

From: Clive Smith <clive.smith@surreycc.gov.uk>
Sent: 02 January 2024 14:57
To: Cliff Thurlow; Statutory
Cc: Rob Fairbanks
Subject: 2023/1345 - 116 dwellings rear of 22 and 32 Chichele Road, Oxted.

Dear Cliff,

Only the north of the site which is an ancient woodland lies within the Surrey Hills AONB. No development is proposed on that land. The remainder of the site is in the Green Belt. No part is within the Area of Great Landscape Value. However, the north and part of the eastern side of the site adjoins a wider expanse of the AONB. Consequently, the AONB setting is a relevant AONB planning consideration.

Setting of the AONB.

NPPF paragraph 182 states with regard to the setting of an AONB *"development within their (AONB and National Parks) setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas"*.

Furthermore, Surrey Hills AONB Management Plan Policy P6 states the following:
"Development that would spoil the setting of the AONB by harming public views into or from the AONB will be resisted."

In my experience judgements as to whether a proposed development outside an AONB can be the most difficult. The application site evidently has intrinsic landscape value in its own right. The site is a pleasant field that forms part of its protected landscape surroundings that rise to the North Downs. The field is largely bordered by trees to instil greater character than were it be open. In this way it also reflects the character of the neighbouring AONB.

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 be 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.

The impact from Viewpoint 12 is expressed in the LVIA as being moderate.

I have not walked the general area to determine whether there should have been other public viewpoints into the site to take into account.

The photographs and photomontages were taken in the summer with leaves on the trees. Whether the situation and the conclusions drawn would be similar in the winter is unknown.

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.

Other trees and hedgerows currently screening views into the site may not exist during the life of the development for a variety of natural and human reasons.

Views from some houses into the AONB would probably be spoiled by the development. However, private views are not a material planning consideration. There would be little, if any, public views from the built up area into the AONB that would be interrupted by the development. The built up area does wrap round the southern end of the site.

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.

Natural England's Consultation Surrey Hills AONB Boundary Variation Project.

The site has been proposed in Natural England's Consultation Surrey Hills AONB Boundary Variation Project for inclusion in the AONB. The consultation closed in June 2023. As the site is not extensive it does not qualify as being a larger AONB candidate area. Instead it is put forward as a minor boundary change. The supporting consultation document explains the rationale of the proposed minor boundary changes in the following way.

"Minor boundary changes are also proposed where there are known anomalies with the existing AONB boundary. These anomalies were highlighted in the Areas of Search around Haslemere, through the call for evidence and during the natural beauty assessment. 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."

In discussing the inclusion of the site in Natural England's (NE) proposals the submitted Planning Statement refers to the inclusion as a *"minor boundary refinement"*. Those three words were expressed in quotes and italics as though that was the official term given in Natural England's document and to indicate that it is a mere refinement or "tidying-up" of boundaries. In fact, as the above paragraph taken directly from NE's relevant document states, the term given to these smaller areas is *"minor boundary changes"* and not *"refinement"*.

In seeking to dismiss the relevance of NE's current position of the Boundary Variation Project the Planning Statement goes on to conclude in paragraphs 6.5 to 6.10 that the current stage of NE's project is not a material planning consideration of relevance to the principle of

development. That may be regarded as being misleading. In coming to that conclusion the planning consultants omitted to take into account, deliberately or as an oversight, any reference to the above explanation given by NE of the proposed minor boundary changes which included the following statement :*"where the land in question relates strongly to the wider AONB forming part of a sweep of qualifying land, and where a suitable boundary can be found"*. The Planning Statement's exclusion of those words which work strongly against the applicant's case being put forward for development, I consider, undermines their conclusion at the lack of relevance of the boundary proposals. A great deal hinges on this factor.

In my view, the present proposals for the site in the Boundary Variation Project are relevant. NE's specialist landscape consultants' extensive experience of National Park and AONB designations and boundary variations needs to be respected. Had they not considered the site worthy of inclusion in the AONB they would have unlikely have proposed its inclusion. In my view, 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. In my view, 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.

Whilst, the current proposals have no legal AONB status it would be wrong to dismiss the judgement of NE's experienced landscape consultants that the site should be included in the AONB as being irrelevant to the consideration of this application. Nevertheless, when balancing the relevant planning considerations, the great weight the Government attaches to conserving and enhancing landscape and scenic beauty cannot apply compared to had it actually been within the AONB. But I still consider 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, in my view.

When this application is determined NE and its consultants may have published their responses to the public consultation which is due in the coming few months. This would assist in substantiating whether the AONB proposals are a material planning consideration and any weight to be given to them. NE may drop the proposal after being persuaded by the applicant company's objection. On the other hand, NE may retain the AONB proposal for the land. In that event, like the progression of a local plan through its various statutory stages leading to adoption, weight or more weight, can be given to the landscape value of the site increasing confidence of it progressing to being formally included into an AONB designation variation order.

If the application is refused, by the time of an appeal is heard at a public inquiry, NE's proposals will likely have further progressed through the necessary procedures. The Inspector will need to take into account at that stage whether the AONB proposal for the site still stands or has been dropped by NE. As stated in the Planning Statement, there is no certainty that the boundary changes currently proposed would form part of the recommended revisions or that the Secretary of State would confirm the variation order. Equally, there is no certainty the decision will accord with the applicant company's objection.

The variation order may not have been made at the time of an inquiry. In that event an appeal could not be dismissed for the great weight to be given to protecting a nationally protected landscape. Whether the land has or has not been included for possible AONB designation may assist the Inspector in determining the site's landscape value and the great to be given to that factor.

Whilst no firm AONB planning advice is given here, it is hoped that the above points will assist the Planning Authority in determining whether there is a justified landscape case for refusing permission. Moreover, it should be taken into account in the Planning Authority balancing the various relevant planning considerations as to whether sufficient very special circumstances exist to permit the development under Green Belt policy

Other landscape considerations.

Whilst not of direct current AONB significance this assessment should not be interpreted as implying that the proposed the layout, intensity and design of the proposed housing estate is regarded as being a justified intrusion into the landscape. Quite the opposite. I consider the housing estate would be typical of the poor quality of many volume builders housing developments in recent decades the Government has urged Planning Authorities to reject. Buildings would be particularly close together leaving no space for trees to grow to contribute to the quality of the living environment. Instead, the environment would be dominated by parked cars, the visual harshness of tightly grouped estate houses and the hard surfaces of roads and driveways. If attractive landscape neighbouring the AONB is to be lost for all time to enable housing to be provided, then it should be replaced by a more sympathetically designed scheme with greater opportunities for tree planting and a pleasanter sense of place.

Regards,

Clive Smith
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