

Oxted & Limpsfield Residents Group representation

Oxted & Limpsfield Residents

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Application 2023/1345: Land to rear of 22 to 32 Chichele Road, Oxted, RH8 0NZ – objection

Dear Mr Thurlow

This is an objection from the Oxted & Limpsfield Residents Group (OLRG) to application TA/2023/1345, which is an application for full planning for 116 new residential dwellings on land that is designated Green Belt to the rear of 22-32 Chichele Road in Oxted. The residents group has more than 2,000 members from the Oxted and Limpsfield area.

Section 1: Summary

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.

Oxted & Limpsfield Residents Group representation

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

Oxted & Limpsfield Residents Group representation

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.

Section 2: The Site and Relevant Policy - Comments on the Applicant's Planning Statement.

18. We disagree with the following assertions in the Planning Statement concerning the location of the site and the surrounding area:
 - a. Paragraph 2.3 of the Planning Statement states that the site is located within the main settlement of Oxted. This is wrong. The Council's Policy Map shows the site is located beyond the existing settlement boundary in open countryside that is designated Green Belt. The settlement boundary of Oxted follows the Green Belt boundary.

Oxted & Limpsfield Residents Group representation

- b. Paragraph 2.4 asserts that the wider surroundings of the site comprise predominantly residential areas. However Figure 2.1 of the Planning Statement shows that the boundary of the site is predominantly open countryside to the northwest, north and east (including playing pitches).
19. We also disagree with the reliance placed on policies in the emerging Local Plan and the suggestion (at paragraph 4.21 of the Planning Statement) that these policies are “relevant”. As the preceding paragraphs of the Planning Statement explain, the emerging Local Plan is likely to be found unsound, which means that none of the policies in the emerging Local Plan should be given any weight.
20. In any event, although the emerging Local Plan proposed the release of a number of sites from the Green Belt in order to meet housing need, this site was not one of those selected. In particular, the Council’s Green Belt Assessment (Part 3): Appendix 1 (2018) confirmed that due to the strong contribution the site makes to the Green Belt, consideration of the site for alterations to the Green Belt boundary should not be taken further and concluded that this site “*does not justify the exceptional circumstances necessary to recommend amendment of the Green Belt boundary.*” The Green Belt assessment was considered by the Local Plan Inspector who found it to be adequate: see paragraph 42 of his preliminary conclusions letter (ID16).
21. While it may be the case that the Local Plan Inspector suggested an OAN between 450-495 dpa, it is important to remember that this is an unconstrained figure. In addition, in his letter labelled ID16 on the Council’s website, the Inspector also accepted that due to numerous constraints which still exist, the emerging Local Plan could be found sound with a housing requirement lower than the OAN. These observations are particularly relevant in view of the most recent changes to the NPPF, which emphasise that there is no requirement for local planning authorities to review their Green Belt boundaries, once these have been established. Any new Local Plan would be brought forward in the light of these changes in national policy.

Section 3: Green Belt Assessment

22. Paragraph 6.28 of the Planning Statement confirms that the proposal constitutes inappropriate development in the Green Belt.
23. Three distinct types of harm to the Green Belt arise from this proposal:
 - a. new buildings which do not fall within any of the recognised exceptions to the construction of new buildings in the Green Belt, and so constitute inappropriate development, are harmful by definition (NPPF paragraphs 152 and 154, Tandridge District Council Local Plan Part 2: Policies DP10, DP13),

Oxted & Limpsfield Residents Group representation

- b. there would be harm to openness: spatial, visual, degree of activity likely to be generated, and duration. These are the factors defined in Planning Practice Guidance paragraph 64-001-20190722.
- c. There would be additional harm to Green Belt purposes (NPPF paragraph 143).

24. Paragraph 153 of the NPPF requires that substantial weight must be given to all of the Green Belt harms that arise from this proposal. We address each of these harms in the following paragraphs.

Spatial harm

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

Visual harm

26. The site was reviewed in landscape terms during the preparation of the emerging Local Plan and the visual sensitivity of the site was judged to be substantial. The study stated:

the fields contribute to the rural setting of the Greensand Way and from the south are part of the rural continuum of the slopes from the AONB

27. In addition, the sloping nature of the site means that the proposed development will be clearly visible from multiple public and private viewpoints. We believe (and the Planning Statement agrees) that it is not possible to mitigate the impact on views resulting from this development. We believe that the proposal would be alien and incongruous in this otherwise open, undeveloped, high quality landscape.

28. The proposal would also urbanise this area of open countryside. This is a key green space representing a green wedge between Oxted and Limpsfield which penetrates to the urban edge. This green wedge brings the countryside closer to the settlement for residents to enjoy. The proposal would result in a substantial incursion into this green wedge.

Oxted & Limpsfield Residents Group representation

Intensification

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

Duration

30. All of the harms identified above and later in this section will be permanent.

Green Belt purposes

31. The land was designated Green Belt in the 1958 Surrey Development Plan. There have been no material changes to the site or nearby, and so it continues to meet the purposes of the Green Belt. We believe the proposal is harmful to four Green Belt purposes:

NPPF 143 a) To check the unrestricted sprawl of large built-up areas:

- a. The site is undeveloped open countryside and continues to check the unrestricted sprawl of Oxted by containing development and preventing a northward expansion of the town.
- b. Tandridge District Council's Green Belt Assessment (December 2015) (Appendix D) identifies this site within Area GBA 018 and states:

D.19.9 The parcel sits adjacent to the urban area of Oxted, forming a buffer that prevents the town from expanding further north. There is a total absence of development outside of the Green Belt boundary in the west and north of the parcel, indicating that the urban area has been effectively contained.

D.19.10 ...The parcel is therefore considered to be effective in checking urban sprawl from Oxted.

NPPF 143 b) To prevent neighbouring towns merging into one another:

32. Limpsfield and Oxted were once separate settlements but have now largely merged. However, the merging is primarily along road frontages with this site forming part of a retained open wedge which continues to separate the two areas and prevent further merging. The site therefore plays an important local role in preventing further merging of two settlements.

33. This conclusion is supported by the comments extracted from the GBA above.

Oxted & Limpsfield Residents Group representation

NPPF 143c) *To assist in safeguarding the countryside from encroachment:*

34. The site extends into woodland and is part of an extensive area of countryside to the north of Oxted. The land can be clearly seen as assisting in safeguarding the countryside from encroachment.

35. Tandridge District Council's Green Belt Assessment (December 2015) (Appendix D) states:

D.19.18 The parcel has minimal development and therefore is almost entirely open countryside: fields, recreation grounds, and woodland.

D.19.19 The topography of the parcel is varied, with the area backing onto the school more raised than the north, eastern and western parts. The land immediately closest to Oxted is raised and more prominent, with views looking out into the surrounding countryside possible towards the east.

D.19.20 As the parcel has limited development and is almost entirely countryside, this parcel serves this purpose effectively.

NPPF 143 e) *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land*

36. The Green Belt encourages the recycling of derelict and urban land within Oxted and the wider district. An example of this is the redevelopment of the Oxted Gasholder site, which was a brownfield site within the settlement boundary of Oxted. This site provided 111 new apartments.

37. The Council's Green Belt Assessment (Part 3): Appendix 1 (2018) confirms that due to the strong contribution the site makes to the Green Belt, that consideration of the site for alterations to the Green Belt boundary should not be taken further. This is explained in the answer to the question: "*Does the Green Belt Assessment recommend that the GB in this location should be retained/or further considered in terms of exceptional circumstances?*":

The site has been considered through the Green Belt Assessment Part 1 as part of GBA 018 and through Part 2 as part of AFI 052. The Green Belt evidence concludes that the parcel is effective in checking urban sprawl from Oxted and effectively serves the purpose of assisting in safeguarding the countryside from encroachment due to its limited development. The Part 2 assessment confirms the above conclusions, recommending that this Area should not be considered further.

38. We add here that the Local Plan identified other Green Belt sites where exceptional circumstances did exist, which we will address later in this document. The Local Plan Inspector also accepted that the Green Belt Assessments were adequate in his letter ID16.

Oxted & Limpsfield Residents Group representation

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



Looking north east from the site towards the Surrey Hills AONB

Section 4: Other harms: Harm to the Surrey Hills AONB and the Area of Great Landscape Value

40. The land has a high landscape sensitivity and value and a major housing development here would be highly detrimental to the AONB and its setting.
41. The site immediately abuts the Surrey Hills Area of Outstanding Natural Beauty along its northern and north eastern boundaries.

Oxted & Limpsfield Residents Group representation

42. There is a very high degree of intervisibility with the AONB throughout the site which means it makes a strong contribution to the natural beauty of the AONB. The proposal would have a significant adverse effect on the setting of the AONB and views in and out of the AONB, including views from the North Downs Way. It would also have a significant adverse impact on the Greensand Way public footpath which passes immediately to the east of the site and runs north into the AONB.
43. Therefore, we believe the proposal is contrary to policies CSP18, CSP20 and CSP21 of the Council's adopted development plan and to the provisions of paragraph 182 of the NPPF.

Proposed inclusion in an expanded Surrey Hills AONB

44. Natural England is currently conducting a boundary review for the Surrey Hills AONB and this site has been proposed for inclusion within the new expanded boundary in the recent consultation.
45. We disagree with the description in the Planning Statement which asserts this is a boundary "refinement", when in fact, the Natural England evidence explains that "Land North of Park Road" is one of a number of minor boundary "changes", where the size of the area to be included was not large enough to warrant being a separate Evaluation Area.
46. The site is being proposed for inclusion because it fulfils the criteria for natural beauty, and not as some sort of administrative "tidy-up", which is how the boundary amendment has been characterised in the Planning Statement.
47. The criteria for a minor boundary change include "*where the land in question relates strongly to the wider AONB forming part of a sweep of qualifying land*", but this phrase has been omitted from the Planning Statement.
48. Natural England states in its evidence-based Boundary Report that the area retains "*a strongly rural character, forms part of a sweep of open countryside and is contiguous with the existing AONB.*" The site rises from Oxted up to the North Downs encompassing picturesque views that are framed by trees and hedgerows such that the site is visually seamless and has the same intrinsic outstanding natural beauty characteristics as the existing AONB.
49. Therefore, we believe that the proposed inclusion of this site into the Surrey Hills AONB is a material consideration.

Section 5: Other harms: Harm to biodiversity

50. There is Ancient Woodland at the north of the site which is part of the existing AONB and in the Area of Great Landscape Value. We believe that locating 116 new residential dwellings, driveways, hardstanding, and residential

Oxted & Limpsfield Residents Group representation

curtilages in such close proximity will inevitably damage the biodiversity of the Ancient Woodland.

51. There would be both physical harm and harm to biodiversity arising from the significant increase in recreational pressure from public access (whether authorised or not). Access by the public is inevitable given the new dwellings are located just 15m away. We note that the application proposes to introduce formal management of the Ancient Woodland. We cannot see how the introduction of formal management would benefit the Ancient Woodland itself and instead believe such management would further encourage access by the public, thereby increasing the harm.
52. Furthermore, there would be a substantial increase in predation from domestic cats and dogs in the Ancient Woodland and the adjacent existing AONB due to the close proximity of the proposed housing development.
53. Lastly, we believe the proposed lighting and any associated planning conditions would be unenforceable over the medium-term, which would lead very quickly to an urban-level of light pollution (particularly in the winter) in what is currently a “dark area” of open countryside and Ancient Woodland. The proposal would also introduce the intrusive presence of vehicle headlights which would traverse the site at all times of the day and night as vehicle access times cannot be restricted.
54. All of this would be detrimental to biodiversity (and to the character of the area as we explain later),
55. Therefore, we conclude that the proposal is contrary to policies CSP17 and DP19 of the Council’s adopted development plan and the provisions of paragraph 187c) of the NPPF.

Section 6: Other harms: Harm to character

56. There are multiple dimensions to the harm to character, as follows:
57. The proposal would have an urbanising effect on what is currently an open field in the countryside and also on the adjoining areas of undeveloped open countryside.
58. Furthermore, the proposal would create a substantial intrusion into the “green wedge”, which is a settlement pattern characteristic of Oxted to the north and east. These green wedges bring the countryside close to more areas of the settlement than a straight boundary, thereby enhancing the amenity of all residents and contributing to the character of the settlement. However, the proposal results in a significant erosion of this wedge, which we believe is detrimental to both the character of the settlement and also to the rural character of the area.

Oxted & Limpsfield Residents Group representation

59. The proposed development is at the rear of Chichele Road where the buildings are set considerably in from their plot boundaries with generous frontages and sizeable rear gardens. Together with the numerous mature trees, some of which are very large, this results in a decidedly spacious and sylvan character to the area.
60. In contrast, the proposal is for much higher density housing shoehorned into the backland behind Chichele Road which does not reflect and respect the character of the area or integrate effectively with the surroundings as required by Policy DP7, which requires that *“the proposal respects and contributes to the distinctive character, appearance and amenity of the area in which it is located...”* and *“The proposal is in keeping with the prevailing landscape/streetscape...”* and *“..does not result in overdevelopment or unacceptable intensification by reason of scale, form, bulk, height, spacing, density and design”*.
61. The proposal fails to satisfy any of these policy requirements, and so we believe the proposal is contrary to Policies CSP18 and DP7.

Section 7: Other harms: Highway Safety and neighbour amenity

62. The proposed vehicle access is from Chichele Road, which we believe is totally unsuitable and unsafe. The proposed access is on a dangerous corner at a sharp bend very close to a road junction where the danger is already exacerbated by large numbers of parents using it for school pick up and drop off parking. We believe this adversely impacts highway safety and increases the danger for children walking to and from the school, as well as other road users. We also believe that access for emergency and service vehicles to the proposed development would be further compromised, particularly during the periods of the school run. The roads around St Mary's School are also currently highly congested.
63. The Highways Authority, Surrey County Council, has stated that a Copenhagen crossing should be provided where the site access meets Chichele Road. The applicant has not accepted this requirement. Paragraph 4.8 of the applicant's Transport Statement states:
- It is acknowledged that SCC requested a Copenhagen crossing at the site access. This has been reviewed in detail and due to the limited site frontage along Chichele Road the provision of a Copenhagen crossing is not feasible. The visibility is significantly reduced when providing a Copenhagen crossing and could lead to road safety issues.*
64. The proposed ramps will cause further traffic flow disruption particularly during school drop off and pick up. Traffic during this period often causes delays in all directions back on to Barrow Green Road. During this same period designated parking is regularly ignored by car drivers picking up or dropping

Oxted & Limpsfield Residents Group representation

off their children. Parking on the double yellow lines and bus stop become the norm. In addition, the ramps will create the potential for a lake to form from surface water run off despite any additional drainage measures that may be imposed. The existing drainage grids are inadequate and made worse with leaf fall grid blockages. Adding road ramps will cause the flood water to flow over the pavement through the hedge of 36a Chichele Road and on to the neighbouring properties.

65. The substantial number of additional traffic movements will have significant air quality and noise impacts on existing residential dwellings, particularly along Chichele Road, harming residential amenity.
66. Lastly, we note that the proposal seeks to remove the existing bus stop on Chichele Road in order to create the new access to the proposed development. This is detrimental to all who currently use that bus stop, and is also contrary to the objective of sustainable development. Development proposals should be improving public transport provision, and not removing it.
67. The proposed mitigations and road layout changes do not address the road safety issues and potentially exacerbate the dangers. Therefore, we believe the proposal is contrary to Policy CSP11, DP5, DP7 and the NPPF.

Section 8: Other harms: Inadequate surface water drainage and foul sewage provision

68. Despite the assertions of the applicant's Flood Risk and Drainage Assessment, the proposed surface water drainage scheme does not meet the requirements set out in the NPPF, its accompanying planning practice guidance and the Non-Statutory Technical Standards for sustainable drainage systems. The proposal also does not comply with Policy DP21.
69. This failure to comply is detailed by the Lead Local Flood Authority (LLFA) in its response to the application and includes, but is not limited to, the failure to justify why the additional attenuation required cannot be provided above ground, the failure to provide evidence to demonstrate that exceedance events have been considered and the failure to explain how the surface water drainage system will be maintained for the lifetime of the development. The LLFA is Surrey County Council and not Kent County Council as stated in the applicant's Flood Risk and Drainage Statement. It appears that the applicant has taken no pre-application advice from the LLFA.
70. There have been flood events that have caused flooding at St Mary's School with the road runoff filling the Silkham Road and Chichele Road junction and running like a brown river down Chichele Road to Barrow Green Road, flooding the properties across the road. These events will be made worse by the run off down the access road from the proposed development.
71. Therefore, we believe the proposal is contrary to DP21 and the NPPF.

Oxted & Limpsfield Residents Group representation

Sewage

72. The plans indicate that the nearest foul water drain is on Chichele Road and is a 150mm gravity fed pipe that services the existing surrounding, low-density properties. The junction of this pipe is in the centre of the proposed site access junction. In the recent past, this has been blocked and leaked out onto the road surface. The overflows in the existing foul drainage network in Oxted are well known, with some properties requiring the installation of diverters in order to prevent foul water overflows into their gardens and dwellings.
73. We believe that the addition of 116 new residential dwellings feeding into a pipe will be beyond the flow rate capacity and, in the event of a blockage, will result in a lake of sewage within the proposed road ramps.
74. Therefore, we believe the proposal is contrary to CSP11, DP21 and the NPPF.

Section 9: Very Special Circumstances

75. Paragraph 152 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
76. Paragraph 153 of the NPPF further provides that in considering any planning application for inappropriate development in the Green Belt, local 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.
77. The Planning Statement puts forward a number of Very Special Circumstances which we address here.
78. The applicant asserts at paragraph 6.12 of the Planning Statement, that one of their most important VSC is the Council's failure of plan-making and the resulting shortfall in its five-year housing land supply (5YHLS). This is repeated in VSC 3 and 4, and so we address all of these together.
79. With regards to the "failure of plan-making", the Statement ignores the fact that in September of 2022, the Council adopted an Interim Policy Statement for Housing Delivery ("Interim Policy Statement") which sets out a number of criteria for bringing forward new housing sites to boost the housing supply in light of the difficulties with the emerging Local Plan.

Oxted & Limpsfield Residents Group representation

80. In two recent Green Belt appeals, the Planning Inspectors emphasised the need for the Council to have a clear delivery pipeline of new housing. Since the Interim Policy Statement was adopted, permission has been granted for 370 new dwellings (at least 40% of which are affordable) and 152 new units of specialist housing (Use Class C2) on sites that comply with the Interim Policy Statement and the adopted development plan. These are:

- a. Appeal Ref: APP/M3645/W/22/3309334 Land West of Limpsfield Road, Warlingham CR6 9RD (allowed 11 April 2023). This was an application for the construction of 100 new dwellings (40% affordable) with associated infrastructure, landscaping and re-provision of sports facilities. The Local Plan Examiner had no concerns regarding this allocated site in the emerging Local Plan.
- b. In May 2023, the Council's Planning Committee gave approval to the Young Epilepsy St Piers Lane, Lingfield, 2022/1161, which is on brownfield land in the Green Belt. This application was for demolition of buildings and redevelopment to provide a residential care community (Use Class C2) comprising 152 units of accommodation. The decision reflected the policies in the adopted development plan and the criteria set out in the Interim Policy Statement.
- c. Application number: 2022/1658 Development site at Plough Road, Smallfield. This application (outline) is for development of up to 120 dwellings with associated infrastructure, open space and vehicular and pedestrian access, with additional engineering works to provide for flood relief. The approval includes an S106 to secure 40% affordable housing. This was approved by the Planning Committee on the 7th of December 2023 because the proposal fulfilled the criteria set out in the Interim Policy Statement.
- d. Application number: 2022/267 Former Shelton Sports Club, Warlingham. This application (outline) is for a residential development of 150 dwellings including 45% affordable housing with vehicular access from Hillbury Road, provision of public open space and associated ancillary works. This was approved by the Planning Committee on the 7th of December 2023 because the proposal fulfilled the criteria set out in the Interim Policy Statement.

81. The Council has also successfully defended a proposal on a site in the Green Belt which did not accord with the Interim Policy Statement, as follows:

APP/M3645/W/23/3319149: Land at The Old Cottage, Station Road, Lingfield RH7 6PG (dismissed 17 October 2023). This was an outline application for 99 new dwellings (40% affordable) with associated access, formal open space, landscaping, car & cycle parking and refuse.

Oxted & Limpsfield Residents Group representation

82. There is further scope for increasing the housing land supply as there are allocated sites in the emerging Local Plan that have not yet come forward that we believe have the potential to meet the criteria set out in the Interim Policy Statement.
83. The above is demonstrable evidence which contradicts the assertion in paragraph 5.7 of the Planning Statement that suggests that *“until a new Local Plan is adopted, there is limited scope for any marked improvement in the 5YHLS position in the short term”* and *“that the failure of the emerging plan leaves no mechanism in place for TDC to improveand this delay is leading to sustained and worsening housing delivery outcomes in the District.”*
84. The proposed site is not aligned with the criteria set out in the Interim Policy Statement which is a material consideration for this and all applications for new housing in Tandridge.
85. Paragraph 4.20 of the Planning Statement quotes from the Local Plan Inspector’s preliminary conclusions letter published in December 2020 (ID16), stating that the Inspector’s preliminary view was that the objectively assessed need (‘OAN’) for housing in the District should be in the region of 450 to 495 dwellings per annum (dpa).

However, the applicant has not included the Inspector’s further comments which state that:

“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)”

86. The Local Plan Inspector accepted that the emerging Local Plan would not be able to meet its OAN in full due to the major policy and infrastructure constraints in Tandridge District which can reasonably be expected to significantly reduce any future housing requirement. These constraints include 94% Green Belt, two AONBs, flooding, and significant infrastructure capacity constraints (for example around the M25 J6).
87. Paragraph 61 of the December 2023 revised NPPF confirms that the standard method for calculating housing need is only an “advisory starting point” for local authorities in establishing the local housing requirement.
88. With regards to the extent of the shortfall in the 5YHLS (VSC 3), it is important to highlight that the figure of 639 dpa used in the calculation is an unconstrained figure based on the 2014 household projections which are now very much out of date. We also do not believe that it represents either current housing need or a future housing requirement for Tandridge.

Oxted & Limpsfield Residents Group representation

89. Therefore, we believe that the housing land supply calculation based on the standard methodology figure does not accurately reflect the housing need in Tandridge
90. The December 2023 NPPF (paragraph 61) adds further support to the conclusion that due to the policies in the Framework which restrict development, any future housing requirement would not meet the OAN in full and this would not necessarily prevent any future plan from being found sound.
91. For all of these reasons, the weight given to this VSC should be reduced considerably.
92. In any event, even if the delays in production of a new local plan were capable of contributing to a case of VSC, they are not a justification for the release of this particular site from the Green Belt. As noted above, although the emerging local plan proposed the release of a number of sites from the Green Belt in order to meet housing need, this site was not one of those selected due to the strong contribution the site makes to the Green Belt,
93. The second, fifth and sixth VSC revolve around the site being well served by public transport and this site also being preferable to other sites that were allocated in the emerging Local Plan for a number of reasons.
94. First, the availability of public transport (and many other considerations) were all weighed up as part of plan-making in the emerging Local Plan, and this site was not allocated, whereas two other sites were allocated in Hurst Green.
95. Second, with regards to VSC 5, Green Belt can only be released through plan-making if exceptional circumstances are deemed to exist. This is decision-taking, where the relevant test is VSC, and not “exceptional circumstances.” We understand that the test for VSC is a stricter and more demanding test than for exceptional circumstances, and as the exceptional circumstances test was not met, It follows that the VSC test is also not met.
96. With regards to VSC 6, “limiting harm” to the Green Belt and AONB is not a Very Special Circumstance.
97. This is because there are other allocated sites that have not yet come forward that have the potential to meet the criteria in the Interim Policy Statement with even less harm, whereas the proposal causes substantial harm to both the Green Belt and AONB.
98. Therefore, we give no weight to this as a VSC.
99. VSC 7 refers to the inclusion of formal access routes for recreation. First, the existing recreational attraction to the site is because it is an undeveloped open field set amidst woodland and hedges. The presence of the proposed housing development would detract significantly from its current recreational

Oxted & Limpsfield Residents Group representation

attractiveness. This diversion would also place additional recreational pressure on other open spaces.

100. Second, any increase in public access (including that arising from the residents of the development) would increase the recreational pressure on the Ancient Woodland and the other sensitive areas nearby.
101. Third, Paragraph 6.36 explains that any improvement is subject to landowner agreement, which cannot be given weight in assessing the current application.
102. Fourth, we would also note when considering this as a VSC the appalling history of this site and the irresponsible behaviour that has been displayed towards site neighbours and the wider public.
103. In March 2013, after Tandridge District Council attempted to protect old oaks on the land by implementing Tree Preservation Orders, the trees were ring-barked and so eventually killed. The trees were never replaced. See details here:
<https://www.getsurrey.co.uk/news/ring-barked-trees-not-replaced-5446238>
104. In July 2013, two Tree Preservation Orders were made permanent on woodland and trees on the Chichele field to protect the remaining woodland.
105. Paragraph 6.36 of the Planning Statement states that the site and the routes around it have been used as informal footpaths by walkers for many years. What it doesn't say is how this access was suddenly ended.
106. Until 2013, the field was used regularly by residents and walkers, but in that year the entrances to the field were blocked off with hoardings and barbed wire. The Oxted & Limpsfield Residents Group collected 74 statements from residents about their long standing usage of the field and, in November 2013, OLRG submitted an application for three new rights of way to Surrey County Council.
107. In June 2018, Surrey County Council recommended the new rights of way be recognised but the County Council's decision was then appealed by the landowners and developers.
108. A public inquiry was held for five days in March 2021 at which the landowners' barrister aimed to get the County Council's recommendation for the three new rights of way overturned.
109. Unfortunately, the Planning Inspector decided not to confirm any of the rights of way saying that, on the balance of probabilities, she did not consider that a 20 year uninterrupted use could be proved because gates had been locked and fences repaired at times throughout any potential 20 year period. She said that use over a shorter period (2004 - 2013) was not sufficient to support confirmation of the paths.

Oxted & Limpsfield Residents Group representation

110. All that the applicant is now proposing is to return to the original access position which existed for many years until it was blocked off, but with the addition of 116 new residential dwellings to a previously open Green Belt field. This is not a VSC.
111. With regards to VSC 8, all applications should seek to represent high quality and sustainable design, and so this is not a VSC.
112. With regards to VSC 9, all developments result in economic benefits.
113. However, it is important to recognise that paragraph 7.40 asserts that “*a good proportion of the population who may buy or rent the new homes may already be accessing and using local services within the district*”, while the figures provided in paragraph A2.16 assume that the increased spending from both open market and affordable housing will be from new households. Both cannot be true.
114. Therefore, we give no weight to this as a VSC.

Section 10: The development plan and material considerations (including NPPF paragraph 11 (d) and VSC)

115. Applications for planning permission must be determined in accordance with the statutory development plan unless material considerations indicate otherwise. This proposal conflicts with numerous policies in the adopted development plan. It 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. The starting point, therefore, is that permission should be refused unless material considerations indicate otherwise.
116. The NPPF is a material consideration. Applying paragraph 11 of the NPPF, in the absence of a 5YHLS the policies that are most important for determining the application are deemed to be out-of- date as per footnote 8 of the NPPF. However, the “balancing exercise” in para. 11(d)(ii) of the NPPF is not engaged. Instead, paragraph 11(d)(i) is engaged which refers to “the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposal.” NPPF Footnote 7 specifies that this relates to land designated as Green Belt and Area of Outstanding Natural Beauty and both of these designations apply to this site. The NPPF therefore clearly indicates that the absence of a 5YHLS is not a material consideration which overrides the presumption in favour of the development plan.
117. As explained in previous sections, this proposal would give rise to significant harms at the high end of the scale. VSC do not exist because the

Oxted & Limpsfield Residents Group representation

harms caused by the proposal are not clearly outweighed by other considerations as required by paragraph 153 of the NPPF if permission is to be granted.

Conclusion

118. We strongly disagree with the assertions made in the section “Limiting harm to the Green Belt and preserving the AONB” in the Planning Statement. These assertions try to minimise what we consider to be severe spatial and visual harms. It is patently incorrect to state, as in paragraph 6.31, that the impact on the Green Belt and AONB would be “very localised” and in paragraph 6.30 that “the site is visually contained from the more open landscape to the north.” As Natural England has concluded, this land forms part of a sweep of open countryside and is contiguous with the existing AONB.
119. In any case, we find no distinction in national policy between “local” and “wider” harm to the Green Belt. While any such distinction would be a matter of planning judgement, this does not eliminate the requirement for substantial weight to be given to the harm. We conclude that there are numerous harms to the openness of the Green Belt arising from the proposal, all of which must be given substantial weight.
120. The harm caused by this proposed development would be substantial. Spatially, it would result in the permanent loss of approximately 6.36 hectares of Green Belt land to housing development. Visually, there would be a permanent loss of open countryside that is visually prominent and can at present be seen in open vistas from many viewpoints in and out of the AONB. There would also be an intensification of traffic, level of activity from domestication, lighting which would be harmful to the existing character and appearance of the area. These harms would be permanent and cannot be mitigated. As explained above, there would be significant harm to the Green Belt purposes. The NPPF requires substantial weight to be given to all the Green Belt harm that would be caused by the scheme.
121. The harm to the Green Belt and to the adjacent AONB and to land that has been recommended for inclusion in the expanded AONB, would be acute, permanent and unjustifiable. We consider that the site is a valued landscape for the purpose of paragraph 180a of the NPPF. Contrary to the requirements of that paragraph, the proposal would neither contribute to or enhance the valued landscape in which it would sit. In addition, the proposal is contrary to CSP21 because it would not conserve and enhance landscape character; and it is contrary to TLPP2 Policy DP7 because it would neither integrate effectively with its surroundings nor reinforce local distinctiveness and landscape character. Significant weight should be given to the urbanising effect that the scheme would have.

Oxted & Limpsfield Residents Group representation

122. In addition to the harm to the Green Belt, the other harms detailed above constitute reasons for refusal in their own right because they are contrary to policies in the adopted development plan. All of these other harms would be both significant and permanent and so must be given substantial weight.

123. Whether taken individually or collectively, there are insufficient VSC to clearly outweigh the harm to the Green Belt and the list of substantial other harms arising from the proposed development. These harms cannot be mitigated, and so would be both substantial and irrevocable. There are no material considerations that would override the policies in the adopted development plan.

124. Therefore, we request that the application is refused.

Yours sincerely,

Julie Houghton, secretary, for and on behalf of Oxted & Limpsfield Residents Group