



Appeal Decision

Inquiry Held on 28 February to 2 March 2023

Site visit made on 2 March 2023

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2023

Appeal Ref: APP/M3645/W/22/3309334

Land West of Limpsfield Road, Warlingham CR6 9RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Neal MacGregor of CALA Homes (South Home Counties) Ltd against Tandridge District Council.
 - The application Ref 2021/2178, dated 17 December 2021.
 - The development proposed is construction of 100 dwellings (40% affordable) with associated infrastructure, landscaping and re-provision of sports facilities.
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Decision

1. The appeal is allowed and planning permission is granted for construction of 100 dwellings (40% affordable) with associated infrastructure, landscaping and re-provision of sports facilities at Land West of Limpsfield Road, Warlingham CR6 9RD in accordance with the terms of the application, Ref 2021/2178, dated 17 December 2021, subject to the conditions in the attached schedule.

Procedural Matters

2. The appeal has been lodged in response to the Council's failure to issue its decision within the prescribed period. The Council appeal submissions outline that had it been in a position to determine the application, it would have refused planning permission on the basis of the proposal being considered inappropriate development in the Green Belt, its effect on the openness of the Green Belt and conflict with local and national policy relating to Green Belt where no very special circumstances existed to support the proposal.
3. I closed the Inquiry in writing on 16 March 2023 following the receipt of a signed and completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990. The agreement sets out details for securing planning obligations in respect of affordable housing provision, off-site Public Rights of Way improvements, management of open space and play area, sustainable urban drainage system and travel plan monitoring and I return to these matters later.

Main Issues

4. The main issues are:

- (i) Whether the proposal would be inappropriate development in the Green Belt and the effect of the proposal on the openness of the Green Belt and its purposes;
- (ii) whether or not there is any 'other harm' that would result from the appeal proposal; and
- (iii) Whether or not any harm to the Green Belt by reason of inappropriateness, and any 'other harm' identified as arising from the appeal proposal, would be clearly out-weighed by 'other considerations', so as to amount to very special circumstances.

Reasons

Green Belt considerations

Inappropriate development

- 5. The appeal site comprises of a small paddock, sports ground, including a pavilion, parking and playing pitches and adjacent agricultural fields which forms part of the open countryside. It is situated within the District's designated Green Belt.
- 6. The main parties' appeal submissions and Statement of Common Ground (SoCG) state that, whilst the re-provision of the sports facilities would not constitute inappropriate development in the Green Belt, the residential development as proposed would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework). It is then accepted by the main parties that the development as a whole constitutes inappropriate development in the Green Belt.
- 7. Based on the evidence provided, I agree with this conclusion. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness of the Green Belt

- 8. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. The Framework advises at Paragraph 137 that openness and their permanence are essential characteristics of Green Belts. Whilst there was some disagreement between the main parties on how openness is defined, the concept of openness generally has both a spatial and a visual dimension.
- 9. It is clear from the evidence provided and from my observations during my site visit that, given the screening provided by the mature landscaping around the site and relatively flat topography of the site and immediate surroundings, the proposed development would not be highly visible in the wider landscape. Whilst the re-provision of the sports ground on the adjacent agricultural fields, including a new pavilion, parking and playing pitches, would alter the appearance of the existing landscape, it would in my view have a limited impact on the sense of openness in this part of the site.

10. Nonetheless, on a more local level, the scale and form of the proposed residential development on the small paddock and existing sports grounds would not amount to a subservient form of development in this location. The main parties agreed that the perceived change to openness would be largely restricted to within the appeal site itself, the neighbouring residential properties and the Public Rights of Way adjacent and through the site, including the public bridleway running along the southern boundary of the site.
11. The small paddock alongside Limpsfield Road and existing sports ground immediately adjoins residential properties on the edge of Warlingham. These residential properties with their varied boundary enclosures together with existing pavilion, are clearly evident when viewed from the south. The occupants of neighbouring properties, the users of the public bridleway and Limpsfield Road, as they pass the site, currently enjoy views of it in its current largely undeveloped form.
12. Nonetheless, the combination of the site's topography, existing built-up backdrop and abundance of foreground vegetation mean that the appreciation of its openness in both spatial and visual terms, in the context of the wider Green Belt is currently very limited. Furthermore, the part of the appeal site, on which the residential development is proposed, is currently very well-contained from its wider countryside surroundings by existing mature vegetation and earth bunding along the western and southern boundaries of the site.
13. The appeal proposal would introduce a built development footprint and volume in the form of homes and supporting development including public highways, driveways, gardens and boundary enclosures. These would extend across a large part of this currently undeveloped site. This change would be accompanied by increased activity from prospective occupants and visitors reasonably associated with a residential use. In combination, the appeal proposal would reduce both the visual and spatial sense of openness.
14. However, the appellant's landscape assessment and viewpoints demonstrate that the existing high level of containment is capable of being maintained throughout the year and in places strengthened through careful landscape and design treatment. Overall, I concur with the appellant's assessment that very localised spatial and visual effects to openness would arise. Moreover, the proposed public open space within the residential development would ensure that a degree of openness within the site itself would be retained, albeit it would be framed by new homes. Therefore, I consider the residential development would result in a moderate impact on the sense of openness.
15. In light of these characteristics, the proposed change arising from the overall development would amount from a low to a moderate level of harm to the openness of this particular Green Belt.

Purposes of the Green Belt

16. The Council has previously assessed the contribution that the appeal site makes to the purposes of the Green Belt through various Green Belt Assessments to support its emerging Local Plan. In light of the appeal site's edge of settlement location and largely undeveloped nature I agree with the conclusion of the Council's Green Belt Part 3 Exceptional Circumstances and

Insetting Assessment (June 2018)¹ that it contributes to purpose (a) to check the unrestricted sprawl of large built-up areas; and also contributes to purpose (c) to assist in safeguarding the countryside from encroachment. It is common ground that the appeal site does not contribute to the other purposes of the Green Belt, with which I concur.

17. In terms of purpose (a), whilst the Council's witness identified no conflict regarding this purpose, the 2018 Green Belt Assessment records that the site "contributes to this purpose", but does not quantify the degree of impact on this purpose. The Council's Landscape Capacity and Sensitivity Study (April 2017) (CD8.22) assessed the appeal site as having a slight landscape sensitivity and value and a high capacity to accommodate housing development.
18. Although the proposed development would extend the existing built-up area into undeveloped Green Belt land, it would not project any further southwards or westwards than the existing built-up form. Moreover, the resulting pattern of infill development would be consistent with the existing irregular settlement form of Warlingham and the site's outer boundaries would remain physically and visually well contained by either built development, existing vegetation and earth bunding. For these reasons, the appeal proposal would have a limited impact on purpose (a) which seeks to check the unrestricted sprawl of large built-up areas.
19. In terms of the contribution that the site makes to purpose (c), I agree with the main parties that encroachment into the countryside would result. Nonetheless, based on the evidence before me and my site observations that encroachment would be limited to the site itself and parts of its immediate setting along Limpsfield Road, by reason of the site's physical and visual screening and its containment within wider viewpoints.
20. Consequently, I conclude that the appeal proposal would have a limited adverse impact on the purpose of safeguarding the countryside from encroachment.
21. In summary, in terms of these Green Belt considerations, I conclude that the appeal proposal is inappropriate development which is harmful by definition. The appeal scheme would also cause a low to a moderate level of harm to the openness of the Green Belt and limited harm to the purposes of including this site within it. In line with the Framework these harms attract substantial weight.
22. Policy DP10 of the Tandridge Local Plan 'Part 2: Detailed Policies' (2014) (LP) defines the extent of the District's Green Belt and contains specific control over any inappropriate development within it, in accordance with the aims of the Framework. Paragraph 147 of the Framework directs the decision-maker to resist inappropriate development in the Green Belt except in very special circumstances. Very special circumstances 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.

¹ Core Document CD8.21

Other Harms

Landscape character and appearance

23. In terms of its character and appearance, the appeal site's existing character is typical of many of the features of the larger urban landscape character area² within which it sits. The site enjoys a high level of containment from the wider surrounding countryside as a result of the combination of peripheral vegetation and adjacency in part to the built-up area.
24. The appeal site does not fall within a valued landscape within the meaning of paragraph 174 of the Framework. The existing character of the site would change significantly as a result of the development proposal on the outdoor sports facilities and open undeveloped area of land and a change in the nature of the site would be an inevitable consequence of this.
25. However, in its wider setting, a substantial area of countryside would remain beyond the residential site. Overall, the appeal proposal would not cause the substantial erosion of the countryside forming this part of the District. Despite the loss of the appeal site to development, the prevailing overall character and setting of Warlingham's urban area would be maintained.
26. Furthermore, the appellant has demonstrated through their landscape evidence that a suitable mitigation strategy could be secured to limit the visual impact of the residential development throughout the year when viewed from the public bridleway and footpaths and the site's immediate surroundings. There would also be an opportunity to soften the existing edge to the existing built-up area. The retention and enhancement of existing field boundaries and hedgerows would help to integrate the development into the landscape and the additional landscaped buffer and earth bunding along the western edge of the housing site would provide new strong defensible boundary between the residential development and the Green Belt.
27. In terms of the re-provision of the sports facilities on the two agricultural fields on the western part of the site. The site is bounded by existing sports facilities and pitches at Warlingham Rugby Football club to the north, Greenacres Sports club to the south-east, the former Shelton sports ground to the south as well as woodland and fields to the west. Whilst the re-provision of the sports facilities would alter the appearance of the existing agrarian landscape, it would not in my view be significantly out-of-keeping with the surrounding uses and prevailing character of the area in this location.
28. I am therefore satisfied that the resulting development has scope to sit comfortably and successfully assimilate with its existing residential and countryside context. The important finer details of the scheme can be adequately controlled by planning conditions to ensure this. Although the appeal scheme will change the character and appearance of the site, on this particular occasion this does not translate to unacceptable harm to the character and appearance of the area.
29. Consequently, I conclude that the proposed development would not have an unacceptable harmful effect on the character and appearance of the area. The development would accord with the overall aims of Policy DP7 of the LP and Policy CSP18 of the Tandridge District Core Strategy (2008) (CS) which seek,

² Surrey Landscape Character Assessment – Tandridge Character Area (2015) (CD8.23)

amongst other things, to ensure development is of a high quality design that respects the local character and context and integrates effectively with its surroundings. In addition, it would accord with the aims of the Framework which states that decisions should recognise the intrinsic character and beauty of the countryside (paragraph 174).

Traffic and highway safety

30. It is common ground that being directly adjacent to Warlingham, the appeal site is accessible to a good range of services and facilities. However, the appeal proposal would still give rise to a notable increase in the level of traffic which would rely on the surrounding local highway network, including Limsfield Road. Set against this, the appeal proposal would secure improved connectivity across the appeal site from existing residential areas to the wider bus routes, public footpath and cycle network.
31. The submitted details of the proposed access off Limsfield Road and the associated changes are uncontested by the Local Highway Authority and National Highways. The appellant's extensive assessment of the highway impacts³ are also agreed, including the proposal having no adverse impacts on the nearby Warlingham gyratory junction as a result of the development and no objections on highway grounds to the likely traffic generation from the proposed sports facilities as compared to the existing sports facilities.
32. Furthermore, the imposition of the agreed schedule of planning conditions and planning obligations covering access, sustainable transport, pedestrian connectivity, and parking would adequately safeguard against any unacceptable highway related consequences of the appeal proposal. They would also ensure that the prospective occupants of the new housing and users of the new sports facilities enjoy a good level of accessibility to local services and facilities. My assessment of these matters leads me to the same conclusion as the main parties and Local Highway Authority.
33. In this context, whilst I appreciate the concerns raised by the interested parties about the access and the capacity of the local highway network, these are not substantiated by any substantive evidence. Based on the uncontested submitted highway evidence from the appellant, coupled with my own site observations, at different times of the day, I do not find that there will be an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network will be severe.
34. The resulting improvements to pedestrian connectivity across the appeal site from existing residential areas to the wider bus routes, public footpaths and cycle network is a moderate benefit.
35. Overall, in the context of paragraph 111 of the Framework, Policy DP5 of the LP and Policy CSP12 of the CS, the predicted traffic and highway effects of the appeal scheme do not indicate to me that it should be refused. Consequently, subject to the imposition of suitably worded planning conditions to manage access and highway related details, there is no conflict with the development plan or the Framework in this regard.

³ Core Documents CD1.29 and CD1.30

Community infrastructure capacity

36. The appeal proposal will generate additional demands on healthcare and educational capacity. Interested parties have raised concerns about the capacity of these local services to support such increased demands. However, the main parties have identified that the appropriate contributions from the appeal scheme toward appropriate infrastructure to support the development can be secured through the Council's Community Infrastructure Levy (CIL) scheme⁴. I am satisfied that the adopted CIL scheme would allow the Council to secure appropriate educational and healthcare mitigation to address this at an appropriate stage in the delivery of the appeal scheme. Moreover, there is no substantiated evidence before me to corroborate the interested parties' concerns about educational and healthcare capacity to lead me to reject the main parties assessment on this matter.
37. Consequently, in the absence of harm there is no conflict with Policy CSP11 of the CS or the Framework in these regards. However, as these contributions towards educational and healthcare facilities would be mitigation, they do not constitute material benefits.

Living conditions

38. The submitted design and layout plans shows the proposed residential development would be located to the west of the existing dwellings on Limpsfield Road and to the south of Hamsey Green Gardens. Occupiers of these properties are currently able to look out across existing sports grounds and small paddock and, from the submitted evidence and my site inspection, it is clear that the appeal proposal would change those vistas.
39. Crucially, current Government guidance on determining planning applications indicates that planning is concerned with land use in the public interest rather than the protection of purely private interests. In terms of resulting levels of outlook, disturbance, privacy, daylight and sunlight, the submitted drawings demonstrate that there is sufficient scope to secure appropriate separation distances, building heights and landscaping through the submitted design and layout plans and planning conditions. I find that although there would be change for those existing occupants, this would not amount to a situation which would lead to unacceptable living conditions.
40. Consequently, I conclude that the proposal would not result in significant harm to the living conditions of the occupiers of the neighbouring properties. Accordingly, there would be no conflict with Policy DP7 of the LP and Policy CSP18 of the CS which seek, amongst other things, to ensure development does not significantly harm the amenities of neighbouring properties. In addition, it accords with the Framework that development should seek to create places that promote health and well-being, with a high standard of amenity for existing and future users (paragraph 130).

Ecology, Biodiversity and Trees

41. Although the appeal proposal will result in the loss of largely undeveloped sports grounds and paddock as well as the change of use and development of the existing agricultural fields, the main parties' evidence confirms that the existing sports ground and agricultural fields are of limited ecological value due

⁴ Core Documents CD1.2, CD1.52 and CD1.53

to the nature of the existing activities and management of the playing pitches and agricultural fields. However, the hedgerows and established trees along the boundaries are identified as supporting greater biodiversity.

42. The appeal scheme shows that the boundaries would be retained as a green link that would connect to the proposed open space. The appellant's evidence identifies opportunities to increase biodiversity and create new species rich habitats to support new foraging activity for species on the site as well as those originating from beyond the site. I also acknowledge that linkages to existing wildlife corridors would be improved as part of the green infrastructure proposals that would provide some compensatory improvements to the Green Belt in this particular location.
43. At the time of the submission of the appeal there was an outstanding matter relating to dormouse and reptile surveys which had been seasonally constrained. This additional ecological survey information has now been submitted by the appellant and the Surrey Wildlife Trust have indicated in their subsequent response, that they have no objections to the proposal, subject to appropriate conditions and mitigation. The ecological, landscaping and Green Infrastructure provision would offer the opportunity to promote the health and well-being of the local people and the biodiversity in the area, key social and environmental objectives of the Framework.
44. The submitted ecological evidence demonstrates that appropriate mitigation can be secured to avoid any residual harm. Furthermore, a biodiversity net-gain of around 22% for habitats and 10% for hedgerows is proposed⁵ and this could be delivered as part of the green infrastructure proposals. The Framework only requires a net-gain, and the proposal therefore goes significantly beyond current policy requirements. Consequently, this aspect of the biodiversity proposals is a moderate benefit of the appeal scheme.
45. The submitted arboricultural assessment, method statement and tree protection plan demonstrates that appropriate mitigation can be secured relating to the existing trees and hedgerows on the site.
46. Overall, the appellant has demonstrated that, subject to the above-mentioned conditions, the appeal proposal would not conflict with Policy CSP17 of the CS, Policy DP19 of the LP or paragraph 180 of the Framework.

Public Rights of Way

47. The existing public footpaths Nos. 52 and 110 and bridleway No. 88 run through or adjacent to the appeal site. Interested parties have raised concerns about the impact on the Public Rights of Way (PROW), including the diversion of footpath No. 52 to accommodate the new playing pitches and pavilion. However, no objections were received from Surrey County Council Countryside Access Officers to the proposal, subject to appropriate conditions and measures. I am satisfied that the submitted legal agreement would secure appropriate PROW improvements and mitigation to address this at an appropriate stage in the delivery of the appeal scheme.
48. The appeal scheme would also change the existing visual and auditory experiences of those who use the existing PROW. However, the appeal proposal would retain the public vistas through the new sport facilities and establish

⁵ Core Documents CD2.6 and CD2.7

some new public views through the proposed open space within the development. These public vistas and the improved connectivity would, in part, offset the contextual changes which would be experienced by users of public footpaths Nos. 52 and 110 and bridleway No. 88. In addition, there would be scope through planning conditions to achieve a high-quality environment through the careful treatment of layout, design and landscaping.

49. Consequently, subject to the above-mentioned legal agreement and conditions, the appeal proposal would not conflict with Policy CSP13 of the CS and Policy DP5 of the LP that seek, amongst other things, to ensure proposals retain or enhance existing footpaths and protect the Rights of Way network. In addition, it would accord with the aims of the Framework that seeks to provide safe and suitable access for all users (paragraph 110).

Flood risk and surface water drainage

50. The site is located in Flood Zone 1 as defined in the Environment Agency's Flood Mapping for the area, where there is a low risk of flooding.
51. The increased areas of hardstanding and development of the site would inevitably increase the need for appropriate measures to deal with potential flood risk, surface water and foul water drainage. The appellant has provided a Flood Risk Assessment and Drainage Strategy setting appropriate measures for the site. I am mindful that the Environment Agency and the Lead Local Flood Authority raised no objections to the proposal, subject to appropriate planning conditions, including the use and maintenance of Green Infrastructure and Sustainable Urban Drainage Systems.
52. Consequently, in the absence of any substantive evidence to the contrary, I consider that the appellant has adequately demonstrated that the proposed development would not adversely impact on flood risk and surface water drainage, in accordance with the requirements of Policy DP21 of the LP that seeks, amongst other things, to ensure proposals reduce the potential risk of flooding. In addition, it would accord with the aims of the Framework that seeks to direct development away from the areas at highest risk of flooding (paragraph 159).

Summary of harmful effects

53. In summary, I find no other harm to add to the harm to the Green Belt as described earlier.

Other considerations

Emerging housing allocation

54. The area within the appeal site that is proposed for residential development is allocated for housing in the submission version of the emerging Tandridge Local Plan 2033 (January 2019) (ELP). This draft allocation is supported by a Policy HSG15 that identifies the appeal site as HSG15A. The emerging allocation is supported by the Council, which is of the view that some Green Belt release is required to meet the current housing requirement. As a result, the emerging policy sets a direction of travel that would see the appeal site removed from the Green Belt and allocated for housing.

55. That said, the Council at the Inquiry consider that the status of the emerging housing allocation in the ELP now needs to be tempered by the publication of the Government's Written Ministerial Statement of 5th December 2022 (WMS) and the subsequent proposed changes to the Framework published for consultation on 22 December 2022. The Council witness considered it would be premature to make a decision giving weight to the emerging allocation in light of these proposed changes. Whilst this may be so, the WMS sets out proposals for consultation rather than immediate changes to government policy and the proposed changes to the Framework has only recently completed its consultation period.
56. The Council have also acknowledged in their recent advice to the Council's Planning Policy Committee on 19 January 2023 (CD8.8), that the proposed changes to the Framework would have no effect on the ELP, which is being examined under the Framework 2012 and the transitional arrangements introduced in the Framework 2018. Consequently, I can only afford limited weight to these matters in making my decision.
57. In relation to the ELP, the Council acknowledges in its recent advice and draft minutes to the Council's Planning Policy Committee on 19 January 2023⁶, that it intends to continue to proceed with the ELP and carry it forward to adoption. Whilst the ELP has been at examination for some time since 2019, the main parties indicated that the Local Plan Inspector in his preliminary findings following the initial hearings (December 2020) (CD5.2) raised no specific concerns to the principle of the housing allocation HSG15A and that there were no unresolved objections to the principle of the proposed allocation from the statutory consultees.
58. Interested parties have raised concerns about the ELP, including the density of the housing development now proposed as part of the appeal scheme and that proposed allocation HSG15A needs to be constructed in conjunction with the proposed allocation HSG15B on land immediately to the south of the appeal site. However, the Council and appellant indicated during the Inquiry that the estimated housing density figure outlined in Policy HSG15 was indicative only based on the standard density calculation and that there was no requirement in the policy for two sites to be developed together.
59. Given the above-mentioned, in light of the stage in the preparation of the ELP, evident lack of unresolved objections to the principle of the proposed housing allocation on the appeal site in Policy HSG15 in the ELP and the consistency with the Government's objectives to significantly boost the supply of the homes in the Framework, having regard to the advice provided in paragraph 48 of the Framework, I give this matter moderate weight in my decision.

Interim Policy Statement for the Housing Delivery

60. In September 2022, the Council adopted an Interim Policy Statement for the Housing Delivery (IPSHD) to enable increased housing delivery and boost housing supply in the District in the short and medium term. This interim criteria based policy forms part of the Council's Housing Delivery Test and Action Plan (CD8.7), which acknowledges that the IPSHD will be an important material consideration in the determination of planning applications.

⁶ Core Documents CD8.8, CD8.9 and CD9.1

61. The IPSHD sets out that applications will be invited to come forward in certain circumstances including housing sites included in the emerging Local Plan where the examiner did not raise concerns. The Council's evidence at the Inquiry stated that the appeal site would meet the criteria in the IPSHD.
62. However, the IPSHD does not form part of the development plan nor is a supplementary planning document, that has been subject to public consultation. Therefore, whilst it is matter to which I can only give limited weight, given its non-statutory status, it is nonetheless a matter which weighs in favour of the proposal.

Past and future housing land supply and delivery

63. It is common ground that the Council cannot demonstrate a five year housing land supply. The Council's latest Annual Monitoring Report (CD8.12) identifies a housing land supply of 1.57 years, based on a standard method local housing needs figure for the district, as compared to the appellant's assessment at just 1.38 years (CD8.28). The submitted evidence also demonstrates that in terms of overall housing delivery, the Council have delivered only 38% of its required housing over the past three years and as a result the District is the 6th poorest performing out of the 321 local authorities nationally. The result of the Housing Delivery Test (the HDT) shows that the Council has failed to deliver its annual housing requirement in previous years, with the Council delivering only 65% in 2018, 50% in 2019 and 50% in 2020 respectively.
64. The particular appeal scheme's significant contribution to boosting the Borough's overall housing land supply and delivery for an appropriate mix of households within the next 5 years is not disputed by the Council. Irrespective of the definitive supply figure, it is clear that the identified future housing land supply is substantially short of the 5-year requirement.
65. The HDT results demonstrate that such inadequate housing delivery has been persistent. Furthermore, the submitted evidence does not indicate that there are other more suitable alternative sites for housing development either in the Green Belt or elsewhere which would provide at least some prospect of an improving picture whilst the ELP is being examined should this appeal be dismissed.
66. The persistent shortfall in housing delivery means the requirement for a HDT Action Plan (September 2022) (CD8.7) has been triggered as a sanction to address these serious failings, that includes bringing forward sites on brownfield and Green Belts sites from the ELP, in line with the IPSHD.
67. In short, the evidence before me conveys at this particular moment in time the continuation of what is already an acute deficiency and shortfall in the local housing supply and delivery. The capability of the appeal proposal to contribute significantly to addressing the identified extremely serious housing land supply and delivery deficits weighs significantly in favour of this appeal.

Ability to meet affordable housing needs

68. The Council's updated Strategic Housing Market Assessment Affordable Housing Needs Assessment (June 2018) (CD8.11) and the appellant's Affordable Housing Needs Update Note (CD8.28) outline there is an identified affordable housing need of 310-391 home per year in Tandridge. However, the Council's latest Annual Monitoring Report (CD8.12) indicates that an average of just 68

affordable homes have been completed annually in Tandridge since 2006. This is exacerbated by the uncontested affordable housing evidence from the appellant which demonstrates an enormous shortfall in delivery of homes over the next 5-year period equating to about 53 affordable homes per annum.

69. This existing position is a clear symptom arising from the continuing overall housing land supply and delivery deficiencies of the Borough. There is a persistent trend of a significant number of people being unable to access their own affordable home in the District unless suitable, technically unconstrained, well located housing sites which are capable of meeting those needs, are brought forward.
70. The appeal scheme proposes the delivery of 40 affordable units of a range of types and sizes to reflect the varied needs of the Borough. This is in excess of the Council's requirements that up to 34% of dwelling will be affordable which is set out in Policy CSP4 of the CS. The significance of this particular appeal scheme's level of contribution to boosting an appropriate mix of affordable housing in the Borough within the next 5 years is not disputed by the Council.
71. The submitted legal agreement contains planning obligations which are capable of securing the appropriate level and mix of proposed affordable housing provision, management of the nomination rights and local criteria to support the delivery of the affordable home for local people in Tandridge. The legal agreement, as a mechanism to ensure that the appeal scheme delivers the important housing benefits of the appeal proposal weighs very heavily in favour of the appeal proposal.
72. In summary, the evidence before me demonstrates an ongoing acute and continuing extremely bleak outlook for local affordable housing provision. The capability of the appeal proposal to contribute significantly to addressing the existing and predicted very serious affordable housing shortfall within the next 5 years attracts significant weight in favour of this appeal.

Re-provision of Sport facilities

73. The site currently accommodates Hamsey Rangers Football Club, with a sports clubhouse, parking and football pitches. The re-provision of the sports facilities would including a new pavilion, parking and football playing pitches catering for a range of age groups. The size of the playing area would increase from 2.45ha to c.3.7ha with the number of pitches increasing from four/five to six/seven (depending on the pitch configuration) with improved drainage.
74. Interested parties have raised concerns about the new sport facilities, including the loss of the existing playing pitches and that the new pavilion provided would be smaller than the existing clubhouse, particularly its mixed-use space for social and community events. There is concern that the space provided in the new pavilion would make the running of the Warlingham Day Nursery, which currently operates its business from the existing clubhouse, and the current range of community activities and events, unviable to operate and as such would undermine the future financial sustainability of the sports club.
75. However, I am mindful that I received no objections from Sports England to the new sports facilities, subject to appropriate condition to ensure the phasing of the new sports facilities in conjunction with the new housing development on the existing sports grounds. Sports England response dated 16 August 2022

(CD1.70) concludes following an assessment of the proposal that the replacement sports playing fields, pavilion and ancillary provision will be better than the existing site and therefore meet the requirements in paragraph 99 of the Framework.

76. In addition, the appellant has confirmed that, in a letter dated 26 January 2023 from owners of the existing sports ground, the John Fisher Old Boys Association (CD8.28), gave their support for the new sports facilities which they consider would deliver a huge improvement, both in terms of the quality of the playing pitches as well as the associated club infrastructure.
77. The Framework seeks replacement sports and playing pitches facilities of equivalent or better provision in terms of quantity and quality in a suitable location. The re-provision and enhancement of the sports facilities meets these current policy requirements and as such this aspect of the proposal is a moderate benefit of the appeal scheme.
78. Consequently, in the absence of any substantive evidence to the contrary, the appellant has demonstrated that, subject to the above-mentioned conditions, the appeal proposal would not conflict with Policy CSP13 of the CS, Policy DP18 of the LP or paragraph 99 of the Framework.

Other Benefits

79. Aside from provision of market and affordable housing to meet local housing need and facilitating re-provision of the sports facilities, the contributions towards new public open space, while necessary to mitigate the impact of the additional population from the development, would also be available to all residents in the local area. These contributions together with the provision of a local equipped area of play within the development are social benefits of the scheme which carry moderate weight.
80. The economic benefits of development would include investment in construction and related employment for its duration. There would also be an increase in subsequent local household expenditure and demand for services. The additional population would increase spending in the local economy to provide long term support for local shops and services, supporting a prosperous economy. This is a key objective of the Framework and are economic benefits that carry moderate weight.
81. The commitment to higher energy efficiency, on-site renewable energy provision, high standards of design and sustainable transport measures are clear environmental benefits, representing a move towards a low carbon economy and promoting more sustainable means of travel. These are key objectives of the Framework and are environmental benefits that carry moderate weight.

Other Matters

82. Whilst concerns about prematurity have been raised, I consider the development is not so substantial or that its cumulative effect so great that it would undermine the plan making process. Whilst the ELP is at an advanced stage, it has been at examination for some time and neither the main modifications nor the Inspector's report has yet been published. Therefore, looking at the ELP as a whole, having regard to the advice provided in the Framework (paragraph 49), I give this matter limited weight in my decision.

83. I have considered the Council's argument that the granting of planning permission would set a precedent for other similar developments. However, each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission on these grounds in this case.
84. Various references have been made in evidence and submissions to other planning decisions and judgements, all of which have been considered. Each turns on its own individual facts and, whilst generally relevant to varying degrees, none dissuade me from the assessments and conclusions based upon the particular circumstances of this appeal.
85. I have taken into account the objections received from Warlingham Parish Council, Save Warlingham's Green Belt Group and interested parties to the proposal. These include loss of Green Belt land contrary to national and local planning policies, prematurity and undermining the ongoing ELP process, unsustainable location, accessibility of the site to local services and facilities, capacity of local infrastructure, schools, doctors and local facilities, impact of the proposal on the character of the area, sports and recreational facilities and the amenities of local residents, particularly during the construction period, impact on footpaths/bridleway, access, parking, traffic, highway safety, flooding and drainage, external lighting, noise and air pollution, loss of habitats, biodiversity and trees.
86. However, I have addressed the matters relating to the Green Belt, landscape character and appearance, traffic and highway safety, living conditions of the neighbouring properties, community infrastructure, footpaths and bridleway, ecology, biodiversity and trees, flooding and drainage, sports facilities and the ELP in the main issues above.
87. In terms of securing a sustainable pattern of development, based on the evidence before me and my observations during my site visits, the site would be well-related to day-to-day services and facilities in Warlingham and is accessible by a range of transport modes, including a good bus service running pass the site along Limpsfield Road. Opportunities exist to improve pedestrian, cycling and public transport links as part of the proposed development.
88. Concerns relating to the impact on the external lighting and construction noise and disturbance can be addressed through the imposition of planning conditions. The Noise Assessment (CD1.37) submitted with the application and reviewed by the Council demonstrates that the scheme would not harmfully affect noise quality. The same can be said of air quality, subject to a carefully considered design and layout, appropriate conditions and mitigations.
89. The other matters raised did not form part of the Council's reasons for refusal. I am satisfied that these matters would not result in a level of harm which would justify dismissal of the appeal and can be dealt with by planning conditions or through the Section 106 Agreement, where appropriate. In addition, I have considered the appeal entirely on its own merit and, in the light of all the evidence before me, this does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

Section 106 Agreement

90. Paragraph 57 of the Framework and Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) require that planning obligations should only be sought, and weight attached to their provisions, where they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
91. The signed and completed Section 106 Agreement makes various commitments to mitigation, additional to arrangements for the provision of affordable housing and contribution of £55,000 towards PROW improvements and £4,600 towards travel plan monitoring. These provisions include for the on-going management and maintenance of the open spaces, play area and the Sustainable Urban Drainage System within the development.
92. I am satisfied that the proposed contributions and provisions set out above are necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development, in accordance with the Framework and CIL Regulations. The contributions and provisions in the Section 106 Agreement and how they would be spent are supported by the relevant local plan policies, representations from the Council's consultees, and appeal statements and the Statement of Common Ground between the main parties. As, however, these obligations constitute mitigation, they do not constitute material benefits.

Whether Very Special Circumstances exist

93. I have found that the appeal proposal represents inappropriate development in the Green Belt, which is harmful by definition. It would also cause low to a moderate level of harm to openness and limited harm to the two purposes of including the appeal site in the Green Belt. In accordance with paragraph 148 of the Framework, any harm to the Green Belt must be given substantial weight, weighing against the appeal proposal.
94. In terms of other harms, my findings in respect of the effect on character and appearance, traffic and highway safety, living conditions, community infrastructure, footpaths and bridleway, flood risk and drainage are of neutral consequence and add no other harms to my assessment. The proposal accords with the overall aims of the relevant development plan policies set out in the LP and CS. Other potentially adverse effects would be overcome or satisfactorily mitigated by planning conditions and the Section 106 Agreement.
95. On the other hand, the appeal scheme would assist in addressing the acute and persistent housing supply shortfall and would deliver affordable housing in an area of high need. I attach substantial weight to the critically needed housing benefits of the scheme. The appeal scheme would provide other benefits including the re-provision of enhanced sports facilities, a net gain in biodiversity and the accumulation of economic, social and environmental benefits that add moderate weight in favour of the proposal. Emerging policy also seeks to release the appeal site from the Green Belt for housing and is a matter that adds further moderate weight in favour of the proposal. Overall, in my view, I consider that collectively the other considerations in this particular case are of a very high order.

96. In that context, I find the harm to the Green Belt by reason of inappropriateness, and any other harm identified as arising from the appeal proposal, would be clearly out-weighted by the other considerations identified. Accordingly, the very special circumstances necessary to justify the development have been demonstrated and therefore a conflict with Policy DP10 of the LP, and Paragraph 148 of the Framework, would not occur. Further, given the existence of very special circumstances, it follows that the application of the Framework's Green Belt policies does not provide a clear reason for refusing planning permission.⁷

Conditions

97. Having regard to the Framework and Planning Practice Guidance, I have considered the suggested planning conditions submitted and agreed by the Council and the appellant in the SoCG⁸ and during roundtable discussion at the Inquiry. In addition to the standard time limit condition, I have specified the approved plans and details as this provides certainty (1 & 2). Those conditions relating to the detailing of the external materials and finishes, site levels and hard and soft landscaping works are necessary in order to safeguard the character and appearance of the area (3, 4, 5 & 6). A condition relating to the proposed play area on the site is necessary in order to safeguard the amenities of future occupants of the development (7).
98. A condition relating to a detailed Tree Protection Plan and Arboricultural Method Statement and the protection of the existing trees and hedges on the site are necessary in order to ensure their survival and to protect the visual amenity of the trees and hedges on the site (8 & 9). A condition relating to the submission of a Landscape and Ecological management plan, updated badger survey and reptile mitigation strategy are necessary to ensure the protection and enhancement of biodiversity on the site (10, 11 & 12). A condition relating to a sensitive lighting management plan is necessary to protect any protected species in the area (13).
99. For the construction period, in order to mitigate the environmental impact of development works and to protect the amenities of occupants of neighbouring properties, the submission of a Construction Transport Management Plan, Construction Environmental Management Plan and a condition relating to piling, deep foundations and other intrusive groundwork are necessary (14, 15 & 16). Details of surface water and sustainable urban drainage systems arrangements are necessary in order to ensure adequate drainage facilities are provided and to mitigate against potential flooding and the pollution of the water environment (17 & 18).
100. A range of highway improvements are necessary to limit highway impact and to encourage and promote sustainable transport including access visibility zones (19), parking and vehicle turning arrangements (20 & 21), cycle parking and e-bike charging points, (22 & 23), revised travel plan (24), car club vehicle (25) and a package of measures in general accordance with the Highway Arrangements Plan drawing no.170523-09 Rev C (26). Conditions relating to electric vehicle charging points are necessary in order to promote sustainable transport and reduce greenhouse gas emission (27 & 28).

⁷ See Footnote 7 of the Framework

⁸ Core Document 8.39

101. A condition relating to the installation of the solar thermal systems and solar photovoltaic modules is necessary in order to promote on-site renewable energy provision and reduce greenhouse gas emission (29). A condition relating to the construction and phasing of the sports facilities is necessary to ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use on the site (30).
102. In light of my findings, given that the proposal is acceptable on its own merits for the reasons above, there are no exceptional circumstances in this instance that would justify the removal of permitted development rights in connection with the residential development that are reasonable and necessary to make the development acceptable.
103. I consider all the conditions to be reasonable and necessary to the development of the site. I have reworded some of them for consistency and have reordered them for clarity. Some of the particular requirements involve work to be done before development can start on site or before the development can be occupied. These measures are so fundamental to the acceptability of the proposal that it would be otherwise necessary to refuse planning permission.

Planning Balance

104. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites, as such the tilted balance in paragraph 11d) of the Framework is engaged. The benefits of the development as described above would be collectively very extensive. Consequently, overall, in my view, the adverse impacts arising from this development would not significantly and demonstrably outweigh the scheme's benefits. The proposal would therefore represent a sustainable form of development when assessed against the Framework read as a whole, which is a further material consideration in favour of the development. Therefore, there is no justified basis to resist the appeal proposal.

Conclusion

105. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Reuben Taylor KC	King's Counsel, Landmark Chambers
Matthew Taylor	Planning Director, Lichfields
Andrew Cook	Executive Director, Pegasus

FOR THE COUNCIL:

Clifford Thurlow	Interim Chief Planning Officer, Tandridge District Council
Paul Batchelor	Senior Planning Officer, Tandridge District Council

INTERESTED PARTIES:

Sarah Johnson	Save Warlingham's Green Belt Group
Lisa Dunning	Save Warlingham's Green Belt Group
Lauren Gates	Save Warlingham's Green Belt Group
Cllr Robin Bloore	Local Councillor
Cllr Keith Prew	Local Councillor
Cllr Jeremy Pursehouse	Local Councillor
Gintare Vaiciulienė	Interested Party
David Durrant	Interested Party
Margaret Lambert	Interested Party
Rod Hay	Interested Party

INQUIRY CORE DOCUMENTS LIST

CD1 Planning Application Documents and Plans

Application Submission Documents and Plans

- CD1.1 Five Year Housing Land Supply Assessment December 2021
- CD1.2 Benefits Statement December 2021
- CD1.3 Planning Statement December 2021
- CD1.4 Landscape and Visual Impact Assessment (LVIA) December 2021
- CD1.5 Design and Access Statement (DAS) December 2021
- CD1.6 Application Forms
- CD1.7 ANCILLARY BUILDINGS SINGLE GARAGE 2 ELEVATIONS AND FLOORPLANS REV B
- CD1.8 House Type Alder Floorplans and Elevations
- CD1.9 House Type Bayberry Floorplans and Elevations
- CD1.10 House Type Blackthorn Floorplans and Elevations
- CD1.11 House Type Chestnut Floorplans and Elevations
- CD1.12 House Type Fir Floorplans and Elevations
- CD1.13 House Type Fir 2 Floorplans and Elevations
- CD1.14 House Type Larch Floorplans and Elevations
- CD1.15 House Type Rowan Floorplans and Elevations
- CD1.16 House Type Walnut Floorplans and Elevations
- CD1.17 House Type Whitebeam Floorplans and Elevations
- CD1.18 House Type Willow Floorplans and Elevations
- CD1.19 Ancillary Buildings Bin Store- Plots 40-50, 46-54 & Club Elevations and Floorplans
- CD1.20 Ancillary Buildings Cycle Store- Plots 40 - 54 Elevations and Floorplans
- CD1.21 Ancillary Buildings Bin & Cycle Store- Plots 92- 100 Elevations and Floorplans
- CD1.22 Ancillary Buildings Sub Station Elevations and Floorplans
- CD1.23 Location Plan
- CD1.24 Coloured Street Scene Planning Drawing
- CD1.25 ANCILLARY BUILDINGS DOUBLE GARAGE 1 ELEVATIONS AND FLOORPLANS
- CD1.26 ANCILLARY BUILDINGS SINGLE GARAGE 1 ELEVATIONS AND FLOORPLANS
- CD1.27 ANCILLARY BUILDINGS DOUBLE GARAGE 2 ELEVATIONS AND FLOORPLANS
- CD1.28 Planning Application Summery Dec 21
- CD1.29 Transport Statement plus Appendix A -O
- CD1.30 Transport Statement Appendix P
- CD1.31 Travel Plan
- CD1.32 Arboricultural Assessment and Method Statement
- CD1.33 Tree Protection Plan
- CD1.34 Cala Homes – Feasibility Report on Limpsfield Road Development
- CD1.35 Cala Homes – Feasibility Report on Limpsfield Road Development (1)
- CD1.36 Landscape Management Plan
- CD1.37 Environmental Noise Survey and Acoustic Design Statement Report
- CD1.38 Flood Risk Assessment and Drainage Strategy
- CD1.39 Flood Risk Assessment and Drainage Strategy Appendix A - C
- CD1.40 Flood Risk Assessment and Drainage Strategy Appendix D - J
- CD1.41 Flood Risk Assessment and Drainage Strategy Appendix K
- CD1.42 Flood Risk Assessment and Drainage Strategy Appendix L -P

CD1.43 Manual for managing trees on development sites
CD1.44 House Type 1BB Front Gable Floorplans and Elevations
CD1.45 House Type 1BB Side Gable Floorplans and Elevations
CD1.46 Archaeological Desk-based Assessment
CD1.47 HER Data Map
CD1.48 HER Data
CD1.49 HER Events Map
CD1.50 Biodiversity Checklist
CD1.51 Energy and Sustainability Statement
CD1.52 CIL Form 1
CD1.53 CIL Form 2
CD1.54 Local Validation Checklist
CD1.55 Statement of Community Involvement
CD1.56 Preliminary Ecological Appraisal (Playing Pitches)
Consultee Responses
CD1.60 Surrey County Council Countryside Access Officer consultee response
21 February 2022
CD1.61 TDC Planning Policy consultee response 24 February 2022
CD1.62 Surrey County Council Highways consultee response 29 September
2022
CD1.63 Surrey County Council Highways consultee response 16 March 2022
CD1.64 London Borough of Croydon 08 March 2022
CD1.65 Environment Agency 17 June 2022
CD1.66 Natural England 01 March 2022
CD1.67 Surrey County Council Flood Risks and Planning (LLFA) 02 March 2022
CD1.68 Sports England 16 August 2022
CD1.69 Sports England 25 August 2022
CD1.70 Sports England 16 August 2022
CD1.71 Surrey Policy 11 February 2022
CD1.72 Surrey Wildlife Trust consultee response 16 March 2022
CD1.73 Surrey Wildlife Trust consultee response 18 August 2022
CD1.74 National Highways consultee response 26 October 2022
CD1.75 Surrey Wildlife Trust consultee response 1 December 2022
CD1.76 Sport England Correspondence and site construction access plan dated
20 September 2022
CD1.77 Sport England Correspondence dated 21 September 2022

CD2 Additional/Amended Reports and/or Plans submitted after validation

CD2.1 Alternative Sites Report March 2022
CD2.2 Illustrative Landscape Masterplan (Rev P03) 10-08-2022
CD2.3 Overall Coloured Site Layout Plan (Rev D)
CD2.4 Agricultural Land Classification Report
CD2.5 Ecological Impact Assessment
CD2.6 Biodiversity Net Gain Assessment
CD2.7 Biodiversity Net Gain Metric 3.0
CD2.7 HOUSE TYPE AFFORDABLE FLATS 1- 1B & 2B PLANS & ELEVATIONS
CD2.8 HOUSE TYPE AFFORDABLE FLATS - 1B PLANS & ELEVATIONS
CD2.9 HOUSE TYPE AFFORDABLE FLATS - 1B & 2B PLANS & ELEVATIONS
CD2.10 HOUSE TYPE BELLFLOWER FLOORPLANS AND ELEVATIONS
CD2.11 HOUSE TYPE CLOVER FLOORPLANS AND ELEVATIONS
CD2.12 HOUSE TYPE ARUM FLOORPLANS AND ELEVATIONS
CD2.13 Site Layout Planning Drawing

CD2.14 Coloured Site Layout Planning Drawing Rev N
CD2.15 SITE LAYOUT PLANNING DRAWING Sports Pitches
CD2.16 Tenure Plan Rev E
CD2.17 Storey Heights R
CD2.18 Dwelling Types
CD2.19 Parking Plan
CD2.20 Refuse Plan Rev C
CD2.21 Materials Plan
CD2.22 ENCLOSURE PLAN Rev C
CD2.23 Fire Strategy Plan Rev C
CD2.24 Sports Pavilion Elevations and Floorplans Rev H
CD2.25 Hard Landscape 1 of 5 Rev P02
CD2.26 Hard Landscape 2 of 5 Rev P02
CD2.27 Hard Landscape 3 of 5 Rev P02
CD2.28 Hard Landscape 4 of 5 Rev P02
CD2.29 Hard Landscape 5 of 5
CD2.30 Soft Landscape 1 of 5 Rev P03
CD2.31 Soft Landscape 2 of 5 Rev P03
CD2.32 Soft Landscape 3 of 5 Rev P03
CD2.33 Soft Landscape 4 of 5 Rev P04
CD2.34 Soft Landscape 5 of 5 Rev P04
CD2.35 HOUSE TYPE GARDENIA FLOORPLANS AND ELEVATIONS
CD2.36 OVERALL SITE LAYOUT PLANNING DRAWING
CD2.37 Site Construction Access Plan (Area Calculations) @A1
CD2.38 Dwelling Types (Housing Mix) Plan Rev C
CD2.39 Site Layout Rev V
CD2.40 Proposed Highway Arrangements Plan Rev C
CD2.41 Proposed Highway Arrangements Plan Rev C
CD2.42 Proposed Access Arrangements Plan 2 Rev B
CD2.43 Hedge Punctuation: Method Statement for Reptiles
CD2.44 Hedge Punctuation: Non-licenced Method Statement for Dormouse

CD3 Committee Report and Decision Notice

N/A

CD4 The Development Plan

CD4.1 TDC Core Strategy (October 2008)

CD4.2 TDC Local Plan Part 2: Detailed Policies (July 2014)

CD5 Emerging Development Plan

CD5.1 Tandridge Our Local Plan 2033 (Regulation 22 Submission) January 2019

CD5.2 ID16 Emerging Local Plan Inspector Preliminary Conclusions Advice December 2020

CD5.3 TED48 TDC Letter - Update on Transport Modelling and Alternative Option 27 August 2021

CD6 Relevant Appeal Decisions Note

CD6.1 APP/C2741/W/19/3227359 – North of Boroughbridge Road, York

CD6.2 APP/Q3115/W/19/3230827 – Oxford Brookes University, Wheatley Campus

CD6.3 APP/V1505/W/22/3298599 – Land North of Kennel Lane, Basildon

CD6.4 APP/C2741/W/21/3282969 – North Lane , Huntingdon, York

CD6.5 APP/P3040/W/17/3185493 – Land north of Asher Lane, Ruddington, Rushcliffe

CD6.6 APP/B1930/W/20/3265925 – Land off Bullens Green Lane, Colney Heath, St Albans / Welwyn Hatfield

CD6.7 APP/X1925/W/21/3273701 – Land south of Heath Lane, Codicote, North Hertfordshire

CD7 Relevant Judgements

CD7.1 Wychavon DC v Secretary of State for Communities and Local Government and Butler (2008) EWCA Civ 692

CD8 Other Documents

Documents relating to National Planning Policy:

CD8.1 National Planning Policy Framework (NPPF) (2021)

CD8.2 Planning Practice Guidance (PPG) Housing Supply and Delivery (2019)

CD8.3 Written Ministerial Statement 6 December 2022 - Update on the Levelling up Bill

CD8.4 Levelling-up and Regeneration Bill - Consultation on reforms to national planning policy (2022)

CD8.5 National Planning Policy Framework (NPPF) - Showing Proposed Changes (2022)

Documents relating to Local Planning Policy:

CD8.6 TDC Planning Policy Committee Paper 22 September 2022

CD8.7 TDC Housing Delivery Test Action Plan & Interim Policy Statement for Housing Delivery (September 2022)

CD8.8 TDC Planning Policy Committee Paper 19 January 2023

CD8.9 TDC Planning Policy Committee Paper 19 January 2023 - Addendum

Housing Need, Delivery and Supply:

CD8.10 The Objectively Assessed Housing Needs (OAN) of Tandridge (September 2018)

CD8.11 SHMA Affordable Housing Needs Assessment Update (June 2018)

CD8.12 TDC Authority Monitoring Report 2021-2022

CD8.13 TDC Authority Monitoring Report 2020-2021

CD8.14 TDC Authority Monitoring Report 2019-2020

Green Belt and Landscape:

CD8.15 Green Belt Assessment (Part 1) (December 2015)

CD8.16 Green Belt Assessment (Part 1) Appendix D Parcel Assessments (2015)

CD8.17 Green Belt Assessment (Part 2) Areas for Further Investigation (2016)

CD8.18 Green Belt Assessment (Part 2) Areas for Further Investigation (2016) Appendix 1

CD8.19 Green Belt Assessment (Part 2) Areas for Further Investigation (2016) Appendix 2 Extract

CD8.20 Green Belt Assessment (Part 3) Exceptional Circumstances and Insetting (June 2018)

CD8.21 Green Belt Assessment (Part 3) Appendix 1 (2018) - Extracts

CD8.22 Tandridge Landscape Capacity and Sensitivity Study Addendum (April 2017) Extract

CD8.23 Surrey Landscape Character Assessment - Tandridge Character Area (2015)

Proofs of Evidence:

- CD8.24 Local Planning Authority's Summary of Proof of Evidence
- CD8.25 Local Planning Authority's Proof of Evidence
- CD8.26 Appellant's Summary Proof of Evidence of Martin Taylor
- CD8.27 Appellant's Proof of Evidence of Martin Taylor
- CD8.28 Appellant's Proof of Evidence of Martin Taylor - Appendices
- CD8.29 Appellant's Landscape Proof of Evidence of Andrew Cook
- CD8.30 Appellant's Landscape Proof of Evidence of Andrew Cook - Appendices List
- CD8.31 Appellant's Landscape Proof of Evidence of Andrew Cook – Appendix 1
- CD8.32 Appellant's Landscape Proof of Evidence of Andrew Cook – Appendix 2
- CD8.33 Appellant's Landscape Proof of Evidence of Andrew Cook – Appendix 3
- CD8.34 Appellant's Landscape Proof of Evidence of Andrew Cook – Appendix 4
- CD8.35 Appellant's Landscape Proof of Evidence of Andrew Cook – Appendix 5
- CD8.36 Appellant's Landscape Proof of Evidence of Andrew Cook – Appendix 6
- CD8.37 Appellant's Landscape Proof of Evidence of Andrew Cook – Appendix 7
- CD8.38 Appellant's Rebuttal Proof of Evidence of Martin Taylor

Statement of Common Ground:

- CD8.39 Statement of Common Ground

Other Documents:

- CD8.40 Inspectors Note 23 of Examination of the Mole Valley Local Plan 2020-2037

CD9 Appeal documents received after the Inquiry opened

- CD9.1 Tandridge Planning Policy Committee Draft Minutes (19 January 2023)
- CD9.2 Cllr Robin Bloore Statement
- CD9.3 Appellant Opening Statement
- CD9.4 Council Opening Statement
- CD9.5 Save Warlingham Green Belt Group Statement
- CD9.6 Sports England email 28 February 2023
- CD9.7 Council Closing Statement
- CD9.8 Appellant Closing Statement

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, subject to other plans approved pursuant to other conditions herein under:

DRAWING	REFERENCE	DATED
Site Location Plan	170526/LP	17/12/2021
Site Layout	170526/SL/PL Rev V	02/08/2022
Overall Site Layout	170526/OSL/PL Rev B	02/08/2022
Coloured Site Layout	170526/CSL/PL Rev N	02/08/2022
Overall Coloured Site Layout	170526/OCSL/PL Rev D	02/08/2022
Site Layout – Sports Pitches	170526/SL/PL/SP Rev P	15/08/2022
Sports Pavilion Plan	170526/SP/EP Rev H	15/08/2022
Dwelling Types (Housing Mix) Plan	170526/SL/PL/DT Rev C	02/08/2022
Storey Heights Plan	170526/SL/PL/SH Rev C	02/08/2022
Tenure Plan	170526/SL/PL/TP Rev E	02/08/2022
Parking Plan	170526/SL/PL/PP Rev E	02/08/2022
Refuse Plan	170526/SL/PL/RP Rev C	02/08/2022
Materials Plan	170526/SL/PL/MP Rev C	02/08/2022
Fire Strategy Plan	170526/SL/PL/FS Rev C	02/08/2022
Enclosure (Boundary Treatments) Plan	170526/SL/PL/EP Rev C	02/08/2022
Substation Plan – Elevations and Floorplans	170526/AB/SS/EP Rev A	14/12/2021
Cycle Store Plan – Elevations and Floorplans	170526/AB/CS/EP Rev A	14/12/2021
Bin Store Plan – Elevations and Floorplans	170526/AB/BES/EP Rev A	14/12/2021
Bin and Cycle Store Plan – Elevations and Floorplans	170526/AB/BCS/EP Rev A	14/12/2021
Affordable Flats – 1B – Elevations and Floorplans	170526/HT/1B-FLATS/EP Rev C	25/03/2022
Affordable Flats – 1B & 2B – Elevations and Floorplans	170526/HT/FLATS/EP Rev D	25/03/2022
Affordable Flats 1 – 1B & 2B – Elevations and Floorplans	170526/HT/FLATS-1/EP Rev C	25/03/2022
Alder – Elevations and Floorplans	170526/HT/ALD/EP Rev C	14/12/2021
Arum – Elevations and Floorplans	170526/HT/ARU/EP	25/03/2022
Bayberry – Elevations and Floorplans	170526/HT/BAY/EP Rev C	14/12/2021
Bellflower – Elevations and	170526/HT/BEL/EP Rev C	25/03/2022

DRAWING	REFERENCE	DATED
Floorplans		
Blackthorn – Elevations and Floorplans	170526/HT/BLA/EP Rev C	14/12/2021
Chestnut – Elevations and Floorplans	170526/HT/CHE/EP Rev C	14/12/2021
Clover – Elevations and Floorplans	170526/HT/CLO/EP	25/03/2022
Fir – Elevations and Floorplans	170526/HT/FIR/EP Rev B	14/12/2021
Fir 2 – Elevations and Floorplans	170526/HT/FIR2/EP Rev B	14/12/2021
Gardenia – Elevations and Floorplans	170526/HT/GAR/EP	25/03/2022
Larch – Elevations and Floorplans	170526/HT/LAR/EP Rev C	14/12/2021
Rowan – Elevations and Floorplans	170526/HT/ROW/EP Rev B	14/12/2021
Walnut – Elevations and Floorplans	170526/HT/WAL/EP Rev B	14/12/2021
Whitebeam – Elevations and Floorplans	170526/HT/WHI/EP Rev D	14/12/2021
Willow – Elevations and Floorplans	170526/HT/WIL/EP Rev B	14/12/2021
Bungalow Side Gable – Elevations and Floorplans	170526/HT/1BB/SG/EP Rev B	14/12/2021
Bungalow Front Gable – Elevations and Floorplans	170526/HT/1BB/FG/EP Rev B	14/12/2021
Single Garage 1 – Elevations and Floorplans	170526/AB/SG1/EP Rev A	14/12/2021
Single Garage 2 – Elevations and Floorplans	170526/AB/SG2/EP Rev B	13/01/2022
Double Garage 1 – Elevations and Floorplans	170526/AB/DG1/EP Rev A	14/12/2021
Double Garage 2 – Elevations and Floorplans	170526/AB/DG2/EP Rev A	14/12/2021
Tree Protection Plan	19020-3	-
Illustrative Masterplan (Landscape)	DLA-2072-L-11-P03	10/08/2022
Hard Landscape Plan – Sheet 1 of 5	DLA-2072-L-01-P02	09/08/2022
Hard Landscape Plan – Sheet 2 of 5	DLA-2072-L-02-P02	09/08/2022
Hard Landscape Plan – Sheet 3 of 5	DLA-2072-L-03-P02	09/08/2022
Hard Landscape Plan – Sheet 4 of 5	DLA-2072-L-04-P02	09/08/2022
Hard Landscape Plan – Sheet 5 of 5	DLA-2072-L-05-P02	09/08/2022

DRAWING	REFERENCE	DATED
Soft Landscape Plan – Sheet 1 of 5	DLA-2072-L-06-P03	09/08/2022
Soft Landscape Plan – Sheet 2 of 5	DLA-2072-L-07-P03	09/08/2022
Soft Landscape Plan – Sheet 3 of 5	DLA-2072-L-08-P03	09/08/2022
Soft Landscape Plan – Sheet 4 of 5	DLA-2072-L-09-P04	25/08/2022
Soft Landscape Plan – Sheet 5 of 5	DLA-2072-L-10-P04	25/08/2022
Indicative Site Construction Access Plan	170526/SL/PL/MPAC	-
Proposed Highway Arrangements Plan	170523-09 Rev C	-
Proposed Highway Arrangements Plan	170523-10 Rev B	-
Proposed Access Arrangements Plan	170523-01 Rev C	-

- 3) Prior to any above ground works (excluding demolition) details of the materials to be used in the construction of the external surfaces of the buildings and dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.
- 4) A) Prior to the commencement of facade works, detailed drawings/plan/section/elevation at 1:20 of the following shall be submitted to the Local Planning Authority for approval in writing:
 - Typical window (reveal, header, sill);
 - Communal entrances;
 - Typical Balcony/balustrade; and
 - Parapets.
 B) The development shall only be implemented in accordance with the details approved under part A) above.
- 5) No development shall start in relation to the construction of the dwellings until details of the levels of accesses and finished floor levels of the building(s) hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.
- 6) Notwithstanding the details already submitted, no development shall start until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. These details shall include:
 - a. proposed finished levels or contours
 - b. means of enclosure

- c. car parking layouts
- d. other vehicle and pedestrian access and circulation areas
- e. hard surfacing materials
- f. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.).

Details of soft landscape works shall include all proposed and retained trees, hedges and shrubs; ground preparation, planting specifications and ongoing maintenance, together with details of areas to be grass seeded or turfed. Planting schedules shall include details of species, plant sizes and proposed numbers/densities.

All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion or occupation of any part of the development (whichever is the sooner) or otherwise in accordance with a programme to be agreed. Any trees or plants (including those retained as part of the development) which within a period of 5 years from the completion of the development die, are removed, or, in the opinion of the Local Planning Authority, become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation. The hard landscape works shall be carried out prior to the occupation of the development.

- 7) Prior to the construction of the play areas hereby approved, a scheme detailing the play equipment, boundary treatment and ground surface area treatment of the outdoor play spaces shall be submitted to the Local Planning Authority and approved in writing. The play equipment will be designed to be fully inclusive to ensure the areas are accessible to all and will be implemented upon occupation of the relevant part of the development in accordance with the approved plans, to be retained permanently thereafter.
- 8) Notwithstanding the details already submitted, no development shall start until a detailed Tree Protection Plan and Arboricultural Method Statement, in full accordance with sections 5.5 and 6.1 of BS5837:2012 Trees in relation to design, demolition and construction - Recommendations [appropriate and specific to the approved scheme], to include details of the protection of all retained trees from works associated with demolition, construction and landscaping, and all works within the root protection area, or crown spread [whichever is greater], of any retained tree, has been submitted to and agreed in writing by the Local Planning Authority. These details shall include a system of arboricultural supervision and monitoring where works within root protection areas are required. Thereafter, all works shall be carried out and constructed in accordance with the approved details and shall not be varied without the written consent of the Local Planning Authority.
- 9) No trees or hedges shall be pruned, felled or uprooted during site preparation, demolition, construction and landscaping works [except as shown on the documents and plans hereby approved] without the prior written consent of the Local Planning Authority. Any retained trees or hedges which are removed, or which within a period of 5 years from the

completion of the development die are removed, or, in the opinion of the Local Planning Authority, are dying, becoming diseased or damaged shall be replaced by plants of such size and species as may be agreed in writing with the Local Planning Authority.

- 10) Prior to the commencement of development the applicant should submit to the Local Planning Authority for approval a Landscape and Ecological Management Plan (LEMP) to details the management measures required to deliver the biodiversity net gain identified in the biodiversity net gain assessment. The LEMP should include, but not be limited to following:
 - a. Description and evaluation of features to be managed including the public rights of way and adjacent hedgerows
 - b. Ecological trends and constraints on site that might influence management
 - c. Aims and objectives of management including any new Green Belt boundaries
 - d. Appropriate management options for achieving aims and objectives
 - e. Prescriptions for management actions, together with a plan of management compartments
 - f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period
 - g. Details of the body or organisation responsible for implementation of the plan
 - h. Ongoing monitoring and remedial measures
 - i. Legal and funding mechanisms by which the long-term implementation of the plan will be secured by the applicant with the management body(ies) responsible for its delivery
 - j. Monitoring strategy, including details of how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
 - k. Invertebrate Habitat Enhancement Plan
 - l. Ecological Enhancement Plan
- 11) Prior to the commencement of the development an updated badger survey of the proposed development site should be carried out. If potential evidence of a badger sett is recorded, then the Applicant should submit a Badger Mitigation Strategy to the Local Planning Authority for approval. Thereafter the development shall be undertaken in accordance with the approved Badger Mitigation Strategy.
- 12) Prior to commencement of development a reptile mitigation strategy should be submitted to and approved in writing by the Local Planning Authority. The strategy should be prepared by a suitably qualified ecologist and appropriate to the local context. The reptile mitigation strategy should include, but not be limited to following:
 - a. Location and map of the proposed translocation site

- b. Assessment of the habitats present, including their ecological function to reptiles
 - c. Assessment of the translocation site reptile population size, evidenced by recent reptile surveys following best practice, and an assessment of habitat quality
 - d. Analysis of reptile carrying capacity of translocation site
 - e. Details of management measures that are required
 - f. Work schedule (including an annual work plan capable of being rolled forward over a five-year period)
 - g. Details of the body or organisation responsible for implementation of the reptile mitigation strategy
 - h. Ongoing monitoring and remedial measures
 - i. Legal and funding mechanisms by which the long-term implementation of the reptile mitigation strategy will be secured by the applicant with the management body(ies) responsible for its delivery.
- 13) Prior to commencement of development a Sensitive Light Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with these details.
- 14) No development shall commence until a revised Construction Transport Management Plan is submitted to include details of:
- a. parking for vehicles of site personnel, operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials
 - d. programme of works (including measures for traffic management)
 - e. HGV deliveries and hours of operation
 - f. vehicle routing
 - g. measures to prevent the deposit of materials on the highway
 - h. on-site turning for construction vehicles
 - i. provision of boundary hoarding behind any visibility zones
- has been submitted and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.
- 15) Prior to the commencement of development the applicant should submit to the Local Planning Authority for approval a Construction Environmental Management Plan (CEMP). The CEMP should include, but not be limited to:
- a. Map showing the location of all of the ecological features
 - b. Risk assessment of the potentially damaging construction activities
 - c. Practical measures to avoid and reduce impacts during construction
 - d. Location and timing of works to avoid harm to biodiversity features

- e. Responsible persons and lines of communication
- f. Use of protected fences, exclusion barriers and warning signs.

Thereafter the development shall be undertaken in strict accordance with the approved CEMP.

- 16) Piling, deep foundations or other intrusive groundworks (investigation boreholes/tunnel shafts/ground source heating and cooling systems) using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 17) The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the Sustainable Urban Drainage System (SuDS) Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, National Planning Policy Framework and Ministerial Statement on SuDS. The required drainage details shall include:
 - a. Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy.
 - b. Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
 - c. A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
 - d. Details of drainage management responsibilities and maintenance regimes for the drainage system.
 - e. Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.
- 18) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.
- 19) No part of the development shall be commenced until the proposed vehicular / pedestrian access to Limpsfield Road has been constructed and provided with visibility zones in accordance with the Access Arrangements Plan drawing no. 170523-01 Rev C and thereafter the

visibility zones shall be kept permanently clear of any obstruction between 0.6m and 2.0m above ground level.

- 20) Prior to the occupation of each dwelling hereby approved space shall be laid out within the site for each of the residential dwellings in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking/turning areas shall be retained and maintained for their designated purposes.
- 21) The development hereby approved shall not be first occupied until space has been laid out within the site for the sports facility in accordance with the approved plans for 100 vehicles (including 5 disabled bays) and 3 coach spaces to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking/turning areas shall be retained and maintained for their designated purposes.
- 22) The residential development hereby approved shall not be first occupied until facilities for the secure, covered parking of bicycles and the provision of a charging point for e-bikes next to the facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.
- 23) The sports facility hereby approved shall not be first occupied until facilities for the secure, covered parking of 40 bicycles and the provision of a charging point for e-bikes next to the facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.
- 24) A revised Travel Plan shall be provided and approved in writing with the Local Planning Authority and thereafter implemented prior to first occupation and each and every subsequent occupation of the development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.
- 25) The development hereby approved shall not be first occupied until at least 1 car club vehicle has been provided for occupiers to use in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter the club vehicle/s shall be retained and maintained for their designated purpose.
- 26) Prior to first occupation the following package of measures shall be implemented at the applicants expense through a S278 Agreement in general accordance with the Highway Arrangements Plan drawing no.170523-09 Rev C.
 - a. Design and provision of a toucan crossing including facilities for cyclists to join the carriageway, dropped crossings and tactile paving and all associated costs (legal order, advertisement consents, signals design and installation), civil engineering and traffic management works, commuted sums for future maintenance.

- b. Two vehicle activated speed signs (VAS) to be constructed on Limpsfield Road at the applicants expense with the location to be agreed with the Highway Authority.
 - c. Widening of the existing footpath from the proposed site access towards Warlingham Village centre to 2m where this can be achieved.
 - d. The existing footway from the pedestrian/emergency access (between 176 and 178 Limpsfield Road) to be widened to 3m as far as the proposed site access to provide a shared pedestrian/cycleway.
 - e. Provision of pedestrian refuge island with dropped kerbs and tactile paving
 - f. Provision of tactile paving across Crewes Avenue and Crewes Lane.
 - g. Relocation of existing bus stop which is currently adjacent Verdayne Gardens.
 - h. The relocated bus stop and the stop outside 182 Limpsfield Road will be subject to the following improvements:
 - i. raised kerbing of 140mm for approximately 9m subject to site conditions and location to be agreed with Surrey County Council's (SCC's) Passenger Transport Projects Group.
 - ii. bus cage markings and bus stop clearway
 - iii. investigation as to whether bus shelters can be provided, then the shelter, style and location to be agreed with the SCC's Passenger Transport Projects Team and provided with lighting and seating with arm rests.
 - iv. bus flag and pole
 - v. Real Time Passenger Information (RTPI)
- 27) The residential development hereby approved shall not be occupied until each of the proposed dwellings are provided with a fast-charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.
- 28) The sports facility hereby approved shall not be occupied until 20 of the available parking spaces have been fitted with a fast charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) plus a further 20 spaces to be provided with a power supply to provide additional fast charge socket (Feeder pillar or equivalent premising future connection 230v AC 32 Amp single phase dedicated supply).
- 29) Prior to the occupation of each dwelling hereby approved the solar thermal systems and solar photovoltaic modules as specified in the application details shall be installed in relation to that dwelling and this system shall thereafter be retained in perpetuity in accordance with the approved details.
- 30) Prior to the commencement of the development hereby permitted, a scheme and phasing plan for the relocation and reprovision of the playing

pitches, pavilion and ancillary facilities hereby permitted shall be submitted to the Local Planning Authority for approval, in consultation with Sport England.

This scheme and phasing plan should ensure that on the existing John Fisher Sports Club site a minimum of three playing pitches (of which at least one should be 11 v 11 sized), the existing pavilion and car parking facilities are available and accessible for safe and continual use until the new playing field area containing the Over 18 (Senior) 11 v 11, Youth U15/U16 11 v 11 and Youth U13/14 11 v 11 playing pitches, which shall all include the appropriate 3m run-off areas, the pavilion and ancillary facilities hereby permitted as set out in drawing numbers 170526/SL/PL/SP rev P and 170526/SP/EP Rev H and the Sport Turf Consulting report dated 1st July 2022 are constructed and available for use. The playing field, pavilion and ancillary facilities shall be maintained, available for use and accessible in accordance with the approved details.

On the completion of the 50th dwelling, the playing field area containing the Youth U13/14 11 v 11 and both Mini-Soccer U9/U10 7 v 7 playing pitches hereby permitted shall be constructed and be available for use as set out in drawing numbers 170526/SL/PL/SP rev P and 170526/SP/EP Rev H and the Sport Turf Consulting Report dated 1st July 2022. The playing field shall be maintained, available for use and accessible in accordance with the approved details.