

**Land at Chichele Road, Oxted,  
Tandridge - Statement of  
Common and Uncommon  
Ground**

**Planning Inspectorate Appeal:  
APP/M3645/W/24/3345915**

**CALA Homes (South Home Counties) Ltd and Tandridge  
District Council**

September 2024

**LICHTFIELDS**

32197345v1

## Contents

<b>1.0</b>	<b>Introduction</b>	<b>2</b>
<b>2.0</b>	<b>Site and surroundings</b>	<b>3</b>
<b>3.0</b>	<b>Proposed development</b>	<b>4</b>
<b>4.0</b>	<b>Planning policy and other material considerations</b>	<b>5</b>
	Development plan	5
	Material considerations	6
<b>5.0</b>	<b>Matters agreed between the parties (common ground)</b>	<b>7</b>
	Location of development	7
	Housing provision	7
	Housing supply	7
	Layout and design	7
	Transport, access and parking	7
	Biodiversity, ecology and trees	8
	Landscape and visual impact	8
	Sustainability	8
	Flooding and drainage	8
	Heritage	9
	Noise	9
	Air quality	9
	Amenity of neighbouring uses and residents of the new development	9
	Planning conditions and obligations	9
<b>6.0</b>	<b>Matters not agreed between the parties (uncommon ground)</b>	<b>10</b>

## Appendix 1 – Decision Notice

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**THIS STATEMENT OF COMMON/UNCOMMON GROUND HAS BEEN AGREED BY:**

**The Local Planning Authority: Tandridge District Council**

**Signed:**



**Name:** Cliff Thurlow

**Dated:** 04/09/2024

**Lichfields on behalf of the Appellant: CALA Homes (South Home Counties) Ltd**

**Signed:**



**Name:** SIMON SLATFORD

**Dated:** 03.09.2024

## 1.0 Introduction

- 1.1 This Statement of Common and Uncommon Ground (SoCUG) has been prepared by Lichfields, acting on behalf of CALA Homes (South Home Counties) Ltd (“the Appellant”), and Tandridge District Council (the “Council” or “LPA”) in relation to the site at Land at Chichele Road, Oxted, Tandridge, RH8 0NZ (“the site”).
- 1.2 This SoCUG relates to Planning Appeal Inquiry reference **APP/M3645/W/24/3345915** currently underway, against the Council’s refusal of planning application reference TA/2023/1345 on 26 October 2023 for the following description of development:  
*“Proposed residential development 116 Dwellings (Class C3) including affordable housing with associated access, car parking, soft landscaping and play provision.”*
- 1.3 For the purposes of this SoCG, the proposed development which is subject of the appeal is hereafter referred to as the “Development”.
- 1.4 The application was given a statutory determination date of 26 February 2024, 16 weeks after the validation date in accordance with the determination period for major planning applications subject to an Environmental Impact Assessment.
- 1.5 On 26 February 2024, the Council refused the application under delegated authority. The reasons for refusal (‘RfR’) are set out on the Decision Notice for application TA/2023/1345 attached as Appendix 1.
- 1.6 The remainder of this SoCUG identifies matters that are agreed between the Appellant and the Council (common ground), as well as those matters which remain in dispute (uncommon ground).

## 2.0 Site and surroundings

- 2.1 The site address is known as 'Land at Chichele Road, Oxted, Tandridge, RH8 0NZ'.
- 2.2 The site is located approximately 450m to the north of the centre of Oxted. It is 6.36 hectares in size and comprises an irregularly shaped agricultural field. There is a belt of woodland along the northern boundary of the site which is designated Ancient Woodland.
- 2.3 The site is bounded by the rear of existing residential properties on Chichele Road to the southeast, the grounds of St Mary's C of E Primary School to the northwest, and the grounds of Oxted Secondary School to the southeast (with playing pitches/sports facilities for both schools forming the immediate uses bordering the site, separated by existing hedgerows and pockets of woodland). To the wider northeast of the site are fields in agricultural use, beyond which lies the M25 motorway.
- 2.4 The site boundaries are well defined by existing vegetation (hedgerows, trees and woodland).
- 2.5 Oxted train station lies 600m south of the site and existing bus stops are located on Chichele Road and Bluehouse Lane. The existing bus stop at the proposed site entrance on Chichele Road would be removed as a result of the Development. Existing access to the site is via a strip of land adjacent St Mary's School which leads to Chichele Road, and pedestrian access is also possible via Bluehouse Lane.
- 2.6 There are no Public Rights of Way ('PRoW') within the site, however informal footpaths have historically been used by the public to access the site and beyond to PRoW Footpath 75 (Greensand Way) which lies to the east of the site.
- 2.7 The northern part of the site is designated as Ancient Woodland. This woodland is covered by a Tree Preservation Order (TPO) and lies within the Surrey Hills National Landscape (or Area of Outstanding Natural Beauty (AONB)) and an Area of Great Landscape Value (AGLV). A further TPO is present on a singular oak tree to the southeast boundary of the site adjacent to Oxted School.
- 2.8 The main field forming the vast majority of the site and where built development is proposed, is therefore adjacent to, but outside of the AONB and AGLV; however, the site as a whole is within the setting of the AONB.
- 2.9 The site is located entirely within an area with the lowest probability of flooding from all sources.
- 2.10 The site does not contain, nor is it within the setting, of any designated heritage assets.
- 2.11 An Order by Surrey County Council to amend the Definitive Map and establish footpaths within the site was not confirmed in May 2021, following an Inquiry held by the Planning Inspectorate (ref. ROW/3225371).
- 2.12 There is no further relevant planning history for the site of relevance to this appeal, beyond the recent Environmental Impact Assessment (EIA) Screening Directions issued by Tandridge District Council in July 2023 and the Secretary of State in February 2024; in both cases it was confirmed that an EIA was required to accompany the planning application.

## 3.0 Proposed development

- 3.1 The application description of development, as given on the decision notice, is:  
*“Proposed residential development 116 Dwellings (Class C3) including affordable housing with associated access, car parking, soft landscaping and play provision.”*
- 3.2 The application seeks full planning permission for 116 new homes, including 70 market homes and 46 affordable homes, alongside associated landscaping, open space, parking, and infrastructure.
- 3.3 The proposed mix of homes range from smaller (one and two-bedroom) apartments to larger (four and five-bedroom) detached houses. The majority of the proposed homes are two storeys, with the exception of some two and a half storey detached houses and apartment buildings.
- 3.4 The overall density of the Development is approximately 18 dwellings per hectare (dph) based on the red line area. Excluding the Ancient Woodland, the net density of the Development is approximately 21 dph.
- 3.5 The Development includes 1.2 hectares of new public open space (including a local play park) and 0.36 hectares of landscaped buffers around the boundary edges of the site. The new public open space includes a large, equipped play area in the west of the site and a smaller play area to the eastern boundary, amounting to a total of 390 sqm play provision.
- 3.6 The singular vehicular access to the site would be via a widened junction onto Chichele Road to the west of the site. Pedestrian and cycle access points are proposed around the site, including from a spur road off Bluehouse Lane to the south and from a new pedestrian link to the northeast boundary of the site to an existing PRow. The new pedestrian link to the existing PRow involves third party land and the Appellant proposes to facilitate this as part of the S106 agreement.

## 4.0 **Planning policy and other material considerations**

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with the statutory development plan unless material considerations indicate otherwise.

### **Development plan**

4.2 The statutory Development Plan for Tandridge District Council currently comprises the Core Strategy (Strategic Policies) (2008), the Local Plan Part 2 (Detailed Policies) (2014), and the Surrey Minerals and Waste Development Framework.

4.3 The parties agree that the Development Plan policies relevant for determining the Appeal are:

- Core Strategy Policy 1 (Location of Development)
- Core Strategy Policy 2 (Housing Provision)
- Core Strategy Policy 4 (Affordable Housing)
- Core Strategy Policy 7 (Housing Balance)
- Core Strategy Policy 11 (Infrastructure and Services)
- Core Strategy Policy 12 (Managing Travel Demand)
- Core Strategy Policy 13 (Community, Sport and Recreation Facilities and Services)
- Core Strategy Policy 14 (Sustainable Construction)
- Core Strategy Policy 15 (Environmental Quality)
- Core Strategy Policy 17 (Biodiversity)
- Core Strategy Policy 18 (Character and Design)
- Core Strategy Policy 19 (Density)
- Core Strategy Policy 20 (Areas of Outstanding Natural Beauty)
- Core Strategy Policy 21 (Landscape and Countryside)
- Local Plan Part 2 Detailed Policy 1 (Sustainable Development)
- Local Plan Part 2 Detailed Policy 5 (Highway Safety and Design)
- Local Plan Part 2 Detailed Policy 7 (General Policy for New Development)
- Local Plan Part 2 Detailed Policy 9 (Boundary Treatments)
- Local Plan Part 2 Detailed Policy 10 (Green Belt)
- Local Plan Part 2 Detailed Policy 13 (Buildings in the Green Belt)
- Local Plan Part 2 Detailed Policy 19 (Biodiversity, Geological Conservation & Green Infrastructure)
- Local Plan Part 2 Detailed Policy 21 (Sustainable Water Management)

- Local Plan Part 2 Detailed Policy 22 (Minimising Contamination, Hazards & Pollution)

4.4 The Strategic Policies of the Development Plan (2008) pre-date the introduction of the National Planning Policy Framework (NPPF) in 2012, albeit existing policies should not be automatically considered out-of-date on this basis. Due weight should be given to the policies of the adopted Development Plan according to their degree of consistency with the NPPF; the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. Those policies that are consistent with the NPPF will be given full weight.

4.5 There are no relevant policies within the Surrey Minerals and Waste Development Framework which affect the site.

## Material considerations

### National planning policy and guidance

4.6 The NPPF was originally published in March 2012 and most recently updated in December 2023 (unless stated otherwise, references throughout to the “NPPF” or “the Framework” refer to the most recent publication). The NPPF is a material consideration for planning applications and is therefore relevant to the determination of this appeal.

4.7 The Council’s position on five-year housing land supply (5YHLS) is currently set out in the Annual Monitoring Report (AMR) (published May 2024). This shows a 1.92-year housing land supply. The latest Housing Delivery Test (HDT) results (2022) also show that the Council has delivered 38% of the unconstrained housing need figure produced by the current standard methodology.

4.8 The NPPF makes clear that where development plan policies most important to determining an application are out of date, permission should be granted unless protective policies elsewhere in the framework or adverse impacts indicate otherwise.

4.9 It is agreed that the development plan policies relating to housing provision (Core Strategy Policy CSP2) are out of date.

4.10 Planning Practice Guidance (PPG), which provides detailed guidance on how to apply the policies contained within the NPPF, is also of relevance to the determination of this appeal.

### Local planning policy and guidance

4.11 The following Supplementary Planning Documents (SPD’s) and guidance have also been formally adopted by the LPA or the Surrey Hills AONB Management Board, and are considered relevant in determining this appeal:

- Tandridge Parking Standards SPD (2012)
- Tandridge Trees and Soft Landscape SPD (2017)
- Surrey Hills AONB Environmental Design Guidance (2019)
- Surrey Hills AONB Management Plan 2020-2025
- Surrey Design Guide (2002)



## 5.0 **Matters agreed between the parties (common ground)**

5.1 Matters relating to the Development that the parties agree upon are:

### **Location of development**

5.2 The Site is accessible with respect to public transport and local services.

5.3 The Site is currently designated as Green Belt and, in part, AONB and Ancient Woodland. As such, its development for housing would, by definition, be 'inappropriate' (NPPF Paragraph 154, Local Plan Part 2 Policy DP10). VSC therefore need to be demonstrated for the Development.

### **Housing provision**

5.4 The Development proposes an appropriate housing mix in terms of types, sizes, and tenures to meet the needs of different households within the wider community.

5.5 There is an affordable housing need across the district, including in Oxted.

5.6 The Development includes the provision of 40% affordable housing, which exceeds the adopted policy requirement of 34% (Core Strategy Policy CSP 4).

### **Housing supply**

5.7 The Council cannot currently demonstrate a 5YHLS.

5.8 The Council considers it can demonstrate a housing land supply of 1.92 years; the Appellant considers it is around 1.8 years. For the purposes of this appeal, it is agreed that this difference is not material and that the 5YHLS is in the order of 1.8-1.9 years.

### **Layout and design**

5.9 The proposed number of homes (116 units) and proposed density of the Development (as above, approximately 18 dph (gross) or 21 dph (net)) is considered to be appropriate for the site, if it is determined this appeal should be allowed.

5.10 The quantum of open space and play space provided in the Development meets policy requirements.

### **Transport, access and parking**

5.11 The proposed access to the site, the proposed level of car and cycle parking, and all other highways and transport matters are considered to be acceptable according to the Highway Authority (Surrey County Council) subject to the imposition of conditions and the provisions within a satisfactory Section 106 Agreement.

5.12 The Council understands it is the Appellant's intention to address all highways and transport matters where legal agreements are required in a Section 106 Agreement with Surrey County Council.

## Biodiversity, ecology and trees

5.13 At the time of submission of the Appeal, there were outstanding matters relating to further ecological surveys of priority habitats and protected species which had been seasonally constrained. Additional ecological information has been provided by the Appellant, and the Council confirms that this has resolved outstanding ecology survey matters

5.14 At the time of submission of the Appeal, there were also outstanding matters relating to encroachment into root protection areas and pressure on retained trees due to proximity to dwellings and parking areas and the construction of the site access road across the root protection area (RPA) of trees on adjoining land covered by a Tree Preservation Order (TPO). The Appellant has directly addressed some of these concerns through the submission of layout amendments which mitigate the potential impact on important trees, including in relation to tree no. T50 and tree no. T51.2. It is agreed that these changes have resolved all outstanding tree matters and the Council will no longer be pursuing this as a Ground of Refusal at the Inquiry (RfR 6). However, the Council will need to be satisfied that the Appellant will agree to planning conditions that safeguards the RPA of the TPO trees on adjoining land.

Following submission of the Appeal, the Appellant has also provided an Illustrative Ancient Woodland Mitigation Plan, demonstrating how these measures could be achieved through the imposition of an appropriately worded pre-commencement planning condition which requires the submission and implementation of such details. The proposal is that a fencing and planting scheme could actively reduce public and recreational access to the Ancient Woodland and buffer zone but allow wildlife to pass through.

## Landscape and visual impact

5.15 Within the Site, the part proposed for built development falls outside of the AONB designation, but the part which is Ancient Woodland falls within the AONB designation. It is agreed that the Site is therefore within the AONB and within the setting of the AONB.

5.16 The Site is included as a potential 'Minor Boundary Refinement' within Natural England's 'Surrey Hills AONB Boundary Variation Project'. Natural England in a July 2024 report confirmed their view, notwithstanding an objection, that a minor boundary refinement is desirable.

## Sustainability

5.17 The Development incorporates various measures to reduce energy and climate change impacts, including timber frame construction, gas-free properties via air-source or hot water heat pumps, solar photovoltaic panels and electric vehicle charging points. It is understood, based on the Appellant's calculation, that the Development would deliver a carbon efficiency saving of 69.8%, which exceeds policy requirements (20%) and existing building regulations (31%). These details of the development will be secured by planning conditions or otherwise to deliver the sustainability measures.

## Flooding and drainage

5.18 The site is within an area at low risk of flooding from all sources.

5.19 The proposed drainage strategy is considered to be acceptable according to the Lead Local Flood Authority (Surrey County Council), subject to agreed technical conditions.

5.20 The Environment Agency has no objection to the Development on flooding/drainage grounds.

## **Heritage**

5.21 The Development does not raise any heritage impacts. In principle a geophysical survey and programme of archaeological trial trench evaluation on the site, secured by condition as part of the Development, would be appropriate.

## **Noise**

5.22 The proposed uses are not considered to present any residential noise amenity issues.

## **Air quality**

5.23 The Development is not considered to present any air quality issues and appropriate internal noise levels can be achieved via conventional mitigation measures.

## **Amenity of neighbouring uses and residents of the new development**

5.24 There would be no unacceptable impact on the amenity of neighbouring properties to the site (both residential and educational/community) as a result of the Development.

5.25 New homes on the Development would achieve suitable levels of residential amenity for the occupiers.

## **Planning conditions and obligations**

5.26 A Section 106 Agreement has been drafted and the parties are in the process of negotiating and finalising its provisions. A final draft will be submitted to the Inspector prior to the Inquiry.

5.27 The Appellant and the Council are also negotiating a draft schedule of planning conditions in the event the Appeal is allowed, and planning permission is granted. A draft list of conditions will be submitted to the Inspector prior to the Inquiry, which will confirm any differences in views on the suggested conditions.

5.28 The parties also agree that the Development is liable for CIL and a Compliance Statement is being prepared by the Council.

## 6.0 **Matters not agreed between the parties (uncommon ground)**

6.1 Matters that are not yet agreed between the parties are:

- The extent of harm to Green Belt.
- Whether the considerations relied on by the Appellant clearly outweigh the harm by way of inappropriateness and any other harm such that VSC exist.
- Whether the Development would be sustainable.
- Whether the Development is sensitively located and designed with respect to the setting of the AONB, and the extent of harm to the AONB, including harm by way of increased human and traffic activity, noise and artificial lighting.
- The extent of the landscape and visual impact of the Development.
- Whether the appeal site is a valued landscape for the purposes of NPPF (Para 180a).
- The relevance of the Site's inclusion as a 'minor boundary refinement' in Natural England's 'Surrey Hills AONB Boundary Variation Project'.
- Whether the proposed buffer zone between the Ancient Woodland and the Development is sufficient, together with associated mitigation to be proposed in a Management Plan for the woodland, to avoid harm to the Ancient Woodland.
- What the Appellant's proposals for Biodiversity Net Gain that the Development will deliver (through a combination of on and off-site ecological enhancement), with details to be secured by condition, are and whether these are acceptable to the Council.
- Whether the Appellant's proposal for the footpath link to FP75 to the east of the appeal site will adversely impact the Chalkpit Wood SNCI by adding to existing recreational pressures there.
- The weight to be given to individual policies in the extant Development Plan and whether any other policies than Core Strategy Policy CSP2 are considered out of date.

## **Appendix 1 – Decision Notice**

**TANDRIDGE DISTRICT COUNCIL**

Town &amp; Country Planning Act 1990

Ms Jessica Sparkes  
Carla Homes (South Home Counties)  
Dorking Business Park  
Dorking  
RH4 1HJ

The TANDRIDGE DISTRICT COUNCIL as Local Planning Authority under the provisions of Part III of the Town and Country Planning Act 1990 hereby **REFUSES** planning permission for: -

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

At:

Land at Chichele Road, Oxted, RH8 0NZ

in accordance with the application registered by the Council on the 6<sup>th</sup> November 2023 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 Tandridge District 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.

Dated: 26 February 2024

*Femi Nwanze for*  
**Helen Murch**  
**Chief Planning Officer**

