

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.”*

- 6.101 As set out at paragraphs 9.2 and 9.3 of TDC's SOC (CD 12.1), TDC's position is that the development does not satisfy paragraph 155 (a) as the development would, in their opinion, fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
- 6.102 It is also TDC's position that the Appeal Scheme would not satisfy paragraph 155(c) as the development would not, in their view, be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. Therefore, despite being Grey Belt, the Appeal Scheme remains, in TDC's view, inappropriate development for the purposes of paragraph 153 and 154 of the NPPF.
- 6.103 My position is that I strongly disagree with the Council's assessment of the paragraph 155 criterion. Taking each criterion of paragraph 155 in turn:

155 (a) Fundamentally undermine the purposes (taken together) of the remaining Green Belt of the Plan

- 6.104 Mr Holliday's evidence (CD 11.9) concludes that the Appeal Site makes a "weak" or "no contribution" to green belt purposes (a), (b) and (d) set out at paragraph 143 of the NPPF. The Appeal Scheme only proposes development on 7ha out of the whole 58.8ha Appeal Site and is largely contained by existing woodland. As such, the harms to purposes (a), (b) and (d) arising from the Appeal Scheme are even more limited.
- 6.105 Mr Holliday's evidence (CD 11.9) explains how the Appeal Scheme would affect the purposes (taken together) of the remaining Green Belt across the area of the plan and whether the development would "fundamentally undermine" the purposes (taken together) of the remaining Green Belt across the area of the plan, to feed into this planning judgement. This wording is specifically constructed to be a high bar to reach, as the introduction of a further exception to Green Belt policy is clearly intended to lead to the release of additional Green Belt land to meet identified development needs.
- 6.106 This high bar is confirmed by the PPG is confirmed by the PPG which states, with reference to 155(a) criterion, that:

*"In reaching this judgement, authorities should consider whether, or the extent to which, the release or development of Green Belt Land would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way" (paragraph 64-008-20250225).*

- 6.107 Mr Holliday in his evidence explains the development forms part of an area of disturbed but regenerating land. The Appeal Scheme would only involve built development at very specific open parcels of land, contained by existing woodland and settlement. The visual effects on the wider area would be very limited, and the existing character of wider countryside beyond the Appeal Site boundaries would be minimally affected. Inevitably there would be a degree of encroachment on the land used for the development itself, as the land is current absent of built form, but the perception of encroachment (purpose c) on the countryside and any wider area would be **negligible** (para 7.36, CD11.9).

6.108 Whilst the effect on the area as a whole is not all about area and scale, it plainly is a relevant consideration. Appendix 5 of Mr Holliday's evidence (CD 11.10) shows the Appeal Site and the areas proposed for built development within it, along with the wider Green Belt areas in Tandridge. In Tandridge, approximately 94% of the District is Green Belt (Core Strategy (CD 4.1) paragraph 2.2). The proposed development on approximately 7ha of land from a District that covers 24,831ha, with 23,299 ha of Green Belt amounts to less than 0.03% of the total Green Belt area. This loss, with a very limited effect beyond the developed parts of the Appeal Site itself, cannot possibly "fundamentally undermine" the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way.

6.109 The Councils Statement of Case (CD 12.1 paragraph 9.4) alleges that:

*"In terms of its contribution to the purpose set out at para. 143 c) the Green Belt in this location strongly assists in safeguarding the countryside from encroachment. There is clear encroachment on the countryside by the development. In relation to the role which the site plays in safeguarding the countryside from encroachment the site currently strongly contributes to Green Belt purpose (c)."*

6.110 However, the test at paragraph 155(a) of the NPPF is not about an assessment of the contribution the Appeal Site makes to green belt purpose (c), but whether the Appeal Scheme would "fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan". The PGG confirms this involves a decision maker considering whether, or the extent to which, the release or development of Green Belt Land would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way. In this case, the Appeal Scheme covers a very small proportion of the overall Appeal Site, and an even smaller part of the Green Belt across the plan area.

6.111 As such, given the above and applying paragraph 64-008-20250225 of the PPG (CD 5.9) (i.e. which states that in reaching this judgment that it should be considered whether the release or development of the Appeal Site would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way), this is purposefully a very high bar, which is not reached in the case of the Appeal Scheme. As concluded by Mr Holliday, apart from the direct changes to the Appeal Site itself, the new built form would be barely perceptible across the wider Green Belt within the plan area, which would remain as they are contributing to the relevant Green Belt purposes.

6.112 I wholly concur with Mr Holliday's assessment, as it is plainly conclusive, that the Appeal Scheme would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, such that the paragraph 155(a) criterion is satisfied.

Paragraph 155 (b) - Unmet Need

6.113 As I have outlined within the preceding sub-sections 1-4 above, the evidence provided Mr Stacey (CD 11.14), Mr Moger (CD 11.20) and Mr Warner (CD 11.17) as well as the housing land supply statement at Appendix 2 of my proof (CD 11.4), is clear that there is a substantial shortfall in the delivery of all types of housing, including: market, affordable, care, extra care and self-build and custom housing.

6.114 The conclusions of each expert, with which I wholly concur, are not repeated here but as set out above, the ‘*demonstrable unmet need*’ for housing in Paragraph 155 (b) can be proven by reference to either of the criteria in footnote 56, either the lack of a 5YHLS including buffer (as applicable in this case) or lack of housing delivery below 75% (also applicable in this case). The severe housing situation in Tandridge is highlighted in this case by both of these footnote 56 criteria being met - a lack of housing supply **and** a lack of housing delivery. The same situation has also been presented in terms of Older Persons Housing need (extra care and care home beds) and self-build and custom housing.

6.115 On this basis, paragraph 155 (b) of the paragraph 155 test is clearly and demonstrably met.

Paragraph 155 (c) - Sustainable Location

6.116 TDC’s SOC (CD 12.1) refers back to the officer’s report (paragraphs 12.34-12.38) which expresses the position that the Appeal Scheme would be isolated from the settlement of Nutfield in functional terms, given the lack of day-to-day facilities within the village. It further claims that the Appeal Scheme would add significant pressure on the limited services and road networks that exist, concluding that “...*the application site is not in a sustainable location; and there can be no disagreement over this baseline position*” (paragraph 12.34 of officer’s report, CD 3.1).

6.117 Both David Bird and I strongly dispute this position and in the absence of consideration of national policy and guidance on new development and sustainable locations.

6.118 The SCC Highways response of 14 March 2025 (CD 9.1) states:

*“It remains the case that this is not an ideal location for the type and scale of development proposed in transport terms, particularly with the diffuse nature of the proposed site layout, however if the above measures are secured then there would be some material benefits to the local and wider transport network due to the highways and public transport improvements.”*

6.119 Furthermore, both the NPPF, at paragraph 110, and the PPG (at paragraph 42-006-20140306 - CD 5.20) are very clear on this point that when considering development proposals and compliance with this paragraph 155(c) criterion that what is relevant is whether the Appeal Site is ***or can be made*** sustainable (my emphasis).

6.120 TDC further state:

*“It is notable, however, that the proposed transport improvement are only focused (apart from the provisions of pedestrian crossings on the A25) on getting people to the larger settlements elsewhere such as Redhill rather than to Nutfield. This is tacit admission of Nutfield’s lack of facilities and inherent unsustainability.”* (CD 12.1, paragraph 10.4)

6.121 TDC’s own draft Regulation 18 Local Plan (CD 7.1), which is currently out for consultation, sets out that Tandridge is “*a district with a mix of rural and suburban community with high levels of commuting mainly by car, with strong links to London and Gatwick and a local economy dominated by small and medium entries, professional and rural industries*”.

6.122 The stated ‘Vision for Tandridge District’ in the draft Regulation 18 Local Plan (CD7.1) recognises this pattern of development and acknowledges that new development, as is the case with the Appeal Scheme, should be directed to “*sustainable and well connected locations, prioritising those with good access to public transport, walking and cycle routes and local services, helping to reduce the reliance on car travel. Transport will play a critical role in shaping sustainable communities:*

- *public transport links ... to improve accessibility between towns, villages and key destinations;*
- *... encourage walking, cycling and safe sustainable movement, including new connections between town and villages and the wider countryside;*
- *New homes and workplaces planned around multi-modal transport options ... without needing to drive;*
- *Charging infrastructure ... digital connectivity ... more efficient travel choices. (page 9-10)*  
...

*Good planning helps people live healthy, fulfilling lives. The Local Plan will aim to create safe, inclusive and connected communities where residents can easily access services, green spaces and opportunities for physical activity. It will promote active travel (walking and cycling), integrate open spaces and play areas within new developments and ensure residents have access to healthcare, education and community facilities.” (CD 7.1, page 18)*

6.123 It therefore follows that the existing residents of Nutfield and South Nutfield utilise the local road and public transport networks to commute to larger settlements for employment and to access a wider range of services. With the significant proposed improvements to public transport (DDRT) bus provision and non-vehicular modes, the Appeal Scheme will have the benefit of seeking to change and improve the travel patterns for both existing residents of Nutfield and South Nutfield and future residents of the Appeal Scheme to access a wider range of services. In this context, the Appeal Scheme wholly accords with the objective and achievement of locational sustainability as required by paragraphs 155(c), 110 and 115 of the NPPF and clearly resonates with Tandridge’s emerging spatial development Vision for the District.

6.124 Mr Bird’s evidence (CD 11.12) explores this in greater detail at section 6 of his proof of evidence and concludes that most destinations (including education, employment, health, retail, leisure) that people will wish to access in their daily lives can be accessed by sustainable modes, i.e. by walking, cycling or by bus. These are not convoluted journeys or journeys with significant friction since most can be undertaken by walking, a single bus journey or using the upgraded Sustrans 21 cycle route between the Appeal Site and Redhill.

6.125 TDC’s position further claims that the Appellant’s SOC (CD 12.1) has made a particular focus on transport measures within paragraph 155(c) but nowhere does it state that other aspects of sustainability should not be considered. In response, I set out both transport measures and other aspects of sustainability that will be achieved by the Appeal Scheme:

### *Transport Measures*

- 6.126 The Appeal Scheme sets out a clear case to justify that the Appeal Site is in a sustainable location and suitable for the proposed housing and care home provision. Through investment in highway and junction improvements and sustainable transport measures proposed (referenced below), whilst also contributing to the provision of healthcare and community facilities and S.106 contributions, the Appeal Scheme demonstrates clear sustainable measures to support housing development, in accordance with the advice in the PPG and NPPF paragraphs 110 and 115 (CD 5.1). Consequently, locational sustainability of the development, as referenced in paragraph 155(c) of the NPPF will be met. Furthermore, the Appeal Proposals improve pedestrian and cycle access to the existing Nutfield villages and more widely to South Nutfield and Redhill via substantial improvements adding to the community facilities and benefits of the Appeal Scheme.
- 6.127 In this context, NPPF paragraph 110, highlights that development should be focused on locations which are **or can be made** sustainable through limiting the need to travel and offering a genuine choice of transport modes through a vision-led approach. It is noted that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making (NPPF, paragraph 115).
- 6.128 Extensive consultation has been undertaken with Surrey County Council (SCC) Highways prior to submission of the planning application and during the determination period. In response to comments by SCC, the Appellant team responded by proposing additional transport measures to further improve the Appeal Site's sustainable location. The sustainability measures are outlined within the Appellant's SOC and in summary below, which are intended to individually and collectively provide residents of the Appeal Site, and the wider local community, with enhanced accessibility compared with the current provision (for the existing community) and a wide-ranging choice of low-cost, alternatives to the private car, sustainable transport modes and networks all of which are proposed and funded by the Appeal Scheme.
- 6.129 The sustainable transport and highway safety/capacity enhancement proposals are (in summary) as follows:
- (a) Bus Service Enhancements: A £4M financial contribution to fund the SCC's Digital Demand Responsive Transport (DDRT) services and mainstream bus services in the area.
  - (b) Bus Stop Enhancement: Enhancement to existing bus stops along the A25 such as vegetation clearance, shelter improvements and Real Time Information boards.
  - (c) Electric Bikes: infrastructure for electric bikes will be provided at secure, covered locations within the Appeal Site.

- (d) Cycle Route Enhancement: Enhancements to the Sustrans National Cycle Network (NCN 21) Route 21 between the Appeal Site and Redhill Station (avoiding the A25). This involves restoration and maintenance works to address surface water issues and upgrading the existing surfacing to provide a safe, traffic-free or lightly trafficked route (Sustrans 21 Upgrade Summary Report in Appendix E to David Bird's PoE, CD11.19). The improved route would enable a cycle journey to Redhill Station in approximately 15 minutes. The upgraded route will support use by on-site cyclists and e-bike users, while also offering an alternative pedestrian connection to Redhill. It represents a significant safety and accessibility improvement, benefiting both new and existing residents, with strong positive support from BIFFA, Sustrans and SWT.
- (e) Other Walking and Safety Improvements:
- A new signal-controlled pedestrian crossing to the east of Mid Street/A25 junction;
  - A new signal-controlled pedestrian crossing west of the Church Hill/A25 junction;
  - A pedestrian crossing across the A25 to the west of the site to facilitate access to the westbound bus stop.
  - Extension of 30MPH speed limit to the west of the site access - thus reducing speeds as vehicles enter the village from the west.
  - Enhanced walking routes on site including improvements to FP616 and 192.
- (f) Highway Capacity Improvements: Alterations to the A25/Mid Street junction to provide improved capacity on the Mid Street arm.
- (g) Travel Plan: A Travel Plan including measures to encourage the use of sustainable transport modes.

6.130 Taken together, this is an extensive package of highway related measures that will significantly enhance the transport sustainability and connectivity of the Appeal Site and allow existing and future residents of Nutfield / South Nutfield and the development to access other areas within Nutfield and South Nutfield as well as the main service centre at Redhill by walking, cycling and frequent bus services. These enhancements will be available to existing as well as new residents.

6.131 SCC, in their consultation response received on 14 March 2025 (Response\_TA-23-1281 - CD 9.1), gave the following reasons for the need for the S106 Contributions and conditions outlined above:

*“The above conditions 1,3,4,6 and 7 are required to ensure that the proposed development would not result in unacceptable impacts on the safe operation of the public highway”* and

*“The above contributions and conditions 2,3,4,5 and 6 are required in order that the development provides appropriate facilities to enable and encourage sustainable modes of transport, gives priority to pedestrian and cycle movements, facilitates access to high quality public transport and addressed the needs of people with disabilities and reduced mobility in relation to all modes of transport”*

6.132 My position is, therefore, that with all the above measures and substantial contributions, which will be secured by s106 Agreement, the Appeal Site will become a highly sustainable location for the new Development in compliance with paragraphs 155(c), 110 and 115 of the NPPF and the relevant PPG guidance.

#### *Other Aspects of Sustainability*

6.133 Paragraph 12.36 of the officer's report (CD3.1) claims that no other aspects of sustainability have been considered as part of the Appeal Scheme. Paragraphs 1.1 and 1.2 of the officer's report state the following:

*"As such the settlement falls into the category of development where the fundamental factor is that the settlement can neither meet the basic day to day needs of its own residents and relies on the need to travel to other settlements to gain access to goods and services as a necessity" and*

*"it is not considered that these measures would go far enough to improve the access to goods and services for occupiers of the development to a level that would make the development sustainable under the terms of the NPPF."*

6.134 It is not correct to characterise the proposed development as not providing for any of the basic day to day needs of residents. As set out by Mr Bird in his evidence (CD 11.12), there will be the following provision on site or within walking distance:

- (a) Retail: There will be provision for a retail store on site and Holborns Convenience Store in South Nutfield is within walking distance. It should also be recognised that on-line shopping deliveries are available and this dissipates the need for a food store within close proximity of a settlement;
- (b) Education: There is a nursery school on Church Hill which is within easy walking distance of the proposed development; there is a primary school in South Nutfield (18-minute walk from the Appeal Site). Alternative primary schools include Earlswood School in Redhill and Bletchingly Village Primary School. For secondary education there are two choices: Carrington School in Redhill and Oxted School in Bluehouse Lane, Oxted. The alternative primary schools and secondary schools are all accessible by existing bus services or the proposed DDRT service. Mr Bird sets out this in further detail as part of his evidence.
- (c) Leisure: There is an extensive amount of green space that will be publicly accessible on site which will allow existing and new residents to walk and exercise in close proximity to their homes without the need to travel by car. There are also 2 public houses within walking distance;
- (d) Community: There is St Peter and St Paul Church along with the existing Memorial Hall plus community / healthcare provision as part of the proposed scheme. These facilities along with the public houses will facilitate community activities.

- 6.135 Notwithstanding the existing facilities, TDC's case also fails to acknowledge the on-site provision of flexible Class E(e) and F2 floorspace within the proposed Integrated Retirement Community (IRC), which is a collective term referring to bringing together the different types of specialist accommodation and facilities that are designed to support people in older age.
- 6.136 This floorspace is proposed as flexible to allow the end user to be selected at a detailed design stage to ensure its form aligns with the community's needs. The class F2 floorspace is able to accommodate a small convenience store, meeting a possible identified need for the local area that was raised by some residents during the public consultation event.
- 6.137 The proposed class E(e) floorspace would be able to accommodate, for example, several medical consulting rooms for visiting practitioners, including but not limited to, pharmacy, dentist, physiotherapists, MRI screening, health and well-being consultations rooms and mobile screening to target a specific local need.
- 6.138 Local interest in the possible uses of this floorspace has been expressed by Professor Stephen Langley, a Professor of Urology who is keen to explore the use of the flexible floor space as a diagnostic centre for cancer treatments and Mr John Rockwell, a local dentist with a practice in Bletchingley with a strong interest in relocating to Nutfield for a bigger and improved facility. Both parties have submitted letters in support of the scheme and the existing and future communities, which are in Appendices 3 and 4 of my evidence (CD 11.4).
- 6.139 TDC's position further fails to acknowledge the NHS contribution sought by NHS Integrated Care Board ("ICB") of £215,466 towards funding local infrastructure. Similarly, in line with TDC's guidance, the Appellant anticipates further contributions towards education (early years, primary and secondary as necessary), all of which will be secured by the S.106 agreement. At detailed design stage, the creation of additional floorspace will attract CIL.
- 6.140 I therefore maintain (for the reasons above) that the Appeal Site is in a sustainable location, in regard to both transport and other aspects of sustainability, in accordance with paragraph 110 and 115 of the NPPF. A vision-led approach is supported by the range of highways and local infrastructure improvements proposed such that the Appeal Site's locational sustainability would be further enhanced.
- 6.141 Accordingly, my evidence, and that of Mr Bird's, is clear that the Appeal Site is in a sustainable location and complies with NPPF paragraphs 110, 115 and 155 (c) and the PPG.

Paragraph 155 (d) - Golden Rules

- 6.142 The final requirement, limb (d) of paragraph 155, to support the Appeal Scheme as not inappropriate development in the Green Belt relates to the need to comply with the 'Golden Rules' requirements for major housing development, as set out in paragraphs 156-157 of the NPPF.
- 6.143 Paragraph 156 sets out the Golden Rules for the development to meet as follows:

*156. Where major development involving the provision of housing is proposed on land released from the Green Belt through plan preparation or review, or on sites in the Green Belt subject to a planning application, the following contributions ('Golden Rules') should be made:*

*a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;*

*b. necessary improvements to local or national infrastructure; and*

*c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.*

6.144 Paragraph 157 then states as follows:

*157. Before development plan policies for affordable housing are updated in line with paragraphs 67-68 of this Framework, the affordable housing contribution required to satisfy the Golden Rules is 15 percentage points above the highest existing affordable housing requirement which would otherwise apply to the development, subject to a cap of 50%. In the absence of a pre-existing requirement for affordable housing, a 50% affordable housing contribution should apply by default. The use of site-specific viability assessment for land within or released from the Green Belt should be subject to the approach set out in national planning practice guidance on viability.*

***Paragraph 156 (a) - Affordable Housing***

6.145 In response to the revised NPPF 2024 and the introduction of the Golden Rules for Green Belt housing development, the Appellant amended the affordable housing offer. Under paragraph 157 of the NPPF and in the absence of an up-to-date policy, paragraphs 67-68 of the Framework require the affordable housing contribution to be 15 percentage points above the highest existing policy, capped at 50%. For Tandridge, this equates to 49% (34% + 15%).

6.146 The proposals increase affordable housing from 36% at application stage to the 50% cap, across 166 dwellings (Class C3) and 41 later living units (Class C2), providing 103 affordable homes. There is no policy requirement to provide affordable units in relation to the care home use.

6.147 The 50% affordable housing provision will be secured through a S.106 Agreement. This enhanced provision meets paragraph 156(a) of the NPPF, as is acknowledged by TDC in the officer's report (CD 3.1, paragraph 12.47).

*Paragraph 156 (b) - Local and National Infrastructure*

- 6.148 The Appeal Scheme contributes to local and national infrastructure through CIL payments (estimated at circa £2 million), an NHS Integrated Care Board (ICB) contribution of approximately £215,466, and other education-related contributions (quantum to be determined). It also includes up to 1,500 sqm of flexible Class E(e)/F2 floorspace for health and community uses, alongside up to 70 care home beds and 41 extra care units (both Class C2).
- 6.149 The proposed flexible floorspace is located within the Integrated Retirement Community (IRC) alongside the care provision but is designed to operate independently of the C2 uses. It is not ancillary to the care element but positioned to complement it, also serving residents of the C3 housing and the wider existing resident community.
- 6.150 As I have outlined above, the floorspace will support a range of community and healthcare uses to meet both local and wider Tandridge needs. The flexible design enables adaptation to specific local healthcare needs. The NHS Surrey Heartlands ICB confirmed support (in their response dated 23 January 2025, **CD 9.8**), subject to a S.106 contribution, and expressed interest in exploring detailed design opportunities for this space.
- 6.151 A Social Infrastructure Assessment (Turley Economics) accompanied the application submission, assessing both the Appeal Scheme's impact on existing infrastructure and its role in meeting identified local needs.
- 6.152 Mr Warner's evidence further identifies a significant need for additional care provision (**CD 11.17**). The proposed care home provision will deliver a substantial benefit to Nutfield, Tandridge, and Surrey, contributing positively to national older persons infrastructure requirements more widely.
- 6.153 The proposed flexible E(e) and F2 floorspace allows the creation of healthcare, community facilities (subject to the end user), and S.106 and CIL contributions to local infrastructure clearly demonstrate that the Appeal Scheme will deliver local infrastructure improvements for both new residents and the existing settled community in compliance with paragraph 156(b) of the NPPF Golden Rules.

*Paragraph 156 (c) - Public Access to Green Space*

- 6.154 The Appeal Scheme delivers significant investment in green infrastructure, with 51.8 hectares (88% of the Appeal Site) dedicated to publicly accessible open space. Of this, approximately 2 hectares are integrated within and around the developable areas, with the remaining 50 hectares forming an extensive green network to the north of the Appeal Site.
- 6.155 Addressing the first element of paragraph 156(c), the Appeal Scheme will provide public access to substantial new and enhanced open spaces within an area that is currently privately owned and largely inaccessible save for an existing network of PROW footpaths, as shown by Appendix 1 of Mr Holliday's evidence (**CD 11.10**). The Appeal Scheme is set within a landscape-led masterplan that integrates woodland, meadow, and waterbody / SUDS enhancements in accordance with paragraph 159 of the NPPF and Local Plan Policy DP7. Appendix 5 of Mr Holliday's evidence (**CD 11.10**) further shows the paths in relation to the proposals and identifies sections of paths where views to new built form are likely to be possible, and the routes, existing and new.

- 6.156 The proposals provide a unique opportunity to restore and enhance the Appeal Site's natural environment, and its former industrial use with a landscape rich in biodiversity.
- 6.157 In relation to the second element of paragraph 156(c), the Appeal Scheme ensures residents (both future and existing communities) enjoy convenient public access to open space. Existing footpaths and cycle routes will be retained and improved, alongside new pedestrian and cycle connections that link homes to green spaces and connect the development with Nutfield and South Nutfield.
- 6.158 This provision of extensive open space meets paragraph 156(c) of the NPPF, as acknowledged by TDC in the officer's report (CD 3.1, paragraph 12.49).
- 6.159 Accordingly, my position is that the Appeal Scheme fully complies with the NPPF's Golden Rules.
- 6.160 Consequently, compliance with the Golden Rules engages paragraph 158 of the NPPF and attracts **significant weight** in favour of granting planning permission which applies whether or not the Appeal Site is grey belt.

*Grey Belt - not inappropriate development*

- 6.161 My position is that the Appeal Site is grey belt on the basis of the Appeal Site's definitional compliance (in Annex 2 Glossary of the NPPF), as accepted by TDC in the SoCG (CD 8.1, paragraph 6.27), and, as outlined in my evidence above, the Appeal Proposal's clear compliance with the paragraph 155 tests and 156 Golden Rules criteria. The Appeal Scheme is therefore not inappropriate development in the Green Belt.
- 6.162 Consequentially, the PPG on Green Belt (CD.5.9) and NPPF 2024 footnote 55 is then engaged which states:

*"if development is considered to be not inappropriate development on previously developed land or grey belt, then this is excluded from the policy requirement to give substantial weight to any harm to the Green Belt, including its openness."*

- 6.163 As the Appeal Site is considered to be grey belt in definitional terms, complies with footnote 7 of the NPPF and the criteria in paragraph 155 of the Framework, as well as the 'Golden Rules' the Development is considered not to be inappropriate development, as an exception to Green Belt policy. Consequently, paragraph 153 of the NPPF is not engaged, meaning that the proposals should not be regarded as harmful either to openness of the Green Belt or to the purposes of including land in the Green Belt<sup>11</sup> (CD 10.66).
- 6.164 This position was reaffirmed in the recent High Court case of Mole Valley BC v SSHCLG [2025] EWHC 2127 (CD 10.64), that if a scheme is not inappropriate development in the green belt, then there is no Green Belt harm at all (definitional or actual) to be weighed in the overall planning balance.

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<sup>11</sup> The PPG Guidance reflects the position established in case law by the Court of Appeal in Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404

### Alternative case: Inappropriate Development

6.165 However, if (contrary to my analysis) it is considered that the Appeal Site is not grey belt and the development does not meet the paragraph 155 and 156 tests, and therefore inappropriate development, then in the alternative, it is my position that the paragraph 153 NPPF planning balance is clearly satisfied. The harm to the green belt by reason of inappropriateness and any other harm (including harm to openness) is clearly outweighed by the very substantial planning/public benefits (other considerations) of the proposals (the 'paragraph 153 test').

#### *Green Belt Harms*

- 6.166 If contrary to my analysis, the paragraph 153 of the NPPF test applies in this appeal, then pursuant to paragraph 153 of the NPPF **substantial weight** is required to be given to any harm to the green belt, whether definitional harm or any other green belt harm, including both spatial and visual openness.
- 6.167 As I have outlined above, in terms of spatial openness, Mr Holliday's evidence is clear that the developed part of the Appeal Site would be approximately 7 ha of land from a District that covers 24,831ha, with 23,299 ha of Green Belt amounts to less than 0.03% of the total Green Belt area. Notwithstanding, the limits imposed by the height parameter (up to 2.5 storeys / 10.5m for the residential elements and 13m for the care home), by definition any new housing development on currently open land, would lead to a significant effect on spatial openness, on the directly affected parts of the Appeal Site, albeit contained and screened within woodland parcels. For the Appeal Scheme, within the overall Appeal Site there is approximately 52 ha of Green Infrastructure proposed, compared with the circa 7ha of built development. The green infrastructure has no effect on spatial openness but does bring a range of other benefits.
- 6.168 The assessment of "Visual Openness" draws on the landscape and visual appraisal undertaken by Mr Holliday within his evidence (CD 11.9). This has demonstrated the limited extent from which the Appeal Scheme would be visible due to the surrounding built form and intervening vegetation. Generally, there are very few locations beyond the immediate context of the Appeal Site, outside of the developable area of the Appeal Scheme, where there would be any notable views of the proposals.
- 6.169 As such, Mr Holliday concludes that the effects on visual openness arising from the scheme would be **very limited** in regard to Green Belt harm. The extensive areas of existing woodland to the north-east and west, and settlement mainly to the south provide visual containment and additional planting within and around the scheme would further reduce any effects on visual openness over time.

#### *Other Harms*

- 6.170 If (contrary to my analysis), the paragraph 153 balance applies, the other harms to be weighed in the balance include:
- (a) Conflict with the Development Plan policies - limited weight;
  - (b) Visual impact on users of the footpaths - moderate to minor weight;
  - (c) Impact of the development on local character and appearance of the area - limited weight; and

- (d) Low level of less than substantial harm to the setting and significance of the Church and Folly (designated heritage assets) - great weight (as required by paragraph 212 of the NPPF).

*(a) Conflict with the Development Plan policies*

6.171 I have dealt with the conflicts with the Development Plan policies earlier in my evidence. Regarding the impact on local character and appearance, TDC's position refers to the moderate impact of the development on local character and appearance of the area in paragraphs 19.20-19.21 of the officer's report (CD 3.1) and maintains that the Appeal Scheme would conflict with policies CSP18 and DP7. TDC has since further referred to the visual harm from PROWs within the Appeal Site (which I discuss below). I however attribute **limited weight** to these conflicts with Development Plan policies (for the reasons set out at section 5 of my evidence).

*(b) Visual impact on users of the footpaths*

6.172 In considering the impact on users of the footpaths, Mr Holliday confirms (CD 11.9) that the users of PROW routes that pass through the Appeal Site within the immediate vicinity of the proposed developed areas will experience the greatest visual effects. Mr Holliday's evidence explores the different grade of PROW and recreational paths in terms of their proximity to the built area of the Appeal Scheme. Views from a number of PROWs would be affected as they pass through the Appeal Site, or close to it, but visual effects beyond the immediate Appeal Site are very limited. The levels of effect would vary between major/ moderate adverse from the PROWs in close proximity to the development parcels and passing through the woodland areas, to minor adverse / negligible further to the north and away from the development parcels in year 1 of the development and reducing its effect in year 15 as landscaping matures (Appendix 4: View Effects From Paths to CD 11.10). There would be visual changes leading to moderate/minor adverse effects for users of Nutfield Road, where close to the Appeal Site entrance at completion, and further reducing over time as landscape matures to a minor adverse effect after 15 years.

6.173 There will undoubtedly be a change to how the existing PROW within the developable areas of the Appeal Scheme are experienced, going from largely wooded, wild areas to more structured landscaping, internal roadways and housing. However, without the detailed design of the internal layout of Appeal Scheme it is hard to define whether this change might be negative or simply different than existing. On balance, I consider there to be **moderate to minor weight to this harm**, dependent on where the user is located.

*(c) Impact on local character and appearance*

6.174 As noted by Mr Holliday (CD 11.9), the LVA concluded that the site and its immediate context is of medium landscape value. The Appeal Site is not part of a "Valued Landscape". The intrinsic character of the countryside has been recognised in the scheme design. Accordingly, paragraph 187b not 187a of the NPPF is engaged. The Appeal Scheme does recognise the intrinsic character and beauty of the countryside, through the design approach of the scheme set out in the DAS, including the Landscape and Ecology Strategy (Appendix 3, CD 11.10).

- 6.175 In describing the residential development area, officers noted the existing sporadic development form of Nutfield. Officers expressed concern about the effect on the scale and form of Nutfield of the new development, suggesting it could “*overwhelm*” it. This would be due to extending north, and the loss of woodland and the “*verdant and sylvan character of the area*”.
- 6.176 Mr Holliday is clear that he does not consider the Appeal Scheme would do any of these things. The scale of the development is relatively modest and would not overwhelm the village. Essentially developed on three areas of land, each one in itself is not a large area. Being visually contained also would mean that any experience of the areas would essentially come from being close to it as the whole development cannot be experienced as a total from street / footpath level that would have the effect of “*overwhelming*” the existing village. Development already extends north of the A25 and the new development would not be materially out of character with the existing settlement form, which already contains a variety of housing types and layouts.
- 6.177 The wooded character would remain and within the development areas there is scope for additional planting. The village would in my opinion retain a “*verdant and sylvan character*”.
- 6.178 Officers considered the Appeal Scheme would result in localised harm to character and appearance, which would be “*apparent in views from the A25, Church Hill and the extensive public right of way network within and around the wider site,*” contrary Policies CSP 18 of the Core Strategy and DP7 of the Local Plan and the provisions of the NPPF.
- 6.179 As outlined within the proceeding sections of my evidence, I do not agree with this assessment, nor why the Appeal Proposals would be in conflict with either policy CSP18 and DP7. I therefore give this ‘other harm’ **limited weight**.
- (d) Low level of less than substantial harm to a heritage asset*
- 6.180 There are four Grade II and one Grade II\* listed buildings located within the built up area of Nutfield Village, including 40-44 High Street (Grade II), The Queens Head Public House (Grade II), Folly Tower In Grounds of Redwood (Grade II), and Church of St Peter and St Paul (Grade II\*).
- 6.181 Of these assets, the Church of St Peter and St Paul and the Folly Tower are considered by the Council to have views of the development (IRC) from the tower. Mr Josephs’ evidence clearly states that these views would be filtered by woodland (both existing and proposed) at 130m north east and 110m south from the edge of the built development of the Appeal Scheme. Mr Josephs’ proof of evidence also sets out there are no perceptible effect anticipated from ground level from the Church itself. Filtered views may be possible from its curtilage depending on the time of year. Overall, Mr Josephs concludes that there is a **low level of less than substantial harm** applying paragraph 215 of the NPPF, to the setting and significance of the Church and the Folly.
- 6.182 The visual impact of the development on the intervisibility and significance of the heritage assets was also considered by SCC Historic Building Officer during the planning application process, who at the time similarly concluded to Mr Josephs that the harm would be at a low level of less than substantial harm.

6.183 Mr Josephs confirms that considerable importance and weight must be attached to this less than substantial heritage harm identified to the significance of the Church and the significance of the Folly applying paragraph 212 of the NPPF and relevant case law. Paragraph 215 of NPPF is then engaged whereby:

*“Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal.”*

6.184 The approach in ‘Barnwell’ does not prevent the grant of permission even where there is identified heritage harm. The case reaffirms that the statutory objective of preservation is a planning consideration of great weight and importance.

6.185 Having acknowledged that and then having regard to the particular facts of the case the decision maker is then entitled to balance the benefits against harm.

6.186 Paragraph 215 of the NPPF requires any harm to designated heritage assets to be weighed against the public benefits of the proposal (paragraph 18a-020-20190723 of the PPG). The PPG confirms that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the NPPF (paragraph 18a-020-20190723 of the PPG).

6.187 I consider that the low level of less than substantial harm identified by Mr Josephs amounts to **limited weight** to this ‘other harm’ in relation to heritage. However, as required by paragraph 212 of the NPPF, in the planning balance, I must attribute **great weight** to an asset’s conservation.

6.188 I carry out the paragraph 215 heritage balance in section 7 of my proof.

#### **Other Considerations**

6.189 In addition to the material consideration above, I also set out and attribute weight to ‘other considerations’ as part of my planning balance at Table 3 in Section 7 below.

#### **BNG**

6.190 The Appeal Scheme will deliver a significant on-site Biodiversity Net Gain (BNG) of +22% with over 50ha for open space, biodiversity, and wildlife enhancement including the creation of ponds, wetlands, wildflower meadows, new scrub and woodland planting. This is significantly above, over double, the mandatory requirement to create a minimum 10% gain.

6.191 It is also material to note that the commitment to BNG was made at the application submission, prior to the introduction of the mandatory 10% net gain, which came into effect for developments of this scale in 14 February 2024.

6.192 The scale and investment of the Appellant into the BNG commitment, across an extensive 50ha area of the Appeal Site will be safeguarded for the creation and enhancement of habitats for a minimum of 30 years.

6.193 I therefore consider that the Appellant’s elected scale of the +22% BNG gain should be afforded **significant weight** in the determination of the Appeal Scheme.

### Employment

- 6.194 As set out by the Planning Statement (CD 1.35) and the Economic and Social Benefits Statement prepared by Turley (CD 1.15) submitted as part of the planning application, the Appeal Scheme will contribute towards local and wider employment generation and economic productivity as well as accommodating growth in the labour force and boosting resident expenditure and public revenues. More specifically, the Turley report confirmed that the construction phase will generate an average of 60 direct, indirect and induced net additional full-time employment (FTE) opportunities and contribute £25.5 million GVA to the cost of LEP area's economic output during the construction period, of which £20 million will be concentrated in Tandridge.
- 6.195 The operation phase is anticipated to generate 110 direct, indirect and induced net additional FTE jobs, including 46 for Tandridge residents. This phase is also expected to generate £7.4 million GVA to the Coast to Capital LEP area's economy each year of operation, inclusive of £5.2 million concentrated in Tandridge. The future residents are estimated to increase the annual spending power by £6.9 million within the local economy, with circa £5.7 million estimated to be spent on retail and leisure goods and services by the future residents.
- 6.196 The Appeal Scheme will contribute to maintaining and enhancing the delivery of local public services and infrastructure and provide a significant boost to the local employment and wider economy.
- 6.197 I therefore consider that the employment and economic opportunities generated by the Development should be afforded **significant weight** in the determination of the Appeal Scheme.

## 7.0 PLANNING BALANCE & CONCLUSION

7.1 Informed by my assessment of the evidence and weightings I give to the material considerations (harms and benefits) I have identified arising from the Appeal Scheme these are summarised in Table 3 below:

Table 3: Harms and Benefits

Harms	Appellant weight attributed
<b>Green Belt</b> <i>(only applicable if grey belt case is not accepted and the alternative NPPF paragraph 153 assessment is required)</i>	Substantial
<b>Conflict with the Development Plan</b>	Limited
<b>Harm to footpath users</b>	Moderate to minor
<b>Character and Appearance</b>	Limited
<b>Heritage harm</b>	Great weight
Benefit	Appellant weight attributed
<b>Market Housing</b>	Very substantial
<b>Affordable Housing</b>	Very substantial
<b>Care Provision</b>	Substantial
<b>Self-Build Housing</b>	Substantial
<b>Golden Rules</b>	Significant
<b>Employment</b>	Significant
<b>Cycle and pedestrian links (inc. SUTRANS upgrade)</b>	Significant
<b>Biodiversity Net Gain</b>	Significant
<b>Sustainable transport improvements</b>	Significant

7.2 In terms of the planning balance which is required to be undertaken to determine the acceptability of the proposed Appeal Scheme, consideration must be given to the following balances:

- (a) **The paragraph 215 test** - heritage harm should be weighed against the public benefits of the proposal;
- (b) **The paragraph 11(d)(ii) test** (if grey belt and not inappropriate development) - any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the development scheme; and

- (c) **The alternative paragraph 153 test** (if inappropriate development) - the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, are clearly outweighed by other considerations.

7.3 Taking each in turn:

**The Paragraph 215 Heritage Test**

- 7.4 My position is clear that I concur with Mr Joseph's evidence that the Appeal Scheme would have only limited visual intervisibility with the Church of St Peter and St Paul and the Folly Tower, where filtered or distant views are possible from the Tower, and no impact at ground floor level. Both Surrey County Council's Historic Building Officer and Mr Joseph's assessment confirm that the impacts amount to a **low level of less than substantial harm** in NPPF terms under paragraph 215 of the NPPF to the setting and significance of the Church and the Folly.
- 7.5 The officer's report acknowledges this low level of less than substantial harm and accepts that it does not amount to a strong reason for refusal under Footnote 7 of the NPPF (**CD 3.1**, paragraph 12.23). Similarly, the SCC's Historic Building Officer's concluding paragraph states:
- "There will be a low degree of less than substantial harm under paragraph 202 of the NPPF to The Folly Tower and to St Peter and St Paul's Church owing to the reduction of their rural and landscape setting which informs the significance of each building." (CD 9.7)*
- 7.6 Paragraph 212 of the NPPF and relevant case law requires me to apply "*great weight*" to any heritage harm, as I have done within Table 3 above. As required by paragraph 215 of the NPPF:
- "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal".*
- 7.7 In considering this balance, I refer to paragraph 18a-020-2019723 of the PPG (**CD 5.10**). This is clear that the scope of what is meant by the term public benefits in paragraph 215 of the NPPF is broad and could be anything that delivers economic, social or environmental objectives as described in the NPPF and which flows from the Appeal Scheme.
- 7.8 Applying this PPG guidance, my evidence clearly demonstrates the very significant public benefits arising from the Appeal Scheme, as outlined at Table 3 above; including (in summary) housing delivery, affordable housing, older persons accommodation and self build and custom housing, extensive package of sustainable transport measures, and substantial environmental enhancements (BNG and green infrastructure), as well as economic benefits during construction and operation of the development. Both individually and collectively these amount to 'public benefits' that in my view clearly and substantively outweighs the low level less than substantial heritage harm to the setting and significance of the Church and the Folly. Accordingly, the heritage balance in paragraph 215 of the NPPF is demonstrably satisfied and favourable to the Appeal Scheme.

- 7.9 As such, it is my position in the context of Mr Josephs' evidence, that the planning balance required in paragraph 215 of the NPPF has been applied and clearly demonstrates that public benefits outweigh the 'less than substantial harm' identified such that the second reason for refusal based on heritage grounds is not justified or reasonable.
- 7.10 I also agree with the officer's report that the identified low level of less than substantial heritage harm by the SCC Heritage Officer and Mr Josephs does not amount to a strong reason for refusal under Footnote 7 of the NPPF nor negates the Appeal Site being considered as grey belt and the scheme as not inappropriate development (which the Council accepts as they do not dispute that the appeal proposal is grey belt - the disagreement concerns compliance with the paragraph 155 criterion).

#### **The paragraph 11(d)(ii) test**

- 7.11 In my judgment, for the reasons set out, the Appeal Site is grey belt and the proposed Appeal Scheme, which complies with all paragraph 155 criteria of the NPPF is not inappropriate development. As the policies which provide the basis for determining the Appeal Scheme are out of date, as the Council cannot demonstrate a 5 YHLS and the HDT indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years, pursuant to footnote 8 of the NPPF the tilted balance is triggered in paragraph 11(d)(ii) of the NPPF. Permission should therefore be granted unless the adverse impacts significantly and demonstrably outweigh the benefits of the proposals.
- 7.12 I have set out a clear case that the Appeal Site is 'grey belt' under the NPPF (2024) definition in the Annex 2 Glossary, as it does not "strongly contribute" to Green Belt purposes (a), (b) or (d) nor is subject to any Footnote 7 designations (this is agreed by the Council). Furthermore, I have clearly set out that I contend that the Appeal Scheme also fully accords with the paragraph 155 criteria and the "Golden Rules" in paragraph 156 of the NPPF and is, therefore, not inappropriate development.
- 7.13 In the absence of an up to date development plan, excessively out of date housing need figures and related spatial strategy and clearly evidenced lack of a five year housing land supply, the tilted balance set out in paragraph 11(d)(ii) is engaged. As demonstrated, and summarised in Table 3, the adverse impacts of the Appeal Scheme, do not remotely come close to significantly and demonstrably outweighing the very considerable planning and public benefits of the Appeal Scheme such that applying the tilted balance planning permission should be granted for the proposals without delay.
- 7.14 Concerning the paragraph 155 criterion, the Appeal Site comprises previously worked, disturbed and restored land, and is heavily screened by mature, self-seeded trees and woodland. As such, whilst there will be some limited degree of encroachment on the countryside (Green Belt purposes (c)) by virtue of the proposed built development, with the loss of only 0.03% of the District's Green Belt, the Appeal Scheme would not '*fundamentally undermine*' the remaining Green Belt purposes across the area of the Plan and would not, applying the PPG (paragraph 64-008-20250225) affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way. The Appeal Scheme should therefore be regarded as not inappropriate development under paragraph 155(a).

- 7.15 Tandridge continues to face an acute and chronic housing shortfall, with less than two years' of deliverable housing land supply on TDC's own assessment and less than one year on the Appellant's assessment (SoCG of Housing Land Supply - **CD 8.3**) and in the latest published Housing Delivery Test (2023) with an outturn of only 42% (presumption). TDC also faces a severe lack of extra care and nursing accommodation for older people and identified need for this type of specialist housing. By both metrics (lack of a five year housing land supply and HDT below 75%), which apply to TDC (when only one is required to pass the footnote 56 threshold) and demonstrates the acute shortfall and severe housing need in Tandridge, these deficiencies clearly satisfy paragraph 155(b), applying footnote 56 of the NPPF. A clear and unmet need for both market and specialist housing has been demonstrated such the paragraph 155(b) criterion is met.
- 7.16 In relation to paragraph 155(c), the Appeal Site is in a sustainable location, which, as set out in paragraph 110 of the NPPF and applying paragraph 64-011-20250225 of the PPG, can be made more sustainable through the significant investment in public transport and active travel measures as proposed to be delivered by the Appeal Scheme secured by suitably worded planning obligations in the s106 Agreement.
- 7.17 As agreed, and supported by SCC Highways, the package of sustainable transport measures includes a substantial £4M contribution towards the expansion of the SCC's existing 'Surrey Connect' DDRT network to service the residents of Nutfield, South Nutfield and the proposed Nutfield Green Park, provision for e-bike facilities, cycle route upgrades, including SUSTRANS 21, and new pedestrian crossings. As such, the Appeal Proposals fully comply with paragraphs 110, 115 and 155(c) of the NPPF and paragraph 64-011-20250225 of the PPG being in a location that is or can be made sustainable.
- 7.18 Furthermore, the officer's report incorrectly asserts that no wider sustainability considerations (economic, social, environmental - as set out in paragraph 8 of the NPPF (**CD 5.1**)) have been incorporated into the Appeal Scheme. The Council have failed to recognise the on-site provision of flexible Class E(e) and F2 floorspace within the proposed Integrated Retirement Community. In addition, the Council's position overlooks the NHS Integrated Care Board contribution of £215,466, alongside other anticipated Section 106 contributions towards education and other local infrastructure, with further CIL to be calculated at the Reserved Matters stage and payable at a later stage.
- 7.19 Taken together, these factors clearly demonstrate that the Appeal Site has substantial sustainable credentials, which will be further improved with significant contributions towards transport, health, community infrastructure and social sustainability objectives. Accordingly, in my view the Appeal Scheme therefore complies with the NPPF paragraphs 110, 115 and 155(c) and relevant PPG guidance such that the paragraph 155(c) is met.
- 7.20 The Appeal Proposals also satisfy the 'Golden Rules' in paragraph 155(d) and 156 of the NPPF (in summary below) and as such, significant weight should be attributed accordingly in accordance with paragraph 158 of the Framework:
- (a) Affordable Housing: 50% provision (exceeding local policy), secured by S.106 Agreement.
  - (b) Infrastructure: Financial contributions (secured by S.106 Agreement) and on-site delivery of community and healthcare floorspace, meeting identified local need and supported by the NHS ICB.

(c) Green Space: 51.8ha (88% of the Appeal Site) provision of publicly accessible open space and ecological enhancement (+22% BNG on site).

7.21 I conclude that the Appeal Site is grey belt land and the proposed Appeal Scheme fully accords with paragraph 155 and 156 of the NPPF and as such is not inappropriate development, as an exception to Green Belt policy, and in accordance with paragraph 11d(ii) should therefore be granted permission without delay.

#### **The paragraph 153 test**

7.22 If, contrary to my analysis it is considered that the Appeal Site is not grey belt and the proposed scheme does not meet the NPPF paragraph 155 test and is therefore considered to be inappropriate development in the Green Belt, consideration of my alternative case, as set out in Section 6, the NPPF paragraph 153 test (planning balance) should be undertaken.

7.23 As set out in Section 6 and based upon the summary of benefits and weights set out in Table 3 above, I contend that I have clearly demonstrated that ‘other considerations’ exist, which individually and collectively will deliver extensive and wide-ranging benefits. These benefits clearly outweigh the identified harm to the Green Belt by reason of inappropriateness, and the other harm(s) as identified by the Council and commented on in Section 6, resulting from the development. In my alternative case, the paragraph 153 test is favourably satisfied.

7.24 Consequently, the outcome of the planning balance under either scenario set out is in my view the same. Either as grey belt, being not inappropriate development (and the tilted balance pursuant to paragraph 11(d)(ii) NPPF engaged) or the paragraph 153 NPPF planning balance (i.e. harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations) the appeal should be allowed and planning permission granted for the appeal proposals.

#### **My Position - Conclusion**

7.25 Section 38(6) of the PCPA 2004 sets out a requirement for planning applications to be determined in accordance with the development plan unless other material considerations indicate otherwise.

7.26 The Appeal Scheme would conflict with several policies within the Development Plan including policies CSP1, DP13 and DP20. However, I attach limited weight to the conflicts with these policies because for the reason I explained in section 5, applying paragraph 232 of the NPPF they are not consistent with the NPPF.

7.27 I therefore conclude that the Appeal Scheme does not accord with the development plan when read as a whole. I attach limited weight to this conflict. In accordance with s38(6) PCPA 2004 (**CD 5.21**) other material considerations as set out in my evidence justify granting planning permission.

- 7.28 I have set out my analysis of other material considerations in Section 6 above. It is common ground that there is a chronic under supply of market and affordable housing in Tandridge, reflecting the national crisis in housebuilding. Similarly, it is common ground that in accordance with footnote 8 the Council is unable to meet its five year housing land supply and the presumption in favour of granting planning permission for development is also engaged on account of the low HDT results. In these circumstances, the presumption in favour of granting planning permission at paragraph 11(d) of the NPPF is engaged.
- 7.29 In carrying out my planning balance in the context of paragraph 11(d)(ii) of the NPPF, I conclude that the tilted balance is engaged, as the most important policies in the plan for determining the Appeal Scheme are out of date and there are no strong reasons to refuse the Appeal Scheme in the context of policies in the NPPF. In my judgement, the adverse impacts (visual harm of the development from the footpaths, character and appearance and low level of less than substantial heritage harm) are significantly and demonstrably outweighed by the substantial benefits of the Appeal Scheme in accordance with the tilted balance at paragraph 11d(ii).
- 7.30 This conclusion is based on my assessment that the Appeal Site is grey belt land on account of it not making a strong contribution to Green Belt purposes (a), (b) and (d); and because the Appeal Scheme complies with the paragraph 155 criteria, I conclude there are no NPPF footnote 7 strong reasons for refusal.
- 7.31 Whether or not the Appeal Proposal is not inappropriate or inappropriate development, the Appeal Scheme complies with the Golden Rules, in paragraph 156 and 157 of the NPPF, which also attracts significant weight in favour of the grant of planning permission (paragraph 158 of the NPPF). This applies equally in the context of the tilted balance in paragraph 11d(ii) (Appellant's case) or the paragraph 153 test (Council's case).
- 7.32 Accordingly, planning permission should be granted without delay in accordance with the presumption in favour of sustainable development under 11(d)(ii).
- 7.33 If, contrary to my analysis it is considered that the Appeal Scheme is inappropriate development in the Green Belt, I conclude that the definitional and actual Green Belt harm (which are afforded substantial weight pursuant to paragraph 153 of the NPPF), and any 'other harms' the Council and I have identified (visual harm of the development from the footpaths, character and appearance and low level of less than substantial heritage harm) are clearly outweighed by the "other considerations" (comprising the very substantive planning and public benefits of the scheme). Consequently, planning permission should be granted in accordance with paragraph 153 test in the NPPF and the favourable planning balance.
- 7.34 For the reasons set out above, it is my evidence to this inquiry that the Appeal should be allowed on which ever planning balance applies, whether the tilted balance in paragraph 11d(ii) (Appellant's case) or the paragraph 153 test (the Council's case) as the positive outcome is the same.



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