

TOWN AND COUNTRY PLANNING ACT 1990
LAND AT CHICHELE ROAD, OXTED
APPEAL BY CALA HOMES (SOUTH HOME COUNTIES) LTD
PINS REF. APP/M3645/W/24/3345915

STATEMENT OF CASE OF
OXTED & LIMPSFIELD RESIDENTS GROUP AND OXTED PARISH COUNCIL

Introduction

1. The Appellant has appealed against the decision of Tandridge District Council (“**the Council**”) to refuse planning permission for a proposed residential development of 116 Dwellings (Class C3) including affordable housing with associated access, car parking, soft landscaping and play provision (“**the appeal proposals**”) at Land to rear of 22 to 32 Chichele Road, Oxted, RH8 0NZ (“**the appeal site**”).
2. Oxted & Limpsfield Residents Group (“**OLRG**”) and Oxted Parish Council object to the appeal proposals. OLRG has more than 2,000 members from the Oxted and Limpsfield area. It submitted a detailed letter of objection dated 8 January 2024 (attached at Appendix 1), which should be read with this Statement of Case. Together with Oxted Parish Council it was granted “Rule 6 status” on 11 July 2024 (and, as such, they are referred to collectively as “**the R6**”).

The appeal site

3. The appeal site is an undeveloped agricultural field with an area of designated Ancient Woodland. It lies outside the settlement boundary of Oxted and in the open countryside. It is designated as part of the Metropolitan Green Belt. Part of the site also falls within the Surrey Hills Area of Outstanding Natural Beauty

(now renamed National Landscape) and Area of Great Landscape Value, the rest within the AONB setting.

Harm to the Green Belt

4. The Government attaches “great importance” to Green Belts: paragraph 142 of the National Planning Policy Framework (“**NPPF**”).¹ In Green Belt cases, the “tilted balance” at paragraph 11(d)(ii) of the NPPF is deliberately disapplied: see *Monkhill Ltd v Secretary of State for Housing, Communities and Local Government* [2021] EWCA Civ 74.

5. The appeal site was designated as Green Belt in the 1958 Surrey Development Plan. There have been no material changes “on the ground” that would affect this designation. The site is undeveloped, open, and, in the view of the R6 parties, continues to fulfil four of the Green Belt purposes identified in paragraph 143 of the NPPF. They are:
 - a. Paragraph 143(a) (“to check the unrestricted sprawl of large built-up areas”): The appeal site is undeveloped open countryside and continues to check the unrestricted sprawl of Oxted by containing development and preventing a northward expansion of the town.

 - b. Paragraph 143(b) (“to prevent neighbouring towns merging into one another”): Limpsfield and Oxted were once separate settlements but have merged primarily along existing road frontages. The appeal site forms part of a retained open wedge of countryside which continues to prevent further merging of these two settlements.

 - c. Paragraph 143(c) (“to assist in safeguarding the countryside from encroachment”): The appeal site is part of an extensive area of countryside to the north of Oxted. There have been no changes to the

¹ References to the NPPF are to the adopted (December 2023) version. A new draft NPPF was published for consultation shortly before this Statement of Case was due. Given that the consultation draft does not constitute adopted Government policy, it is not addressed here. The R6 may comment on the consultation draft, to the extent relevant, in its evidence.

Green Belt boundary in this area, and so the the appeal site is making a strong contribution to assisting in safeguarding the countryside from encroachment.

- d. Paragraph 143(e) (“to assist in urban regeneration, by encouraging the recycling of derelict and other urban land”): The Green Belt encourages the recycling of derelict and urban land within Oxted and the wider district. An example of this is the redevelopment of the Oxted Gasholder site, which was a brownfield site within the settlement boundary of Oxted which was redeveloped to provide 111 new dwellings and associated car parking.

6. The appeal site was not among the sites proposed for release in the now withdrawn “Our Local Plan: 2013:2033.” This is because the Green Belt Assessment (Part 3): Appendix 1 (2018) concluded that “this site does not justify the exceptional circumstances necessary to recommend amendment of the Green Belt boundary”, since:

“[T]he development of the site would impact on the ability of this site to serve two of the Green Belt purposes i.e. preventing sprawl and safeguarding from encroachment and would result in the loss of openness. Its impact could be minimised by siting it in the most visually contained section of the site, in addition to using sensitive design, buffers and landscaping but given its scale, even with all these measures, its impact would still be significant. Furthermore, as no robust and defensible boundary has been identified it would impact upon the wider Green Belt’s ability to continue to serve these purposes.”

7. This Assessment formed part of the evidence base for the now withdrawn Our Local Plan: 2013:2033 (eLP). While the eLP has now been withdrawn, the evidence base is still relevant as an expert assessment of the appeal site. There have been no changes on the ground on the appeal site or in this area that would invalidate the assessment set out in the paragraph above.
8. The appeal proposals constitute inappropriate development in the Green Belt and so are “by definition” harmful: paragraph 152 of the NPPF.

9. There will also be clear and significant harms to all of the factors used to assess the openness of the Green Belt. Taking each of the factors in paragraph 001 of the Planning Practice Guidance on Green Belt in turn:

a. Spatial openness

There will be very clear harm to the openness of the Green Belt in spatial terms arising from the introduction of 116 new dwellings accompanied by extensive areas of new hardstanding, access roads, driveways and pathways, into what is currently an undeveloped field where there is currently no built form. Further harm is caused by the subdivision of the area into individual plots and the creation of new curtilages and associated boundary treatments where none currently exist. This harm will be severe and permanent.

b. Visual harm

In the evidence base for the plan submitted for examination in 2019, the visual sensitivity of the site was judged to be substantial. The Council's Tandridge Landscape Capacity and Sensitivity Study recognised that "the fields contribute to the rural setting of the Greensand Way and from the south are part of the rural continuum of the slopes from the AONB."

In addition, the sloping nature of the site means that the proposed development will be clearly visible from multiple public and private viewpoints. It is not possible to mitigate the impact on views resulting from this development. The proposals would be alien and incongruous in this otherwise open, undeveloped, high quality landscape.

The proposals would also urbanise this area of open countryside. This is a key green space representing a green wedge between Oxted and Limpsfield which penetrates to the settlement edge. This green wedge brings the countryside closer to the settlement for residents to enjoy

and its existence promotes wellbeing and improves mental health. The proposal would result in a substantial incursion into this green wedge.

c. Intensification

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

d. Duration

All of these harms will be permanent.

10. The appeal proposals would also cause harm to the four Green Belt purposes identified above.

11. In summary, the appeal site continues to play an important role in checking the unrestricted sprawl of Oxted and Limpsfield; preventing the settlements from merging; safeguarding the countryside from encroachment and assisting in urban regeneration. The site has a particularly important local role in preventing further merging of Oxted and Limpsfield by checking their unrestricted sprawl; safeguarding the countryside in this location and retaining openness. The Green Belt in this area also provides a green buffer between Oxted and Limpsfield. Development of this site would erode the important green wedge between Oxted and Limpsfield and would not be sympathetic to the wider pattern of settlement and instead would be severely detrimental to it.

12. Substantial weight should be given to each of these harms, in accordance with paragraph 153 of the NPPF.

13. The foregoing gives rise to conflict with adopted development plan policies DP10 and DP13.

The Surrey Hills AONB and the rural landscape

14. Part of the appeal site lies within the Surrey Hills AONB and Area of Great Landscape Value. The rest lies within its setting. The site has high landscape sensitivity and value, and is a “valued landscape” within the meaning of paragraph 180(a) of the NPPF. Due to both proximity and topography, the site has a very high degree of intervisibility with the existing Surrey Hills AONB and so makes a strong contribution to its natural beauty.

15. Paragraph 182 of the NPPF states that: “Great weight should be given to conserving and enhancing landscape and scenic beauty in.... Areas of Outstanding Natural Beauty which have the highest status of protection...” The protection of AONBs (now National Landscapes) has recently been strengthened by the enactment of section 245 of the Levelling-up and Regeneration Act 2023.

16. Natural England is currently undertaking a “Surrey Hills AONB Boundary Variation Project”. Natural England’s proposed extension would put all of the appeal site within the boundary of the National Landscape. These changes were made because (amongst other things) “the land in question relates strongly to the wider AONB forming part of a sweep of qualifying land”: Consultation Document, page 45.

17. In its Boundary Review Report (February 2023), Natural England explained:

“These fields form part of a sweep of open countryside, are contiguous with the existing AONB, and have views to the North Downs. The existing AONB boundary does not follow a clear feature on the ground, instead cutting across the three fields. To the west, there is a further irregular field which is contained by mature hedges and woodland shaws. Although close to the urban area, this latter area retains a strongly rural character. An alternative boundary can be defined along the vegetated edge at the rear of properties on Park Road and hedgerows/woodland to the southwest.”

18. In its Consultation Analysis Report (July 2024), Appendix 21, Natural England added:

“Natural England agrees that the land currently comprises a pastoral field and has been ploughed in the past. Natural England notes that

the topography of the land is gently undulating and has visual connections to the wider AONB landscape forming part of a wider sweep of qualifying land. Historic Landscape Characterisation classifies the land (and the two fields to the north) as large irregular assarts with wavey or mixed boundaries. The ancient woodland, which flanks the northern and western boundaries, is split by the existing AONB and makes an important contribution to the character and qualities of the area. Natural England acknowledges that the metal fencing delineating the playing fields of Oxted School (to the south) has a more urbanising influence, however, it also notes that the presence of the playing fields means built development is set back and at a lower elevation, such that it recedes and does not significantly undermine the condition or integrity of the area...

Given that the AONB boundary extends up to the urban edge to the north and includes similar assarted fields, and that land north of Park Road is also proposed for inclusion, Natural England is of the view that the inclusion of this land, given its similar qualities and characteristics, is justified.”

19. Natural England’s reports provide an up-to-date, expert assessment of this landscape. On the basis of that assessment, Natural England has decided that the appeal site should be designated as part of the AONB/National Landscape. Further consultation is being undertaken in relation to other additions to the proposed extension areas. Once that process has been completed, Natural England will draw up a draft Variation Order (which would be for the Secretary of State to confirm).
20. This is material to the determination of this appeal. The appeal site is already subject to a number of protections and the direction of travel is towards even greater protection due to the contribution that this site makes to both the local and wider Surrey Hills AONB.
21. The appeal proposals would be highly detrimental to the Surrey Hills AONB and its setting. They would have a significant adverse effect on views in and out of the Surrey Hills AONB (including views from the North Downs Way) and on the Greensand Way public footpath which passes immediately to the east of the site and runs north into the AONB.

22. The appeal proposals would have an urbanising effect on what is currently an open field, and also on the adjoining areas of undeveloped open countryside. They would create a substantial intrusion into the “green wedge”, which is a settlement pattern characteristic of Oxted to the north and east. These green wedges bring the countryside close to more areas of the settlement than a straight boundary, thereby enhancing the amenity and wellbeing of all residents as well as contributing to the character of the settlement. However, the appeal proposals result in a significant erosion of this wedge, which would be detrimental to both the character of the settlement and also to the rural character of the area.
23. The R6 parties accordingly consider the appeal proposals to conflict with development plan policies CSP18, CSP20, CSP21 and DP7, as well as paragraphs 180(a) and 182 of the NPPF.

Character and appearance

24. The appeal site lies to the rear of Chichele Road where the buildings are set considerably in from their plot boundaries with generous frontages and sizeable rear gardens. Together with the numerous mature trees, some of which are very large, this results in a decidedly spacious and sylvan character to the area. In contrast, the appeal proposals are for much higher density housing shoehorned into the backland behind Chichele Road which does not reflect and respect the character of the area or integrate effectively with the surroundings as required by policy DP7 and CSP18.

Highways and Traffic

25. The R6 consider the proposed access to be unsuitable and unsafe. It is located on a dangerous corner at a sharp bend very close to a road junction, where the danger is already exacerbated by large numbers of parents using it for school pick up and drop off parking. This will increase due to the new housing. The appeal proposals will therefore adversely impact highway safety and increase the danger for children walking to and from the school, as well as the danger for other road users. Access for emergency service vehicles will also be compromised.

26. With the only vehicle access to this site being at the already busy Chichele Road/ Silkham Road junction there would be a significant increase in parents driving their children to school. It is common now for parents to walk their children across the Bluehouse Lane zebra crossing, then let them proceed on their own to St Mary's Primary School. In the afternoon the parents meet their children at the corner of Chichele Road to take them safely over the zebra crossing. As the children gain in confidence some manage the zebra crossing on their own. With a vehicle access to the site as proposed, parents will choose to drive their children to school instead due to increased safety concerns. As well as this additional traffic, the dwell time of cars dropping children at school will increase. Rather than a straightforward dropping off a child and letting them walk, say, half the length of Chichele Road, parents will park to walk their children across the proposed site access. The increased danger, and the perception of increased danger, will deter parents from allowing their children to walk to school. Government policy is to increase the number of children walking to school and not to discourage them.
27. Root protection measures along the site access will require that the access road is higher as it joins Chichele Road. This will add to the perceived danger of vehicles exiting the proposed site access road.
28. In the immediate vicinity, in addition to St Mary's Primary School (600 pupils), there are Oxted School (over 1,900 pupils) and Hazelwood Nursery formerly Laverock (over 150 pupils). As well as the vehicle traffic to these schools, there is additional traffic at the Silkham Road/ Chichele Road junction created by the nursery in Woodland Court (81 children).
29. The proposed mitigations and road layout changes do not address the road safety issues and in fact potentially exacerbate them.
30. The proposed ramps will cause further traffic flow disruption particularly during school drop off and pick up. Traffic during this period often causes delays in all directions back on to Barrow Green Road. During this same period

designated parking is regularly ignored by car drivers picking up or dropping off their children. Parking on the double yellow lines and bus stop become the norm. In addition, the ramps will create the potential for a lake to form from surface water run off despite any additional drainage measures that may be imposed. The existing drainage grids are inadequate and made worse with leaf fall grid blockages. Adding road ramps will cause the flood water to flow over the pavement through the hedge of 36a Chichele Road and on to the neighbouring properties (see further below).

31. The proposed traffic calming scheme will encourage vehicles to drive on the pavements during the morning drop off and afternoon pick up periods further compromising safety.
32. Surrey County Council as local highway authority requested that a Copenhagen crossing be provided where the site access meets Chichele Road. The appeal proposals do not comply with this request.
33. The appeal proposals will also result in a substantial number of additional traffic movements. This will have significant air quality and noise impacts on existing residential dwellings, particularly along Chichele Road, harming residential amenity.
34. In addition, in order to create the new access to the proposed development, it will be necessary to remove the existing bus stop on Chichele Road. This is detrimental to all who currently use that bus stop. Development proposals should be improving public transport provision and not removing it.
35. The R6 accordingly considers the proposals to be contrary to development plan policies CSP11, DP5 and DP7 and paragraphs 108(c), 108(d) and 108(e), 114(d), 114(e), 116(c) 115 and 191 of the NPPF 2023.

Surface and foul water drainage

36. The R6 parties believe the appeal proposals will significantly impact both surface water flooding and foul water drainage.

37. There have been flood events in this area, which have caused flooding at St Mary's School with the road runoff filling the Silkham Road and Chichele Road junction and running like a brown river down Chichele Road to Barrow Green Road, flooding the properties across the road. These events will be made worse by the run off down the access road from the proposed development.
38. The foul water drain closest to the appeal site is on Chichele Road. It is a 150mm gravity fed pipe which services the existing surrounding, low-density properties. The junction of this pipe is in the centre of the proposed site access junction. In the recent past, this junction has been blocked and leaked out onto the road surface.
39. The addition of 116 new residential dwellings feeding into a pipe will be beyond the flow rate capacity and, in the event of a blockage, could result in a lake of sewage within the proposed road ramps.
40. The overflows in the existing foul drainage network in Oxted are well known, with many properties near to Chichele Road requiring the installation of non-return valves by Southern Water in May 2022 in order to prevent foul water overflows into their gardens and dwellings. The installation followed repeated incidents of flooding from sewage owing to lack of network capacity with compensation payments to residents of £5,000 made by Southern Water. Although the non-return valves have prevented the overflow of sewage in the properties where they were installed, unfortunately it has simply moved the capacity issue to other nearby addresses because no extra capacity has been added to the system.
41. The R6 will provide visual evidence of the flooding.
42. In light of the above, R6 considers the appeal proposals to conflict with development plan policies CSP11 and DP21 and paragraphs 173 and 175 of the NPPF 2023.

Ancient Woodland

43. The Council's reasons for refusal identify adverse effects to the Ancient Woodland, a failure to demonstrate that biodiversity will be protected, maintained and enhanced (including by reference to deficiencies in the Appellant's ecological surveys, underscored by PINS' request for further environmental information on 29 July 2024), and other arboricultural issues. They identify conflicts with (amongst other policies) CSP17 and DP19 and paragraph 186(c) of the NPPF. There would be both physical harm and harm to biodiversity arising from the significant increase in recreational pressure and other urbanising effects.
44. The R6 does not intend to call additional evidence on those matters (other than factual evidence in relation to ring-barking of trees on the appeal site in 2013) but supports and adopts the position advanced by the Council.
45. In summary, the R6 parties do not consider the appeal proposals to accord with the statutory development plan when read as a whole. As set out above, the R6 considers there to be conflict with the following policies: CSP11, CSP17, CSP18, CSP20, CSP21 (Tandridge District Core Strategy) and DP5, DP7, DP10, DP13, DP19 and DP21 (Tandridge Local Plan Part 2: Detailed Policies).

Very special circumstances

46. The appeal proposals constitute inappropriate development in the Green Belt. Paragraph 152 of the NPPF states that such proposals should not be approved "except in very special circumstances". Paragraph 153 of the NPPF goes on to state that "very special circumstances" will not exist "unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations." This is a more demanding test than set for the review of Green Belt boundaries through the plan-making process (i.e. the "exceptional circumstances" test): *Compton Parish Council v Guildford BC* [2019] EWHC 3242 (Admin) at [70]. As Inspector David Spencer recognised in the recent

Lingfield appeal decision (dismissing an appeal on a Green Belt site in this district), the “very special circumstances” test sets an “extremely high bar” for developers to overcome: paragraph 116.

47. As set out above and in the OLRG objection letter, the R6 parties identify a number of what we consider to be substantial harms that would be caused by the appeal proposals – in relation to:

- a. Green Belt (definitional harm, harm to openness, harm to purposes);
- b. Landscape (including harm to the AONB and its setting);
- c. Harm to the character of the appeal site and the wider area;
- d. Highways (encompassing road safety, congestion and air quality and related amenity issues);
- e. Surface and foul water drainage; and
- f. Biodiversity (including effects on the Ancient Woodland and species/habitats).

48. Benefits of market and affordable housing. The Rule 6 consider that the weight given to the provision of market and affordable housing should be reduced due to the following:

- a. In September 2022 the Council adopted an Interim Policy Statement for Housing Delivery (“IPS”) which sets out a number of criteria for bringing forward new housing sites to boost the housing supply in light of the difficulties with the emerging Local Plan. The Council now has a clear delivery pipeline of new housing. Permission has since been granted for 410 new dwellings and 152 new units of specialist housing in accordance with the IPS.² All of these sites met the criteria set out in the IPS, whereas the appeal proposal does not. Furthermore, the approved schemes comprise five large Green Belt sites, with four of them delivering either 45% or 40% affordable housing. In other words,

² At Land West of Limpsfield Road (ref. APP/M3645/W/22/3309334), Young Epilepsy St Piers Lane, Lingfield (ref. 2022/116), Plough Road, Smallfield (ref. 2022/1658) Former Shelton Sports Club, Warlingham (ref. 2022/267), and Land at Former Godstone Quarry, Godstone (ref. 2022/1523).

the Rule 6 parties believe that the provision of 40% affordable housing is the minimum that should be expected. We note here that while we appreciate this is not current policy, the new NPPF consultation sets out 50% minimum affordable housing requirement on Green Belt sites.

- b. The Council's five-year housing land supply is calculated using the standard method, based on the 2014 household projections which give an unconstrained need figure of 634 dpa. The unconstrained figure does not represent the likely future housing requirement for this district (noting that paragraph 61 of the NPPF states that the outcome of the standard method is no more than "an advisory starting-point"). Although he went on to find it unsound, the Inspector who examined the Council's 'Our Local Plan: 2033' accepted that Tandridge would not be able to meet its OAN in full: see paragraph 44 of his report dated 14 February 2024 and paras 41-44 of his preliminary conclusions dated 11 December 2020. This is because there are major policy and infrastructure constraints to development in this district, including the Green Belt (encompassing 94% of the district), two AONBs, areas of flood risk, and significant infrastructure capacity constraints including safety issues (for example around the M25 J6). These constraints can reasonably be expected to significantly reduce any future housing requirement.
- c. We will be referencing the provision of new Council houses and affordable housing locally.
- d. In any event, the shortfall does not mean that planning permission must be granted (as is illustrated by the recent Lingfield appeal). All must turn on the merits of this scheme.

49. So far as public access is concerned:

- a. Access to the appeal site is not new as it was accessed regularly by members of the public until 2013. At that time, the entrances to the land

were blocked off. OLRG collected 74 statements from local residents about their usage of the field and submitted an application for four new rights of way to Surrey County Council, which is responsible for footpaths. Surrey County Council made a Definitive Map Modification Order on that basis, but this was not confirmed by the Secretary of State: see the decision dated 12 May 2021 at Appendix 2 to the Appellant's Statement of Case. The R6 parties consider this history to be relevant to the assessment of the appeal proposals' purported benefits.

- b. The recreational attraction of the site is that it is an undeveloped field set amongst woodland and hedges. The proposed introduction of a high density housing development would detract significantly from its recreational attractiveness.
- c. The proposed new development would place significant new recreational pressure on the Ancient Woodland and other open spaces. Existing residents would also switch to other nearby areas due to the new housing, which would place new burdens on them.

50. Overall, the harm to the Green Belt and to the AONB would be substantial and permanent. There are also other substantial harms. The harms are not "clearly outweighed" by the benefits and so paragraph 152 of the NPPF supports the refusal of permission.

51. The R6 also rely on conflict with other NPPF policies as material considerations which support the dismissal of the appeal, in particular paragraphs 108(c)-(e), 114(d)-(e), 115, 116(c), 173, 175, 180(a), 182, 186(c) and 191.

Conclusion

52. The R6 accordingly (a) support the Council's position on this appeal, (b) raises the additional matters summarised above and (c) on that basis considers that the appeal should be dismissed.