

ITEM

Application: TA/2023/1345

Location: Land to rear of 22 to 32 Chichele Road, Oxted, RH8 0NZ

Proposal: Proposed residential development 116 Dwellings (Class C3) including affordable housing with associated access, car parking, soft landscaping and play provision.

Ward: Oxted North and Tandridge

Decision Level: Chief Planning Officer

Constraints – AONB (existing and proposed), AGLV, Green Belt, Ancient Woodland, ASAC, Biggin Hill Safeguarding, ROFSW, Listed buildings.

RECOMMENDATION: REFUSAL

Summary

The application site is an undulating agricultural field bordered by mature trees, hedgerows and woodland immediately abutting the northern boundary of the built-up area of Oxted. As such, the site is open countryside within the Green Belt and is adjoined to the north and east by the Surrey Hills National Landscape. The site is a candidate area for inclusion in a boundary adjustment to the National Landscape proposed by Natural England. The woodland along the northern boundary of, and within the application site is Ancient Woodland.

The harm to Green Belt openness and associated loss of open countryside, harm to the setting of the National Landscape and potential harm to an Ancient Woodland and biodiversity all attract substantial weight against the grant of planning permission in accordance with the provisions of NPPF and development plan policy.

Taken overall, the conclusion of the planning balance exercise is that very special circumstances do not exist to override the substantial weight that must be afforded to the Green Belt and other actual and potential harm arising from the development proposed in this application and planning permission should be refused

Site Description

1. The site of 6.3 hectares is a mixture of agricultural land and woodland, immediately abutting the northern and western parts of the built-up area of Limpsfield and Oxted. The agricultural land is fringed by the woodland along its northern and western margins with mature hedgerows along its boundaries to the east and south-east. Beyond the northern and eastern boundaries of the site are open agricultural land and woodland rising up as the scarp slope of the North Downs which is here the Surrey Hills National Landscape (or Area of Outstanding Natural Beauty (AONB)). To the south are the buildings and playing fields of Oxted School and the buildings of Hazelwood School then the rear gardens of houses situated along Chichele Road in Oxted. There is another small woodland area in the south-west corner of

the site behind houses in Chichele Road. To the west are the buildings, playground and playing field within the St Mary's C of E School which here immediately borders the site.

2. The land rises in an east to west direction across the site itself to a high mid-point then falls again to west and north-west. The contours of the site mean that it is overlooked by adjoining development, particularly the Oxted School sports pitches and by some housing development in Chichele Road. A public footpath runs north to south in fields immediately east of the site and users of the path have glimpsed views through or over the hedgerow on the site's eastern boundary.
3. There are two points of vehicular and pedestrian access to the site. One is on the western boundary and this is a heavily overgrown access from Chichele Road very close to its junction with Silkham Road. The other access is via a private street running south to north off Bluehouse Lane in Oxted and lined by private houses, All Saints' RC Church and the buildings of Hazelwood School. There are no public rights of way within the site itself.
4. The site has a very rural feel despite abutting the built-up area of Oxted and Limpsfield and is a very attractive setting to this part of the urban area. The fringing woodlands and hedgerows provide for inter-connected natural habitat. The woodland along the northern boundary and lying wholly within the site is both Ancient Woodland and designated AONB so it has recognised importance in both national biodiversity and national landscape terms. This also means that the site forms part of the setting of the AONB and the proposed development needs to be considered in that context not just as an area of open countryside abutting the built-up area of Oxted.

Relevant History

5. There is no previous planning history for the application site but there is for the adjoining school sites and relevant in the context of this application is:

TA/96/68: Oxted County Secondary School: proposed construction of artificial sports pitch and erection of eight 12 metre floodlighting columns, laying out of car park (32 spaces), erection of fencing, ground modelling and landscaping. Granted planning permission by Surrey County Council on 14th August, 1996.

6. The site is located in the Green Belt where the key issues are whether the proposal constitutes inappropriate development and, if so, whether very special circumstances (VSC) are demonstrated that clearly outweigh the harm by definition and any other harm. This site is also partly within the currently designated Surrey Hills AONB, a National Landscape, and otherwise within the setting of the AONB. The site also falls within a proposed extension to the National Landscape and this is an important material consideration in the determination of this application. Exceptional circumstances need to be demonstrated for development in a designated AONB while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated area. Given the Green Belt designation of the land and that part of the site falls within a National Landscape the development of 116 houses proposed in this application is unacceptable in principle and this has to be the starting point in determining this application.
7. Other key considerations to be taken into account in the determination of the application include:

- The provision of housing in terms of 5-year housing land supply, and including affordable housing, and the proposed housing mix.
- The sustainability of the proposed development.
- The effect of the development on open countryside.
- The effect on biodiversity and habitats.
- The effect of the development on the character and appearance of the area.
- The effect on heritage assets
- Traffic, highway safety, access and parking provision
- Trees and hedgerows and their protection
- Flood risk and surface water drainage
- Contaminated Land
- Socio-economic benefits

Once each of these key issues have been considered, it will be necessary to undertake an exercise of weighing any harm that has been identified against any benefits of the proposal that are identified, and any other material considerations, and then undertake planning balance exercise.

Proposal

8. The layout of the development of 116 houses has the principal access road running from its junction with Chichele Road in the west then eastwards through the centre of the site. Secondary streets, tertiary streets and private drives run off the principal route providing access to neighbourhoods (or groups of houses) and individual dwellings. Housing faces onto all these streets or drives. A pedestrian only access links via the private street on the southern site boundary to Bluehouse Lane to the south. In the centre of the site, straddling the principal access road, would be a 'focal space', a landscaped area of public open space incorporating a children's play area. A further play area is located next to housing on the eastern boundary of the site.
9. Landscaping is predominantly on the edges of the development and integrates footpaths, planting, SuDS drainage lagoons and two play areas to soften the built form. Within the overall development site of 6.36 hectares, open space covers 1.7 hectares. The Landscape Masterplan shows existing hedgerows and tree belts on the site boundaries to be retained and gapped up and reinforced. However, there are significant areas of existing vegetation proposed to be removed along the eastern and southern boundaries of the site adjoining the grounds of Oxted School and Hazelwood School, and in the northwest part of the site adjoining St Mary's C of E School to make way for construction of the principal access.
10. The area of Ancient Woodland along the northern and western boundary of the site is shown as retained with a proposed minimum offset from development of 15 metres.
11. The residential development within the site is identified as three character areas, namely:
 - i) Principal route – development immediately adjacent to that route
 - ii) Woodland edge – development immediately south of the Ancient Woodland
 - iii) Bluehouse Lane – development in the southern part of the site

The typology of the residential development is 2-storey and 2.5 storey houses and flats. All the flats are contained within 2.5 storey buildings situated at three locations within the residential development, two on the principal route and one on the eastern boundary within the southern (Bluehouse Lane character area) part of the

site opposite the grounds of Oxted school. The houses are 2, 3, 4 and 5 bedroom and the flats 1 and 2 bedroom. While there is a mix of house sizes in most areas of the proposed development, the Bluehouse Character Zone to the south is characterised by flats and 2- and 3-bedroom houses.

12. The housing mix to be provided is proposed as:

1-bed flats	18no.	16%
2-bed flats	12no.	10%
2-bed house	27no.	23%
3-bed house	36no.	31%
4-bed house	13no.	11%
5-bed house	10no.	9%

The housing mix proposed includes 40% 'tenure blind' affordable houses, shared ownership houses and first homes. There are also two custom build housing plots.

13. The Design and Access Statement forming part of the application refers to the three character areas defined by building materials, design, urban form, landscape treatment and planting. It states that the designs do not seek to create stark variation, but subtle changes that make the development feel cohesive yet varied and responding to the neighbouring context to integrate the development with its immediate context. Materials range from brick, tile hanging and render, with mock Tudor boarding to create a varied character and interest across the development that respects the vernacular of the town, and the sites immediate context.

14. Car parking for the houses is generally provided in single storey, detached or semi-detached garages and parking spaces (some in tandem) within the grounds of each house. The exception is some two-bedroom houses on the principal route which have blocks of parking spaces in front. The car parking for the flats is in parking courts.

15. The landscaping strategy for the proposed development is set out in the Design and Access Statement:

- Green space incorporates existing trees and provides space for informal recreation in combination with sustainable drainage and biodiversity.
- Tree planting along the roads provides a natural vertical element to the streetscape softening the built form. The species, which are mainly native, are chosen to reflect the local context, both natural and man-made and add ecological value.
- The streetscape is shaped further by the use of evergreen hedgerows. They add all year round green structure and lower level screening and provide a backdrop to more ornamental planting within the amenity spaces.
- Where not delineated by hedgerows, the residential frontages will be planted with a mix of evergreen and deciduous shrubs, perennials and ornamental grasses providing texture, seasonal interest and flowers supporting pollinators. Species have been chosen to suit the local condition and be robust enough to withstand climatic challenges.
- The central open space creates a focal point of the neighbourhood. It houses a play area and has been designed to reflect the greens and commons in neighbouring villages (Limpsfield, Hurst Green). With large beech trees, hedges guiding views ornamental planting inspired by heathland and play equipment in natural materials, it is a sympathetic enhancement and a buffer to the woodland along its western boundary.
- A second smaller play area is nestled within an open space along the eastern boundary of the development. The ring of boulders is a reference to

the sculptural structure of Coccolith viewpoint which is situated on the nearby Titsey Estate adjacent to the North Downs Way. The central sculptural element is to reflect Oxted's logo of an oak tree in a form of a timber sculptural leaf or acorn.

16. Vehicular access to the proposed development will be from a new junction on Chichele Road at the extreme western end of the site. The access road has been designed with a 5.5 metre wide carriageway to enable a car to pass an HGV or refuse vehicle. Due to tree constraints and adjacent boundaries, the access road includes a pinch point of a 3.7 metre width for circa 11 metres to avoid trees located on the northern side of the access road. As such, vehicles entering the site will be required to give-way to vehicles exiting the site. After this pinch point, the main access road continues at 5.5 metres, whilst the arms which provide access to residential areas narrow to between 4.1 metres and 5 metres dependent on location.
17. The bus stop at the site access with Chichele Road will be removed.
18. Surrey County Council (SCC) as highway authority requested a Copenhagen crossing at the site access. This has been reviewed by the applicant's highway consultant in detail and, due to the limited site frontage along Chichele Road the provision of a Copenhagen crossing was not considered feasible. The consultant concluded that visibility is significantly reduced when providing a Copenhagen crossing and could lead to road safety issues.
19. An additional pedestrian/cycle access is proposed at the southern boundary of the site onto Bluehouse Lane with the surface along the private road (Bluehouse Lane) upgraded to allow access by all modes of travel.
20. Additionally, the applicant will seek obtain the relevant permissions in order to provide a pedestrian link between the site and Footpath 75 at the eastern extent of the site. The benefit of this new footpath link is seen as providing residents of the proposed housing development with a pedestrian route into the adjoining AONB. This is seen an alternative for residents to using footpaths through the Ancient Woodland on the northern boundary of the site. However, the proposed pedestrian link is largely outside the application site and is not formally part of the development proposal.
21. The applicant has agreed to a number of off-site highways works on the nearby road network requested by SCC:
 - i. Raised tables on west of the Chichele Road/Silkham Road junction and east of the new access road/Chichele Road junction and outside St Mary's C of E Primary School including a zebra crossing.
 - ii. relocating the zebra crossing on Station Road East approximately 25 metres north towards the Chichele Road/Bluehouse Lane/Station Road East junction
 - iii. a new 20mph zone with traffic calming measures on Chichele Road, Silkham Road and Central Way.

National and Development Plan Policy

National Policies and Guidance:

22. These are:

- National Planning Policy Framework (NPPF) 2023 unless otherwise stated.
- Planning Practice Guidance (PPG)
- National Design Guide (2019)
- T

Development Plan Policies and Other Guidance:

23. For the purposes of determination of this planning application those relevant parts of the adopted development plan are:

- Tandridge District Core Strategy 2008 (Core Strategy or CS)
- Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (Detailed Policies or DP).

24. Other formally adopted planning guidance is contained in the:

- Tandridge Parking Standards SPD (2012)
- Tandridge Trees and Soft Landscaping SPD (2017)
- Surrey Hills AONB – Building Design into the Surrey Hills
- Surrey Hills AONB Management Plan 2020-2025
- Surrey Design Guide (2002)

25. Even though the adopted Development Plan predates the publication of the most recent NPPF (2023), the majority of policies remain current and will be given due weight in accordance with the degree of consistency with the NPPF (2023, paragraph 225).

26. Those policies of the adopted development plan relevant to the determination of this planning application are:

Tandridge District Core Strategy (2008):

- CSP1 – Location of Development
- CSP2 – Housing Provision
- CSP3 – Managing the Delivery of Housing
- CSP4 – Affordable Housing
- CSP7 – Housing Balance
- CSP11 – Infrastructure and Services
- CSP12 – Managing Travel Demand
- CSP13 – Community, Sport and Recreation Facilities and Services
- CSP14 – Sustainable Construction
- CSP15 – Environmental Quality
- CSP17 – Biodiversity
- CSP18 – Character and Design
- CSP19 – Density
- CSP20 - Areas of Outstanding Natural Beauty
- CSP21 - Landscape and Countryside
- CSP22 – The Economy

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

DP1 – Sustainable Development
DP5 – Highway Safety & Design.
DP7 - General Policy for New Development
DP10 – Green Belt
DP19 - Biodiversity, Geological Conservation & Green Infrastructure
DP20 – Heritage Assets
DP22 – Minimising Contamination, Hazards and Pollution

Status of the emerging Local Plan 2033 and its Evidence Base

27. The Inspector's final report has been published which concludes that the emerging Local Plan 'Our Local Plan 2033' cannot be made sound. As such, no weight can be given to policies of this emerging Local Plan. The adopted Development Plan for the determination of this application remains the 2008 Core Strategy (CS), the Local Plan Part 2: Detailed Policies (LPDP) 2014-2029, along with the Surrey Waste and Minerals Plans¹
28. The evidence base published alongside the emerging Local Plan 2033 does not form part of the Development Plan. Until such time that evidence base studies are withdrawn, they remain capable of being a material consideration in the determination of planning applications.

Material considerations

29. There are four material considerations relevant to the determination of this application, as follows:
- 1) Tandridge District Council's Interim Policy Statement for Housing Delivery – September 2022 (IPSHD) sets out what measures the Council will take to improve housing delivery. This comprises sites that are coming forward on brownfield land, and Green Belt sites from the emerging Local Plan which have been through consultations at regulation 18 and a regulation 19 stages and have been rigorously assessed via the HELAA and Green Belt assessments. The IPSHD sets out criteria whereby applications will be invited on potentially qualifying sites under the IPSHD.

The IPSHD states that: "The emerging Local Plan process identified a number of large sites (75+ units) that could potentially be brought forward where the Examiner did not raise concerns. These sites have been rigorously assessed via the HELAA process and Green Belt assessments. They have also been through two Regulation 18 consultations, one Regulation 19 consultation as well as site specific Examination hearings.

- 2) Natural England's Consultation Surrey Hills AONB Boundary Variation Project. The site has been proposed in this consultation for inclusion in the AONB. The consultation closed in June 2023 and the outcome is expected with a recommendation on changes to the AONB boundary north of Oxted in March this year. The supporting consultation document explains the rationale of the proposed minor boundary changes in the following way:

¹

“Minor changes have been made where the existing AONB boundary does not follow a clear feature on the ground, where the land in question relates strongly to the wider AONB forming part of a sweep of qualifying land, and where a suitable alternative boundary can be defined.”

- 3) Local Plan 2033: Green Belt Assessment (Part 3), Appendix 1 (2018); the site was assessed as part of the emerging local plan call for sites and the conclusion was that:

“However, the development of this site would impact on the ability of this site to serve two of the Green Belt purposes in preventing sprawl and safeguarding from encroachment and would result in the loss of openness. Its impact could be minimised by siting within 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.”

This assessment will be commented upon below.

- 4) Changes to the NPPF 2023; the amended NPPF published in December 2023 introduces a number of significant changes to how local planning authorities should address future housing needs in their areas, particularly for Green Belt authorities. The most significant of these changes are:

- i) The overall aim should be to meet as much of an area’s identified housing need as possible, including with an appropriate mix of housing types for the local community. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. The outcome of the standard method is an advisory starting-point for establishing a housing requirement for the area. (NPPF paragraphs 60 and 61);
- ii) Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process. (NPPF paragraph 145); and
- iii) The implications of these changes are that local planning authorities do not have to meet all the identified housing need in their areas. Local planning authorities can determine their own housing requirement figure which can be lower than the central government identified housing need for their area. There is no requirement to alter Green Belt boundaries to meet future development needs.

These changes are particularly important for local planning authorities in districts such as Tandridge which are subject to a high level of planning policy constraints.

30. Supplementary Planning Documents (SPDs), Supplementary Planning Guidance (SPGs) and non-statutory guidance.

Tandridge Parking Standards SPD (2012)

Tandridge Trees and Soft Landscaping SPD (2017)

Tandridge Housing Delivery Test Action Plan (2022), including the Tandridge Interim Policy Statement for Housing Delivery 2023.

Annual Monitoring Report 2021/22

Surrey Hills AONB – Building Design into the Surrey Hills

Surrey Hills AONB Management Plan 2020-2025

Surrey Design Guide (2002)

31. National Advice

National Planning Policy Framework (NPPF) 2023 version unless otherwise stated

Planning Practice Guidance (PPG)

National Design Guide (2019)

32. Consultation Responses

County Highway Authority – The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and is satisfied that the proposed development would not have a material impact on the safety and operation of the adjoining public highway. If planning permission is to be granted this should be subject to conditions and separate legal agreement relating to off-site highway works and monitoring a travel plan.

Oxted Parish Council – recommend refusal for the following reasons:

- 1) *The context for the determination of this application is that the site is extremely sensitive in a number of respects. It is in the Green Belt, part of it is in the existing Surrey Hills Area of Outstanding Natural Beauty (AONB), and all of it is being proposed by Natural England for inclusion in the new extended Surrey Hills Area of Outstanding Natural Beauty now known as a National Landscape. Evidence also confirms that the visual sensitivity of the site is substantial as we explain later in this letter.*
- 2) *The requirement to demonstrate “very special circumstances” (VSC) justifying inappropriate development in the Green Belt presents the applicant with an extremely high policy bar to cross. Moreover, national planning policy (the NPPF) directs that great weight should be given to any harm to a National Landscape, or to the setting of a National Landscape, and that substantial weight should be given to all of the harms to the Green Belt.*
- 3) *The proposal is inappropriate development in the Green Belt, by definition. There will be clear and significant harms to the openness of the Green Belt in terms of the spatial, visual, intensification and duration factors. These harms are permanent and cannot be mitigated.*

- 4) *The proposal also conflicts with the Green Belt purposes, including but not limited to, preventing sprawl, encroachment into, and loss of, open countryside, which is contrary to the purposes of including land in the Green Belt.*
- 5) *All of these harms must be given substantial weight.*
- 6) *The northern part of the site is Ancient Woodland and is within the Surrey Hills AONB and an Area of Great Landscape Value (AGLV). The part of the site not currently within the AONB/AGLV is within the setting of the existing AONB which also gives it special protection in both national and local planning policy.*
- 7) *The site has a very high degree of intervisibility with the existing AONB which means it makes a strong contribution to the natural beauty of the AONB. Building 116 dwellings on the site would be highly detrimental to the AONB. The government says that AONBs should have the highest level of protection. This proposal would be detrimental to both the existing AONB and its setting.*
- 8) *The sloping nature of the site and proximity to the existing AONB means that the development would be visible from both public and private viewpoints, many of which are located in the existing AONB. The proposal would be alien and incongruous in this high quality landscape due to being a visible, sizeable, concentrated, high density suburban form of development in what is currently undeveloped, open countryside.*
- 9) *There would be adverse impacts on biodiversity, on the AONB, and on Ancient Woodland arising from the close proximity of 116 new residential dwellings and associated recreational and other pressures, where previously there was no development.*
- 10) *In addition, the site is being proposed by Natural England for inclusion in the new extended Surrey Hills AONB. We believe this is a material consideration. The Boundary Report recommending inclusion states that the area retains "a strongly rural character, forms part of a sweep of open countryside and is contiguous with the existing AONB." If the site were to be developed for housing the recognised natural beauty of the site would be permanently lost and there would be a harmful impact on the adjoining AONB.*
- 11) *The proposal fails to respect the character of the area and the countryside, and we believe the proposal would be severely detrimental to the character of the area and the wider countryside.*
- 12) *There would also be harm arising from adverse impact on highway safety. The only vehicle access would be from Chichele Road. The access is on a very dangerous corner where the danger is already exacerbated by large numbers*

of parents using it for school parking. The roads around St Mary's School are highly congested and an extra road here would further compromise highway safety for all road users. In particular, it would increase the danger for the large number of children walking to and from the school. The proposed mitigations and road layout changes do not address the road safety issues and instead potentially exacerbate the existing dangers.

13) *The proposed development would also harm the amenities of the existing residential dwellings by reason of air quality, noise and traffic pollution from the significant number of additional traffic movements and congestion in close proximity.*

- 14) There would be additional harm arising due to inadequate surface water drainage and lack of sewage capacity. The proposed surface water drainage and foul sewage provisions are inadequate and do not meet the requirements set out in the National Planning Policy Framework (NPPF), its accompanying planning practice guidance, the Non-Statutory Technical Standards for sustainable drainage systems and Policy DP21. We support the objection made by the Local Lead Flood Authority.

- 15) The proposal constitutes inappropriate development in the Green Belt for which VSC that clearly outweigh the harm by way of inappropriateness and any other harm are necessary. As explained later, whether taken individually or collectively, there are insufficient VSC to clearly outweigh the very substantial harms to the Green Belt, to the setting of the AONB, to the existing AONB, to what is an identified site for extension of the AONB, together with other planning harms.

16) Therefore, we conclude that the proposal is contrary to Core Strategy Policies: CSP11, CSP17, CSP18, CSP20, CSP21 and Tandridge Local Plan Policies: DP5, DP7, DP10, DP13, DP19, DP21 and the NPPF (December 2023).

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

Limpsfield Parish Council – recommend refusal because the application is contrary to Green Belt policy, while suburban residential development in this location would cause permanent harm to the character of the AONB, particularly the woodland which edges the site, and likely additional pressure on the community infrastructure in the area, including facilities such as the Oxted Health Centre.

Woldingham Parish Council (joint representation with the Woldingham Association – the application is contrary to planning policies for the protection of, and causes harm to, the Green Belt, AONB, the open countryside, Ancient Woodland, trees and biodiversity. No very special circumstances have been adduced why planning permission should be granted. The application should be refused.

Contaminated Land Officer -no comments to make.

Environment Agency – no comments to make.

Environmental Health – makes the following comments:

- *Providing that the applicant adheres to the consultant's recommendations in the noise, air quality and lighting reports, I have no objections.*
- *I note that the applicant intends to use air source heat pumps as the main heating system. If they do, these can be noisy and affect the residential amenity of neighbours.*
- *Therefore, if planning permission is granted, I would suggest that a condition is added stating that noise from the use of ASHP's shall conform to the advice given in the Institute of Acoustics and Chartered Institute of Environmental Health Professional Guidance Note on Heat Pumps, which recommends a maximum sound rating level of <35 dB at any noise sensitive neighbouring premises.*

Housing Delivery Managers (TDC) – sought a change from shared ownership to affordable rent on two of the affordable properties and confirmation of a tenure-blind approach to design and materials so as to create a cohesive community. The applicant has agreed to both requests.

Lead Local Flood Authority -no objection; should planning permission be granted, suitably worded conditions should be applied to ensure that the SuDS Scheme is properly implemented and maintained throughout the lifetime of the development.

Natural England – comments on the implications for the Surrey Hills National Landscape (AONB) and Ancient Woodland within the site.

Surrey Hills National Landscape (existing and proposed):

The proposed development is located within an area which Natural England has assessed as meeting the criterion for designation as a National Landscape (known as a Candidate Area for Designation) and may be included within a boundary variation to the Surrey Hills National Landscape. Whilst this assessment process does not confer any additional planning protection, the impact of the proposal on

the natural beauty of this area may be a material consideration in the determination of the proposal.

Natural England considers the Surrey Hills to be a valued landscape in line with paragraph 180 of the National Planning Policy Framework (NPPF). Furthermore, paragraph 182 of the NPPF states that development in the settings of National Landscapes should be sensitively located and designed to avoid or minimise impacts on the designated areas. An assessment of the landscape and visual impacts of the proposal on this area should therefore be undertaken, with opportunities taken to avoid or minimise impacts on the landscape and secure enhancement opportunities. Any development should reflect or enhance the intrinsic character and natural beauty of the area and be in line with relevant development plan policies.

An extension to an existing National Landscape is formally designated once a variation Order, made by Natural England, is confirmed by the Defra Secretary of State. Any area that is subject to a variation Order would carry great weight as a material consideration in planning decisions.

If the proposed scheme is permitted, depending on the final design and installation, along with the extent and success of the proposed mitigation, the development could have localised impacts, and this may harm the probability of the designation of this land as an extension to the Surrey Hills National Landscape. For these reasons, Natural England, would urge the Council to consider the significance of the impact of this development proposal on the landscape.

Ancient Woodland

The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 186 of the NPPF.

National Highways – no objection.

Southern Water: no comments received to date.

Sport England – originally objected to the development proposal because of the proximity of the proposed housing to all-weather sports pitches at Oxted School site. Following clarification by the applicant, the objection has been withdrawn.

Surrey County Council Archaeological Officer - in this instance, given that it is unlikely that archaeological Heritage Assets of National significance are likely to be present, it is acceptable and proportionate for the geophysical survey and trial trench evaluation to be secured by condition with their results submitted following the determination of the application.

Surrey County Council Historic Buildings Officer – no grounds to object.

Surrey County Council PRoW - there are no Public Rights of Way within the site, but informal footpaths have been used in the past by the public to access Limpsfield Footpath 75 as it provides links to the wider area. We would welcome a discussion to look at provision of a route through the development site.

Surrey Hills AONB Planning Adviser – makes the following comments:

- *The contribution of the site to the setting of the adjoining AONB is required from a national and AONB Management Plan policy perspectives.*
- *The submitted Landscape and Visual Impact Assessment (LVIA) concludes that mainly due to the ancient woodland at the northern end of the site the proposed development would be little seen from public viewpoints in the AONB. The exception would be from public footpath 75 at Viewpoint 1 to the east. A judgement needs to be made as to whether the impact on this viewpoint in itself would be a sufficiently important public viewpoint to warrant refusal on AONB setting grounds or just a contributory factor to a refusal on landscape grounds. In this regard the proposed layout could amended to provide deeper and more substantial native shrubbery and tree planting to block a landscape view of the current field which I consider contributes to the scenic quality of the locality. Some small loss of proposed dwellings would be involved.*
- *in my view, the development would have little impact upon distant public landscape views from the AONB. The impact would be more localised. Further, should the development become capable of being publicly viewed from the existing AONB to a greater extent than the LVIA would suggest, it would be against the backdrop of the built up area. In this context it would be seen as being part of Oxted. For these reasons I find it difficult to substantiate that the development would harm public views into or from the AONB so as to spoil the setting of the AONB. The exception is from the adjacent ancient woodland to the north because of its proximity and the obvious immediate visual impact of the development. But I am unsure whether public access can be gained to that woodland.*
- *the present proposals for the site in the Natural England Boundary Variation Project for the Surrey Hills AONB are relevant. The site is worthy of inclusion for its own intrinsic landscape merit and forming part of a sweep of qualifying land rising from Oxted to the North Downs. The site has the landscape benefit of being attractive rolling farmland bounded on several sides by trees, as do neighbouring fields in the AONB. To conclude that the field does not relate to the wider protected landscape would be a misjudgement based upon a lack of sensitivity as to what merits AONB designation.*
- *the Planning Authority should be entitled to conclude the circumstances of NE's Boundary Variation Project are a material planning consideration. The weight, if any, to be attached to it should be for the decision makers to decide.*
- *The trees in the ancient woodland are likely to remain. But a concern has to be the proximity of so many proposed occupiers living adjacent to the ancient woodland and walking or carrying out other activities to threaten the future health of the trees. Natural England may be able to advise on this matter.*

Surrey Police Crime Reduction/Crime Prevention Adviser – seeks amendments to the development design from a security perspective, as follows:

- *In relation to proposed gating between plots 23/24 and 29/30, and rear access to plot 55. I would recommend that the gates are brought forward in line with the building. Any gate providing access to rear of dwellings should be designed so as to resist being easily climbed over, crawled under or being forced open and they must allow high levels of surveillance from the street. This would include the gate providing access to rear of plots 21 / 22, 53 / 54 and 57/58.*
- *Rear parking courtyards are discouraged for the following reasons:*
 - *they introduce access to the vulnerable rear elevations of dwellings where majority of burglary is perpetrated.*

- *ungated courtyards provide areas of concealment which can encourage anti-social behaviour.*
- *in respect to Blocks B, C and D some form of vehicular access control to the rear courtyards should be provided.*
- *the cycle stores situated in blocks A, B, C and D have little natural surveillance.*
- *external bicycle parking facilities should be located as close to the primary entrance as possible, and in any case within 50m of it. It should be subject to natural surveillance by occupants where feasible.*
- *during hours of darkness the facilities should be well lit, using energy efficiency lamps.*

Surrey Wildlife Trust – considers that the application contains insufficient information to determine what impacts there may be from the development on the nearby Chalkpit Wood Site of Nature Conservation Importance (SNCI) and the on-site Ancient Woodland (operational impacts). There is also insufficient information on the biodiversity interest of the modified grassland habitat and woodland habitat on-site, and on species such as bats, reptiles and the harvest mouse. Furthermore, there is insufficient information to be able to advise the LPA that the proposed development has the feasibility to provide a net gain in biodiversity units for area and linear habitats. (These comments are reflective of those of the Council's in-house ecologist).

Thames Water – no comments received.

Upper Medway Internal Drainage Board – works are proposed which require Land Drainage Consent from the Board. As Land Drainage Consent is required, the Board strongly recommends that this is sought prior to determination of this planning application.

Public Representations/Comments

Third Party Comments - 82 representations have been received objecting to the application. These representations largely comment on matters addressed in the report below with respect to impacts on Green Belt, National Landscape, open countryside, wildlife and natural habitats. Other concerns raised include:

- the application does not demonstrate how additional social infrastructure needs generated by the development will be met
- greenfield real estate development is a significant contributor to climate change
- loss of greenspace, trees and natural habitats which are vital to the local community
- safety concerns relating to the proximity of the proposed access to St Mary's C of E School and increased traffic generated by the proposed development
- access is on a dangerous corner on Chichele Road
- additional traffic will cause adverse noise and air quality impacts detrimental to residential amenity
- objection to any use of the private road off Bluehouse Lane by construction traffic

proposed development has the potential to exacerbate existing flooding problems on adjoining school sites.

Assessment

Procedural Note

33. The Tandridge District Core Strategy and Detailed Local Plan Policies predate the NPPF as published in 2023. However, paragraph 225 of the NPPF (Annex 1) sets out that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework document. Instead, due weight should be given to them in accordance with the degree of consistency with the current Framework.
34. The NPPF imposes a presumption in favour of sustainable development (paragraph 11). For decision making, this means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
 - i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
35. Paragraph 11 (d) (i), footnote 7 explains that areas or assets of particular importance include land within the Green Belt and designated Areas of Outstanding Natural Beauty (AONB). It is therefore necessary to assess whether the proposal would be in conflict with Green Belt policy and policies designed to protect AONB before deciding whether the presumption in favour applies in this case. The final assessment on this will be undertaken at the end of this report.
36. Those matters that require assessment in the determination of this application are set out at paragraphs 6 and 7 above.

Green Belt:

Policy Background

37. The application site is located within the Green Belt and the National Planning Policy Framework (NPPF) 2023 advises that the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence and, to this end, paragraphs 152 and 153 of the NPPF provide that new development such as that proposed in this application would be considered as inappropriate and therefore harmful and should not be approved except in 'very special circumstances' (VSC). Further to this, paragraph 153 provides that such circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
38. Paragraph 154 of the NPPF sets out a number of exceptions for the construction of new buildings in the Green Belt none of which apply to the proposed development.
39. Local Plan Policies DP10 and DP13 reflect the provisions of the NPPF 2023.

40. In order to consider the acceptability of the proposal with regard to its impact on the Green Belt, it is necessary to refer to the following key questions:
1. *Whether the proposals constitute inappropriate development in the Green Belt;*
 2. *The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and*
 3. *Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances (VSC) necessary to justify inappropriate development.*

Q1. Does the proposal constitute inappropriate development in the Green Belt

41. Paragraph 142 of the NPPF 2023 states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
42. Paragraph 143 of the Framework sets out the five purposes of the Green Belt:
- 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.
43. The application site is not identified as previously developed land. It is considered that the site actively serves at least three of the five purposes of the Green Belt (identified at NPPF paragraph 143 as a, c and e) and the site's inclusion within the Green Belt is therefore considered to be strongly justified.
44. The function of this particular part of the Green Belt is important in protecting the surrounding countryside, some of which is National Landscape and containing Ancient Woodland and a SNCI, from encroachment. The proposals would result in a significant spatial and visual expansion of the northern part of the urban area of Oxted into what is currently open countryside. Consequently, there would be harm to the purposes a) and c) for including this land within the Green Belt and also harm to its essential characteristic that is its openness.
45. Paragraph 152 of the NPPF 2023 makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSC) and paragraph 154 of the framework states that local planning authorities should regard the construction of new buildings as inappropriate development within the Green Belt.
46. In such cases, the NPPF advises at paragraph 153 that when considering any planning application, local planning authorities should ensure that "substantial weight" is given to any harm to the Green Belt. VSC 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". Following further consideration, the assessment of this application will conclude with a review of the applicant's VSC case.

Q2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it

47. As noted above, paragraph 142 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being described as their openness and their permanence.
48. Planning Practice Guidance provides further clarification about the definition of openness and specifies that 'openness is capable of having both spatial and visual aspects, in other words, the visual impact of the proposal may be relevant, as could its volume. Furthermore, 'the degree of activity likely to be generated, such as traffic generation' can also be considered.
49. Currently the application site is an attractive parcel of tree and hedgerow lined open and undulating agricultural land. It provides a notable break between the built-up area of Oxted and the open countryside beyond. As previously noted, the site fulfils purposes a) and c) of land in the Green Belt. The site also fulfils purpose e) because restricting the development of such more easily developed greenfield sites incentivises the development of urban regeneration sites and derelict and other urban land.
50. The proposed development consists of 116 dwellings, including affordable housing with associated access, car parking, soft landscaping and play provision. The urban form and layout of the development, the housing, access roads, garages and parking courts would, notwithstanding open space and landscaping, be a marked contrast to the present open field character of the site. The proposal would have a significant and negative impact on Green Belt openness, both visually and spatially, therefore.
51. Due to the harm to the visual and spatial openness of the site, the proposal would result in significant harm to openness of the Green Belt contrary to the NPPF 2023 and Local Plan policies DP10 and DP13 and substantial weight has to be afforded to these policy harms in the determination of the application. The intensification of activity on the site compared to today adds further harm. All of these harms would be permanent.

Q3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development.

52. The NPPF does not provide guidance as to what can comprise VSC. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the VSC necessary to justify inappropriate development is a matter of judgement. However, some interpretation of VSC has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create VSC (i.e., 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of VSC is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether VSC exist, factors put forward by an applicant which are

generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of VSC which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being VSC. Ultimately, whether any particular combination of factors amounts to VSC will be a matter of planning judgment for the decision-taker.

53. An assessment of the VSC's is undertaken as part of the planning balance assessment later in this report.

National Landscape (also known as AONB) and countryside

54. There are three separate planning considerations relating to the National Landscape. The first is the statutory and planning policy requirement to consider the impact of the proposed development on the setting of the designated area of the National Landscape abutting the application site immediately to the north and east which Natural England considers a valued landscape. The second is the implication of the Natural England's Consultation Surrey Hills AONB Boundary Variation Project. The site has been proposed in this consultation for inclusion in the AONB and this is now a material consideration in the determination of this planning application. Thirdly, Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities in exercising or performing any functions in relation to, or so as to affect land in an Area of Outstanding Natural Beauty ("National Landscape") in England, to seek to further the statutory purposes of the area. Section 245 applies to local planning authorities determining planning applications for development that may impact on a National Landscape.
55. The application site is within the setting of the National Landscape due to physical proximity in abutting the designated area to the north and east and intervisibility between the site and the designated area. The applicant's Landscape and Visual Impact Assessment (LVIA) submitted as part of the planning application concludes that mainly due to the ancient woodland at the northern end of the site the proposed development would be little seen from public viewpoints in the AONB. The exception would be from public footpath 75 to the east.
56. While it is acknowledged that there are limited public viewpoints where there is intervisibility between the application site and the National Landscape, this is one aspect in assessing impact on the setting of the designated area. An extension of the urban area of Oxted with residential development up to the boundary of the National Landscape would be bound to have both a visual and a spatial impact on the setting of the designated area, replacing open agricultural land with urban development. With that urban development would come other impacts on the National Landscape including movements of traffic, human activity, noise and, at night, artificial lighting, all where none of these impacts occur at present. These impacts would adversely affect the quiet and natural beauty of the National Landscape.
57. The NPPF at paragraph 180 states that planning decisions should contribute to and enhance the local and natural environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the open countryside.
58. The NPPF at paragraph 182 provides that great weight should be given to conserving and enhancing landscape and scenic beauty in National

Landscapes which have the highest status of protection in relation to these issues. The scale and extent of development within all the designated area should be limited, while development within its setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

59. Core Strategy policy CSP 20 provides that conservation and enhancement of natural beauty of the landscape is of primary importance within AONB reflecting their national status. The principles to be followed in the area include:

- a) Conserving and enhancing the special landscape character, heritage, distinctiveness and sense of place of the locality; and
- b) Conserving and enhancing important viewpoints, protect the setting and safeguard views of and into the AONB

It is important to note that the policy clearly distinguishes between conserving and enhancing important viewpoints and protecting the setting of the AONB as separate objectives of planning decision making.

60. A material consideration in the determination of this application is the Surrey Hills AONB Management Plan Policy P6 which states that *"Development that would spoil the setting of the AONB by harming public views into or from the AONB will be resisted."*

61. In conclusion, for the reasons set out above the proposed development would have an adverse impact on the setting of the National Landscape as designated now. This is contrary to national, development plan and AONB Management Plan policy. It represents other significant harm that would arise from the proposed development to be weighed in the balance with harm to the openness of the Green Belt.

62. The conclusion of the Natural England's Consultation Surrey Hills AONB Boundary Variation Project is that the application site should be included in the AONB. The reason for this in the words of the Surrey Hills AONB Management Board planning advisor is that:

"the site (is) worthy of inclusion for its own intrinsic landscape merit and forming part of a sweep of qualifying land rising from Oxted to the North Downs. The site has the landscape benefit of being attractive rolling farmland bounded on several sides by trees, as do neighbouring fields in the AONB. To conclude that the field does not relate to the wider protected landscape would be a misjudgement based upon a lack of sensitivity as to what merits AONB designation."

This is now a material planning consideration in the determination of this planning application. A grant of planning permission that would nullify the Boundary Variation Project which has concluded as it has based on advice of expert landscape consultants would be unjustified. Based on the precautionary principle, planning permission should not be granted for development that would prejudice the outcome of the Boundary Variation Project.

63. The assessment of the contribution of the application site to the current setting of the designated National Landscape, together with consideration of Natural England's Boundary Variation Project, when considered in the context of the provisions of Section 245 (Protected Landscapes) of the

Levelling Up and Regeneration Act 2023 which places a duty on this planning authority to seek to further the statutory purposes of the area in exercising its planning function, would firmly indicate that the application should be refused.

Ancient Woodland

64. There is a belt of Ancient Woodland forming the northern boundary of the application site. This is a mixed deciduous woodland with evidence that trees within it were coppiced in the past. There are small ponds within the woodland. Footpaths are evident through the woodland indicating public access although there is no public right of way crossing the land to the north or south. The application proposes a standoff between development and the Ancient Woodland of 15 metres and submission of a management plan for the woodland by way of a planning condition.
65. The NPPF at paragraph 186 c) provides that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. Core Strategy policy CSP17 states that development proposals should protect biodiversity and provide for maintenance, enhancement, restoration and, if possible, expansion of biodiversity. Local Plan policy DP19 states that where a proposal is likely to result in direct or indirect harm to an irreplaceable environmental asset of the highest designation such as Ancient Woodland the grant of planning permission will be wholly exceptional. In the case of Ancient Woodland, exceptions will only be made where the need for the development in that location clearly outweighs the loss.
66. The Council's ecologist has expressed concerns about the provision in the application for minimising direct and indirect impacts from the development on the Ancient Woodland as follows:
- the plans appear to show a much smaller buffer than the minimum 15 metres in places whereas the Natural England guidance on Ancient Woodland and Ancient and Veteran Trees states that at least a 15m buffer should be provided
 - little consideration has been given to the impacts of the development on the ancient woodland or the fauna that use it, other than buffering the woodland edge
 - although there is an obligation to manage the woodland, no habitat creation or management is specified and the management plan is proposed at the condition stage, rather than being submitted before determination of the application in principle.
 - the application documents show a path through the middle of the woodland, formalising the existing desire line. It is understood that this plan is now being reconsidered, with the path removed and fencing erected. Fencing design needs approval to ensure that fauna can move in and out of the woodland and people could not enter.
 - due to the woodland's size, it will remain very vulnerable to vandalism, fire and access. Although fencing may dissuade many people from accessing the woodland it is unlikely to deter everyone.
 - lighting is a major issue for the species that use the woodland. The EIA contains no detailed lighting plans or lux calculations, proposing that lighting be left until the condition stage
 - within the development design it is proposed to create species rich grassland and damp grassland using emorsgate seeds. Due to the sensitive

ancient woodland flora on and off site, in this case industrial seed would be inappropriate as it would alter the genetics of the flora within the woodland, reducing ecological value

- due to the irreplaceable habitat present on site and its importance for habitat connectivity, the management plan and lighting strategy are required before permission is granted, to ensure that there is adequate protection for these valuable habitats.

67. The Council's Principal Tree Officer has also commented on the potential development impacts on the Ancient Woodland, as follows:

- It is noted that following ecological advice, the proposed footpath within the woodland has been removed, and this is welcomed. However, there is still a significant concern remaining with regards to the proximity of domestic gardens to the woodland edge.

- Development can affect ancient woodland and the wildlife they support on the site or nearby. Direct impacts of development on ancient woodland include:

- damaging or destroying all or part of them (including their soils, ground flora or fungi)
- damaging roots and understorey (all the vegetation under the taller trees)
- damaging or compacting soil around the tree roots
- polluting the ground around them
- changing the water table or drainage of woodland or individual trees
- damaging archaeological features or heritage assets.

- Nearby development can also have an indirect impact on ancient woodland and the species they support. These can include:

- breaking up or destroying connections between woodlands and ancient or veteran trees
- reducing the amount of semi-natural habitats next to ancient woodland
- Introduction of invasive species from domestic and communal gardens.
- increasing the amount of pollution, including dust
- increasing disturbance to wildlife from additional traffic and visitors
- increasing light or air pollution
- increasing damaging activities like fly-tipping and the impact of domestic pets
- changing the landscape character of the area

- it is the introduction of invasive species, such as Rhododendron and Cherry laurel (although not exclusively so) which is the most significant risk to ancient woodland in proximity to residential development. Both species are a popular garden plant, but they are quick spreading and extremely damaging to woodlands, outcompeting native woodland flora and natural regeneration of trees. Both Rhododendron and Cherry laurel can spread either vegetatively or by bird dropping dispersal of seeds. The likelihood of both occurring will naturally increase the closer the parent plant is to the woodland. Indeed, Cherry laurel species are proposed as part of the planting proposals within the landscape design, and whilst this could be easily reviewed, there would be no control over domestic planting once properties are sold.

- the standing advice from the Forestry Commission and Natural England is that there should be a **minimum** semi natural buffer of 15m from any ancient woodland.
- for a development of this size with domestic gardens and amenity space close to the woodland, a much larger area should be given over as a semi natural buffer. The Woodland Trust publication 'Planning for Ancient Woodland'² recommends that:

“Although there is no ‘one size fits all’ with buffer design, each one should be designed to fulfil the specific requirements of its location and the type of proposed development.

*As a precautionary principle, a minimum **50 metre buffer** should be between a development and the ancient woodland, including through the construction phase, unless the applicant can demonstrate very clearly how a smaller buffer would suffice.*

The preferred approach is to create new habitat, including native woodland, around existing ancient woodland. This will help reverse the historic fragmentation of this important habitat.”

- If development is to be permitted at all then it may not be realistic to impose a buffer of 50m. However, a buffer of at least 25m is proportionate to the scale of the risk. Of course, this will not rule out the risk of invasive species spreading into the woodland, but there is less risk than at 15m, which is a distance that could be closed by tree branch tip to branch tip from a tree on the woodland edge and a tree near a garden boundary.
68. Surrey Wildlife Trust when consulted also expressed concerns that the application contains insufficient information to determine what impacts there may be from the development on the Ancient Woodland in terms of operational impacts.
69. The application is not considered to have adequately addressed the need to avoid loss or deterioration of the Ancient Woodland through the direct or indirect effects of the proposed development. As such, biodiversity is not being maintained or enhanced. The development is likely to harm biodiversity and is contrary to the provisions of the NPPF and development plan policy set out above.

The effect of the development on biodiversity and habitats

70. The NPPF states that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
71. Policy CSP17 of the Core Strategy requires development proposals to protect biodiversity and provide for the maintenance, enhancement, restoration and, if possible, expansion of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife in accordance with the aims of the Surrey Biodiversity Action Plan.
-

72. Policy DP19 of the Local Plan 2014 advises that planning permission for development directly or indirectly affecting protected or Priority species will only be permitted where it can be demonstrated that the species involved will not be harmed or appropriate mitigation measures can be put in place.

73. The applicants have submitted an ecological and biodiversity assessment (Dated October 2022), which has been supplemented with responses to comments made by Surrey Wildlife Trust and the Council's ecologist. The conclusions of the assessment were that there would be no significant adverse effects on sensitive receptors being the habitats and certain species (bats, hedgehogs and birds) found on the site. The overall conclusion of the assessment is that the proposed development will meet Local Plan Policy DP19 by promoting nature conservation management and providing a multi-functional green infrastructure and bringing the ancient woodland parcel into active management for nature conservation and local pedestrian use.

74. The Council's ecologist recommends that the application is refused for the following reasons:

- The site is within a AONB and a development of this density would impact on the important and irreplaceable habitats present within the AONB.
- Due to the density of development, and the lack of protective measures, there is a high risk of deterioration and loss of on-site and offsite ancient woodland habitats due to recreational pressure and other urbanizing effects.
- Due to lack of offsite survey, there is a risk that a chalk headwater stream will be culverted and polluted by the proposed development. Chalk Streams are a Priority Habitat under the Natural Environment and Rural Communities Act 2006.
- Due to the incomplete species surveys, there is a high risk that protected species could be disturbed, harmed, or killed.
- Despite Biodiversity Net Gain being proposed within the application, there is no metric, or consideration of appropriate on- or off-site mitigation or Biodiversity Net Gain.

These comments mirror those of the Surrey Wildlife Trust (SWT) with respect to biodiversity considerations.

75. The conclusion to be drawn from the advice of the Council's ecologist and SWT is that the proposed development is contrary to the provisions of the NPPF because it has not been demonstrated that it will contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity. Likewise, the proposed development is contrary to the provisions of Core Strategy policy CSP17 and Local Plan policy DP19 because it has not been demonstrated that biodiversity will be protected, maintained and enhanced.

Trees and hedgerows and their protection

76. The site is bounded by mature trees and hedgerows which make a strongly positive contribution to it's the local landscape and current rural character of the site and there are trees protected by Tree Preservation Orders offsite but bordering the proposed site access road.

77. The NPPF 2023 at paragraph 136 provides that planning policies and decisions should ensure that new streets are tree-lined and that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community

orchards. Further, appropriate measures should be in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible. It should be ensured that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

78. The NPPF at paragraph 180 states that planning policies and decisions should contribute to and enhance the natural and local environment, by among other matters, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

79. Core Strategy policy CSP18 Character and Design provides that development should have regard for the retention of important trees.

80. Policy DP7 of the Local Plan states:

Where trees are present on a proposed development site, a landscaping scheme should be submitted alongside the planning application which makes provision for the retention of existing trees that are important by virtue of their significance within the local landscape. Their significance may be as a result of their size, form and maturity, or because they are rare or unusual. Younger trees that have the potential to add significant value to the landscape character in the future should also be retained where possible. Their retention should be reflected in the proposed development layout, allowing sufficient space for new and young trees to grow to maturity, both above and below ground. Where existing trees are felled prior to permission for development being sought, the Council may require replacement planting as part of any permission granted.

81. Further guidance on the consideration of trees in relation to development is provided within the Tandridge Trees and Soft Landscaping SPD (2017).

82. The Council's Principal Tree Officer has assessed the development proposals. There is significant retention of trees and hedgerows around the boundaries of the site. However, he has specific concerns with respect to the proposed development layout which should be adjusted to better accommodate trees T50 and T51.2 in the applicant's arboricultural report by bringing a parking area outside the root protection area (RPA) and crown spread of T50 and giving additional room for the future growth of T51.2.

83. Turning to the site access, which passes very close to and within the RPAs of three TPO trees (T65, T66 and T70 – which is offsite). The proposal is to lay hard standing upon a cellular confinement system with a permeable wearing course, and it is acknowledged that the options for site access are very limited and as such, unlike with T50, it may not be possible to avoid RPA encroachment. As such the construction would need very close arboricultural monitoring and the exact construction methodology detailed within a specific method statement with levels and sections included.

84. Undoubtedly there will also be a requirement for services to be installed within the access, and this will presumably require excavation, albeit it may be possible for a trenchless technique such as thrust boring to be employed, dependent on

specific site circumstances to be determined. Again, very close monitoring and a specific method statement would be required.

85. The Principal Tree Officers recommendation is that permission be refused due to the potential impact on important trees by unjustified encroachment into root protection areas, and the potential for post development pressure on retained trees due to proximity to dwellings and parking areas. The application fails to recognise the constraints posed by the most important existing trees, which are important by virtue of their significance within the local landscape. The development proposals are consequently contrary to Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies 2014, Policy CSP18 of the Tandridge District Core Strategy 2008, and Key Consideration 2 and 4 of the Tandridge District Trees and Soft Landscaping Supplementary Planning Document.

The provision of housing in terms of 5-year housing land supply, and including affordable housing, and the proposed housing mix

86. The applicant's Planning Statement forming part of the application states that the proposed scheme would deliver 116 new homes, including 46 high-quality affordable homes for rented and intermediate tenures, presenting an opportunity to deliver much needed affordable homes in a sustainable location. The Statement expresses the view that the Council's 5YHLS position is exceptionally severe, and there has been a continued failure to deliver the homes needed in the District and wider area, partly due to a lack of a new Local Plan coming forward. This means that insufficient numbers of new homes are coming or will come forward as allocations to help rectify past under supply in the future. The Statement also says it is clear that NPPF Paragraph 11d applies and the policies most important for determining this application are out-of-date, as a result of both the Council being unable to demonstrate a five-year supply of deliverable housing sites and having delivered a level of housing that is substantially below the housing requirement over the previous three years.
87. The Council undertook an update of the 5-year housing land supply position as of 23 May 2023. This showed that there was a total housing supply of 1,183 dwellings with planning permission. This represented 1.76 years of housing land supply assessed against the unconstrained figure in the then MCHLG 2020 standard method (2014 household projections) for determining housing land requirements. Accordingly, against this measure, and the provisions of the NPPF applying in 2022, the Council did not have a 5-year housing land supply and Core Strategy policy CSP2 was considered out of date for the purposes of paragraph 11d) of the NPPF .
88. The DLUHC Ministerial Statement of 05 December 2022, indicated that the Government's standard method figure would in future only be a starting point. This has now been translated into policy in the NPPF 2023. The weight given to this unconstrained figure in any calculation will therefore be reduced.
89. As Table 11 of the Council's Annual Monitoring Report 2021/22 illustrates, the Government's standard method housing requirement for Tandridge District Council, using the 2014 household projections, was 642 dpa. Using the 2018 household projections this figure reduced significantly to 279 dpa. Furthermore, the Local Plan Inspector's preliminary conclusions letter published in December 2020 (ID16), states *"It is clear to me that there are specific policies of the Framework which indicate that development should be restricted in Tandridge*

and that in principle, the Plan would be sound in not meeting the OAN in full.’ (ID-16, paragraph 44)”

90. In terms of planning constraints, the District is 94% Green Belt with two areas of National Landscape. Furthermore, a recent Natural England review of the Surrey Hills Area National Landscape in the District has recommended a 30% expansion of the designated area. The District is therefore already highly constrained in terms of new housing development on green field sites and looks set to be more constrained in the future. These constraints must be expected to significantly influence any future housing requirement.
91. The Council published a Housing Delivery Test Action Plan (HDTAP) in September 2022, which is a material consideration in the assessment of planning applications for housing. As part of the HDTAP, the Council adopted the Interim Policy Statement for Housing Delivery (IPSHD) which sets out a list of criteria for new housing sites. In addition to assessing this application against the Development Plan and national policy and guidance, this application has been assessed in relation to the HDTAP criteria. The proposed site does not accord with the criteria set out in the Interim Policy Statement, which is a material consideration for this application.
92. To date, planning permission has been granted on appeal or the Council has granted planning permission or resolved to grant planning permission on a number of major housing sites that are aligned with the HDTAP criteria, as follows:
- Application TA/2021/ 2178: Land west of Limpsfield Road. Warlingham. CR6 9RF 100 dwellings (40% affordable) granted on appeal.
- Application TA/2022/1161: Land at Young Epilepsy, St Piers Lane, Dormansland, Surrey, RH7 6PW – permission granted by Tandridge District Council for 152 dwellings.
- Application TA/ 2022/1658: Site at Plough Road, Smallfield – resolution by Tandridge District Council to grant planning permission for up to 120 dwellings (40% affordable).
- Application TA/2022/:267 Former Shelton Sports Club, Shelton Avenue and Land Adjacent To 267 Hillbury Road, Warlingham, Surrey, CR6 9TL - resolution by Tandridge District Council to grant planning permission for 150 dwellings (45% affordable).
- In summary, since February 2023, decisions have been made to grant planning permission on major sites for 522 dwellings (422 by Tandridge District Council), with 68 of these dwellings being affordable housing, all on sites meeting the HDTAP criteria. This provides the potential for a significant boost to the Council’s housing land supply as resolutions to grant planning permission are translated into actual planning permissions.
93. These are only the largest applications in terms of dwelling numbers which the Council has resolved to grant since May 2023 while, as noted in the Council’s Annual Monitoring Report for 2021/22, there has been a consistent supply of some 32 houses per annum from windfall sites ever since 2006.
94. In terms of affordable housing, the applicant’s Planning Statement states that the provision of up to 46 affordable homes (40% and in excess of the adopted policy

requirement of 34% but reflecting the acute needs that exist) would make an important contribution in addressing affordable housing pressures in the District. Core Strategy Policy CSP4 set a target of up to 34% affordable dwellings within individual developments, where applicable, with up to 75% of the affordable housing on a site being social rented. However, the Policy states that the precise proportions will be agreed with the Council having regard to the specific needs at the time and within the area. The affordable housing offer in this application is considered to be in excess of policy compliance and to meet the Council's current requirements with regard to tenure.

95. The proposed development would provide a mix of 1 and 2 bedroom flats and 2 to 5 bedroom houses. Core Strategy Policy CSP7 requires that development of five or more dwellings should contain an appropriate mix of dwelling sizes having regard to the needs to the particular area. The housing mix is considered policy compliant given the urban location of the application site.

The effect of the development on the character and appearance of the area

96. The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments add to the overall quality of the area; respond to local character; reflect the identity of local surroundings and materials; are visually attractive as a result of good architecture and appropriate landscaping. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
97. Policy CSP18 of the Core Strategy requires that new development should be 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 site, important trees or groups of trees and other important features that need to be retained.
98. Policy CSP21 of the Tandridge District Core Strategy 2008 advises that the character and distinctiveness of the District's landscapes and countryside will be protected for their own sake and that new development will be required to conserve and enhance landscape character.
99. Policy DP7 of the Local Plan Part 2: Detailed Policies requires development to, inter alia, respect and contribute to the distinctive character, appearance and amenity of the area in which it is located, have a complementary building design and not result in overdevelopment or unacceptable intensification by reason of scale, form, bulk, height, spacing, density and design.
100. Paragraph 40 of the National Design Guide stipulates that "well designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary." Paragraph 49 also states that the "identity or character of a place comes from the way buildings, streets, spaces, landscape and infrastructure combine together and how people experience them. Furthermore, paragraph 51 advises that local identity is made up of typical characteristics such as the pattern of housing, and special feature that are distinct from their surroundings. Paragraph 52 articulates that this includes considering the composition of street scenes, individual

buildings and their elements and the height, scale, massing and relationships between buildings.

101. The proposed residential development because of the containment of the site by existing residential development on Chichele Road, adjoining school sites and mature hedgerows and woodland, lends itself to creating its own character areas. This is what the applicant proposes by dividing the development into three character areas. The density of development is higher than that along Chichele Road in the immediate vicinity of the site but not so dense as to be unacceptable in another site context. Likewise, the typologies of the houses with 2-storey and 2.5 storey development are different to those on Chichele Road in the immediate vicinity of the site. In both respects, and the layout of the proposed development, there is more in common with development along Silkham Road to the northwest of the site. Taken overall, the design and landscaping of the proposed development would be acceptable in another site context.
102. However, this is a sensitive site in terms of proximity to the National Landscape and Ancient Woodland. The proposed development would adversely impact upon the character and distinctiveness of the landscape and countryside significantly detracting from the overall character and appearance of the area. As such, the proposed development is contrary to the provisions of Core Strategy policies CSP 18 and 21 and Local Plan policy DP7.

The sustainability of the proposed development.

103. The applicant's Planning Statement approaches consideration of sustainability solely from the standpoint of renewable energy.
104. The NPPF at paragraph 8 sets out three overarching objectives for sustainability, which are interdependent and need to be pursued in mutually supportive ways. These objectives are:
 - i) An economic objective;
 - ii) A social objective; and
 - iii) An environmental objective.

The planning application does not define how it accords with the economic objective or the social objective. There will be economic benefits at construction stage and then once the residential development is completed and occupied from expenditure on goods and services locally. A social benefit will also arise from the provision of affordable housing. However, for reasons set out in paragraphs 37 to 68 above, the proposed development does not accord with the NPPF environmental objective for sustainable development with respect to Green Belt, National Landscape and Ancient Woodland.

105. Local Plan policy DP1 Sustainable Development provides that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development in the NPPF but this is clearly not the case with this application.

Traffic and highway safety

106. Core Strategy policy CSP12 states that the Council will require new development to make improvements, where appropriate, to the existing

infrastructure network, whilst also having regard to adopted highway design standards and vehicle and other parking standards. The policy requires that new development proposals should have regard to adopted highway design standards and vehicle/other parking standards. Criterion 3 of Local Plan Policy DP7 of the Local Plan requires new development to have regard to adopted parking standards and Policy DP5 seeks to ensure that development does not impact highway safety. The NPPF (paragraph 115) states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

107. Surrey County Council as highway authority has raised no objection to the application subject to offsite highway improvement works.

Other matters

108. The relevant consultees on the following matters have either raised no objection or consider that any particular requirements can be satisfied by attaching conditions to any planning permission:

- Heritage assets
- Surface water drainage
- Flood risk
- Contaminated land.

Very Special Circumstances and the Planning Balance

109. The proposed development would comprise inappropriate development within the Green Belt which the NPPF provides should not be allowed except in VSC. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The planning balance therefore needs to be considered.

110. In undertaking this balancing exercise, the weight afforded to each planning consideration will be, from highest to lowest:
- Substantial weight
 - Significant weight
 - Moderate weight
 - Limited weight
 - No weight

111. The Planning Statement submitted with the application sets out a range of matters which are considered to constitute the VSC for granting planning permission. These VSC are summarised below with the Council’s response in italics. The purported VSC’s are as follows:

There has been a failure of plan-making in the District

112. This failure of the plan-making process has led to sustained and worsening housing delivery outcomes. The likely non-adoption of the plan, for an area that is largely covered by Green Belt designation and with few brownfield sites, will mean those sustained and worsening housing delivery outcomes will extend indefinitely. The only way to rectify that failure of plan-making in the short term

is to address sites and housing delivery under the Very Special Circumstances test within national policy.

113. *The Council does have an adopted approach to boost the housing supply through the HDTAP until such time a new Local Plan can be adopted. The HDTAP housing delivery under the Very Special Circumstances test within national policy and is being applied to this application. Consequently, no weight should be afforded to this factor as a VSC.*

The site's location is highly sustainable and well-served by public transport

- 114 The site forms a logical extension to the settlement of Oxted and is highly accessible for sustainable modes of transport, including walking, cycling, bus and rail. As set out above, the site is 600m (c.6-7 minute walk) from Oxted train station, it is very close to bus stops and services on Chichele Road/Silkham Road and Bluehouse Lane, is adjacent to the schools, and it is within c.10 minute walking distance of the full range of shops, services and community facilities Oxted has to offer. Oxted is identified in the Core Strategy as a Category 1 Settlement, providing key services and day-to-day needs for the District's population.

- 115 *The site may be sustainably located with respect to public transport and local services. However, as set out above there are three aspects to the determination of sustainability, namely economic, social and environmental. For the reasons set out above this is not a sustainable site in environmental terms. Consequently, no weight should be afforded to this factor as a VSC.*

Tandridge has a substantial shortfall in housing delivery and acute affordability pressures

- 116 The significance of this housing supply shortfall is material and should be considered in the determination of this application and the consideration of VSC, with regard to the presumption in favour of development (NPPF Paragraph 11d). The greater the degree of shortfall, the greater weight the shortfall must be given in the balancing exercise, and the shortfall is exceptionally severe. The extent of the 5YHLS shortfall is further compounded by the fact that there appears to be little prospect that housing needs (as identified by the standard method) will be met soon, without Green Belt sites being approved with VSC.
117. *Given the changes in the NPPF 2023 which now specifies that the unconstrained OAN is an advisory starting point and the fact that Tandridge is one of (if not the) most highly constrained district council's in England, and the comments of the local plan examination inspector that the plan could be sound without meeting the OAN in full, and the 2018 household projections indicating a much lower unconstrained figure of 279 dpa), the weight given to the previous higher OAN figure no longer seems justified. Current 5-year housing land supply in Tandridge District is considered to be between 3.4 and 5.8 years depending on which needs figure is used. The contribution of this windfall site to housing supply and delivery should attract moderate to significant weight as a VSC depending on where the 5-year housing supply figure falls.*

40% affordable housing delivery in excess of the policy requirement (34%) will help address those acute needs

118. The scheme, with 46 proposed affordable homes – 40% of the total and significantly in excess of the Core Strategy policy CSP4 requirement of 34% – would make a significant and very important contribution to the affordable housing needs of the District, and bring with it important benefits that affordable housing brings to creating mixed, balanced and healthy communities.

119. *A detailed assessment of the housing supply position of Tandridge Council is set out above and need not be repeated. It is considered relevant to note that the delivery of affordable housing (46 units) proposed in this application equates to 40% of the proposed units, thereby significantly exceeding the development plan policy requirement. This is a significant benefit in this case as the affordable provision amounts to 46 units and should be afforded significant weight as a VSC.*

Release of Green Belt is necessary to meet needs and there is a fundamental lack of suitable site alternatives (as concluded by the emerging Local Plan Inspector)

120. The need to release Green Belt land is recognised both by TDC and the Inspector in the emerging Local Plan, with the Inspector's preliminary findings concluding that Exceptional Circumstances exist to alter the Green Belt boundaries, and that the release of Green Belt land is necessary to go any way towards meeting the District's housing needs.

121. *Land can only be released from the Green Belt by demonstrating exceptional circumstances during the making and adoption of a local plan and cannot be a VSC in the determination of a planning application.*

The site would limit harm to the Green Belt (and have negligible effect on the AONB)

122. While the proposed housing development would result in the introduction of new homes on an open field where there are currently no homes, and this will inevitably cause some harm to Green Belt 'openness', this harm needs to be considered within the context of the site and the degree of that harm.

123. The site is currently bounded by the backs of residential properties along Chichele Road and the two school sites east and west of the field, with their various built form and uses. A belt of ancient woodland along its north and western boundaries, hedgerows to the east, and topography, with a ridge towards the centre of the site, means the site is visually contained from the more open landscape to the north. The site is not the subject of any landscape quality designations, and the visual analysis contained within the accompanying Landscape and Visual Impact Assessment (LVIA) concludes that in all viewpoints where the site and proposed development would be visible, it would be seen in the context of the settlement of Oxted.

124. While the changes brought about by the proposed development would result in visual changes to the area and reduce the 'openness' of the site, this would be very localised in impact as development would not

extend beyond the existing urban form that surrounds the site. In addition, retention of existing vegetation combined with new landscaping would serve as a buffer to the site's northern/northeastern boundary and further limit views of the site from the open fields beyond.

125. *As set out above, development of the site would harm the Green Belt both visually and spatially and would conflict with a fundamental purposes of Green Belts of retaining openness, safeguarding the countryside and containing urban sprawl. As such, it is not accepted that any of the factors included in this assessment of harm to the Green Belt constitutes a VSC.*

On-site open space and play, as well as enhanced accessibility, will provide important local community benefits

126. The proposals include a large and centralised open space providing a Local Equipped Area of Play and a smaller local area of play to the east of the site. This area is sized and specified to be above the requirement to address the needs of the development; the policy requirement is for 0.05ha/1,000 population for play provision, necessitating 140 sqm of play provision, with the scheme providing 390 sqm of play and an associated walking trails, set within a central green space. This directly responds to identified needs within Oxted and Limpsfield, where the Tandridge Open Space Strategy 2021-2025 and earlier Open Space Assessment identifies access deficits to children's play space within Oxted and access deficits and quantity shortfalls of children's play space in Limpsfield (with the site being walkable and serving a catchment across both). The high-quality new opportunities for play that the scheme would bring would help address those needs, providing wider benefit to the community and not just to the residents of the development.

127. The proposals also open up this site and routes to formal access for recreation. As set out above, the site and routes around it have been used as informal footpaths (despite the site being closed off to the public) for walkers for many years, which culminated in a proposed Public Right of Way Order which was not confirmed. The proposed development would formalise public routes through the site; potentially offering an opportunity to link through to PRow Footpath 75 to the east (subject to separate agreement with the adjoining landowner). This enhanced accessibility through the site, and potentially beyond (which could be secured via S106), would give enhanced accessibility to the Green Belt and AONB from the centre and north Oxted.

128. *On-site open space and play, as well as enhanced accessibility will primarily be provided for the benefit of residents of the proposed development, although it is acknowledged there could be a wider community benefit which is given limited weight as a VSC. The footpath link to the east and PRow 75 is not part of the application and can be given no weight as a VSC.*

The proposed homes are of high design quality and far in excess of policy requirements on energy efficiency and sustainable design standards

- 129 The new homes have been designed to be far in excess of both TDC's policy requirements on energy efficiency and sustainable design standards, as well as current building regulations. The proposed houses would be constructed using timber frame systems, reducing embedded

carbon and providing exceptional insulation properties. Each of the proposed homes would also be gas-free, with houses to be heated via air-source heat pump and apartments through hot water heat pumps. Larger homes (all south-facing four and five-bedroom properties) would also have solar photovoltaic panels on their roofs, meaning the development will contribute directly to renewable energy generation. Electric vehicle charging points will be provided to all homes and a car club can also be provided by CALA, giving opportunities for people to live car-free and use shared rented cars.

130 Overall, this means that the proposed specification of the scheme will be delivering a total carbon efficiency saving of 69.8% from the implementation of fabric efficiency measures and on-site renewable energy sources, which significantly exceeds the requirements set out both in current local planning policy (20%) and existing building regulations (31%).

131 *The development as proposed would exceed the Policy requirement of the Development Plan. However, the NPPF (paragraph 157) states “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.” As such, delivering high achieving developments aligns with national planning policy. From this basis, even noting that this is a benefit of the proposal compared to a Building Regulations compliant development, it is considered that it should not be afforded more than limited weight as a VSC.*

The provision of new housing will make an important socio-economic contribution to the local area, generating a range of economic, social and wellbeing benefits.

132 The accompanying Benefits Statement provides a full, detailed assessment of the economic, social and wellbeing benefits that would arise from the proposed development. Essentially, the proposed residential-led scheme represents an important opportunity for investment within the settlement of Oxted and the provision of new housing will generate a range of economic impacts that will make a contribution to the local economy and community.

133 The quantifiable impacts of the proposed development relate to the direct and indirect creation of new jobs, construction investment, additional economic output and increased local spending. This includes supporting around 119 direct construction jobs during each year of construction, as well as a further 144 jobs in services and other businesses from the increased wage spending of construction workers and supplier outsourcing per year. The construction activity is estimated to generate £11.2 million direct GVA and £13.6 million indirect and induced GVA per annum, which is a significant contribution to the local economy.

134 Beyond the construction period, the occupation of the residential development would also deliver a significant boost to the local economy by generating ‘first occupation expenditure’ of £385,000 on home goods, as well as £3.7 million of expenditure per year in shops and services, of which

£1.6 million each year is estimated to be retained within Oxted, supporting local jobs and the local economy.

- 135 In addition, the proposal would generate a range of more qualitative social benefits including the provision of open space, providing new – and affordable – homes for local people and making a notable contribution to economic and planning policy objectives for the District. This would have indirect economic benefits by alleviating local housing affordability issues, reducing homelessness (and the societal costs associated) and increasing productivity, through improved opportunities for community development and community interaction.
- 136 *Some of the economic benefits such as those arising from construction jobs will be temporary but it is acknowledged that increased expenditure on local goods and services will be long-term. The qualitative social benefits are harder to conclusively pin-down. Taken overall socio-economic benefits are afforded limited weight as a VSC.*

Conclusion:

- 137 The Council's overall assessment is that within an overall planning balance, the harm to Green Belt openness and associated loss of open countryside, harm to the setting of the National Landscape and potential harm to an Ancient Woodland and biodiversity all attract substantial weight against the grant of planning permission in accordance with paragraph 153 of the NPPF. VSC for granting planning permission to this application do not exist unless the collective harm to Green Belt, open countryside, National Landscape and potential harm to Ancient Woodland and biodiversity is clearly outweighed by other considerations.
- 138 The balancing exercise for the applicant's VSC carried out above has concluded that some of them cannot be considered VSC. Significant weight attaches to only one VSC, provision of affordable housing. Moderate to limited weight attaches to the other VSC.
- 139 Taken overall, the conclusion of the planning balance exercise is that VSC do not exist to override the substantial weight that must be afforded to the Green Belt and other actual and potential harm arising from the development proposed in this application.
- 140 The following recommendation is made in light of the National Planning Policy Framework (NPPF) and the Government's Planning Practice Guidance (PPG). It is considered that in respect of the assessment of this application significant weight has been given to policies within the Council's Core Strategy 2008 and the Tandridge Local Plan: Part 2 – Detailed Policies 2014 in accordance with the NPPF 2023. Due regard as material considerations has been given to the NPPF, PPG and IPHSD in reaching this recommendation.
- 141 All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.

RECOMMENDATION:

REFUSE on the following grounds:

- 1) The proposed residential development represents inappropriate development in the Green Belt that would result in significant harm to openness both spatially and visually. The proposed development would also result in significant other planning harm in that it would have an urbanising effect upon and fail to conserve and enhance the setting of the Surrey Hills National Landscape defined in the development plan and would fail to safeguard the open countryside from encroachment and would not be seen to check the sprawl of large built-up areas. Very special circumstances do not exist to override the very substantial weight that must be afforded to the harm to the Green Belt and other harm resulting from the proposal. As such, the proposed development is contrary to policy CSP20 of the Tandridge District Core Strategy 2008 and policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies (2014) and paragraphs 152, 153 and 182 of the NPPF (2023).
- 2) By neglecting to provide a sufficient semi natural buffer, the proposed development would be likely to cause a deterioration of ancient woodland and fails to properly consider its protection contrary to NPPF 2023 paragraph 186 (c) which requires that development resulting in the loss or deterioration of irreplaceable habitats such as ancient woodland should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. The proposal is also contrary Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP7 which requires that proposals protect and, where opportunities exist, enhance valuable environmental assets. The proposal is also contrary to Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP19 which provides that where a proposal is likely to result in direct or indirect harm to an irreplaceable environmental asset of the highest designation, such as ancient woodland, the granting of planning permission will be wholly exceptional, and in the case of ancient woodland exceptions will only be made where the need for and benefits of the development in that location clearly outweigh the loss. Impact or loss should not just be mitigated, but overall ecological benefits should be delivered.
- 3) The proposed development is contrary to the provisions of the NPPF paragraph 180 d) because it has not been demonstrated that it will contribute to and enhance the natural environment by minimising impacts on, and providing net gains for, biodiversity. Likewise, the proposed development is contrary to the provisions of Core Strategy policy CSP17 and Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP19 because it has not been demonstrated that biodiversity will be protected, maintained and enhanced.
- 4) The application site is sensitive in terms of its proximity to the National Landscape and Ancient Woodland. The proposed development would by reason of its siting and form and appearance adversely impact upon the character and distinctiveness of the landscape and countryside of the site and wider area and significantly detract from the overall character and appearance of the area. As such, the proposed development would be contrary to the provisions of Tandridge Core Strategy 2008, Policy CSP21 and Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP7.

- 5) The proposed development by reason of its siting , form and appearance would result in harm to the Green Belt, the National Landscape, Ancient Woodland, open countryside and potentially biodiversity. The proposal therefore does not constitute' sustainable development contrary to Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP1.
- 6) Due to the potential impact on important trees by unjustified encroachment into root protection areas, and the potential for post development pressure on retained trees due to proximity to dwellings and parking areas, the application fails to recognise the constraints posed by the most important existing trees, which are important by virtue of their significance within the local landscape. As such, the proposal is contrary to Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP7 and Tandridge Core Strategy 2008 policy CSP18, and Key Consideration 2 and 4 of the Tandridge District Trees and Soft Landscaping Supplementary Planning Document 2017.
- 7) The current proposal in the Natural England Consultation Surrey Hills AONB Boundary Variation Project is that the application site should be included in the AONB and this is now a material planning consideration in the determination of this planning application. A grant of planning permission that would nullify the proposed Boundary Variation Project findings which are based on advice of expert landscape consultants would be unjustified. Based on the precautionary principle, planning permission should not be granted for development such as now proposed that would prejudice the outcome of the Boundary Variation Project.

Informatives

The development has been assessed against Tandridge District Core Strategy 2008 policies 17,18, 20 and 21 and Tandridge Local Plan: Part 2: Detailed Policies – Policies 1, 7, 10, 13 and 19 and material considerations. It has been concluded that the development does not accord with the policies of the development plan and, together with other material considerations this justifies refusal of planning permission.

The Local Planning Authority has acted in a positive and proactive way in determining this application, as required by the NPPF (2023), and has assessed the proposal against all material considerations including the presumption in favour of sustainable development and that which improves the economic, social and environmental conditions of the area, planning policies and guidance and representations received.

This decision relates to the development shown on drawings numbered CB_36_313_001 to 009 and 0012 and DR 5000 Version P2.

	Signed	Dated
Case Officer	CT	23/02/2024
Checked ENF		
Final Check	FN	26/02/2024

