

Appeal Decision

Inquiry held between 8-11, 14-15 and 30-31 August and 13 September 2023
Accompanied site visit made on 31 August 2023

by David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th October 2023

Appeal Ref: APP/M3645/W/23/3319149

Land at The Old Cottage, Station Road, Lingfield RH7 6PG.

- 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 Woolbro Group and Morris Investment against Tandridge District Council.
 - The application Ref TA/2022/685, is dated 20 June 2022.
 - The development proposed is outline application with all matters reserved except for access and layout for a residential development of 99 dwellings (40% affordable) with associated access, formal open space, landscaping, car & cycle parking and refuse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The date of the application in the decision banner above reflects the revised application form which contained the amended site address details.
3. The proposal was submitted in outline with all matters reserved except for the means of access and layout. The application was accompanied by a Design and Access Statement (DAS), a layout plan, detailed drawings of the proposed vehicular access from Town Hill and various technical documents. Whilst the layout plan is labelled 'illustrative' it is to be regarded as the details to be approved. The Local Planning Authority (LPA) considered the proposal on this basis, and so shall I.
4. The appellant submitted subsequent drawings¹ showing details of the proposed arrangement where vehicular access to serve the northern parcel of the appeal proposal would cross the existing footpath public right of way (PROW) No. 381a which connects Station Road to Church Road. Access is not a reserved matter and so the detail of all points of access to the appeal site, including via this PROW, are not to be reserved for later consideration. Accordingly, I have considered the appeal proposal on the basis of these further drawings. They clarify the means of the crossing, the principle of which is clearly shown on the layout plan. As such I do not consider anyone would be prejudiced by my having regard to these technical drawings, which have informed a subsequent statement of common ground with the LPA, who had sought input from the Local Highway Authority².

¹ Drawing ref Nos. 1912026-06 & 1912026-07.

² ID11

5. Lingfield Parish Council (LPC) received Rule 6 status on 12 May 2023. In addition to being a statutory consultee on the planning application, LPC have also been active in the ongoing examination into the emerging Tandridge Local Plan. LPC is currently preparing a Lingfield Neighbourhood Plan (LNP). Star Fields Action Group (STAG) received Rule 6 status on 2 May 2023. STAG is a local group opposed to the allocation of the site in the emerging Tandridge Local Plan and the development proposal which is the subject of this appeal.
6. An executed agreement pursuant to Section 106 (S106) of the Town and Country Planning Act 1990 (as amended) signed and dated 22 September 2023, was provided shortly after the Inquiry event concluded. It is substantively the same document as discussed at the Inquiry on 31 August and 13 September. I return to the matter of the planning obligations in more detail later in this decision.
7. I refer in my decision to site visits. In addition to the accompanied site visit on 31 August 2023 with the main parties and Rule 6 parties I also undertook unaccompanied site visits on 7 and 14 August.

Main Issues

8. As established at the Case Management Conference on 14 June 2023, and not disputed at the inquiry, the main issues in this appeal are as follows:
 - (1) The effect of the proposal on the openness of Green Belt and the purposes of including land within it;
 - (2) The effect of the proposed development on the Lingfield Conservation Area and the setting of nearby listed buildings and non-designated heritage assets;
 - (3) The effect on the character and appearance of the area, including whether the appeal site is part of a valued landscape; and
 - (4) Whether the harm to the Green Belt by reason of inappropriateness, and any 'other harm' identified as arising from the appeal proposal, would be clearly outweighed by 'other considerations', so as to amount to very special circumstances.

Reasons

Context: The site, the Development Plan and emerging Plans.

9. The appeal site is situated at the south-east edge of Lingfield, a large village with a good range of services and public transport. The site comprises a patchwork of generally small-scale pastoral fields bounded by hedging of varying height and density. The vast majority of the site is outside of the current adopted settlement boundary for Lingfield. This land is wholly within the Metropolitan Green Belt. A slither of land within the north-west of the site, adjacent to the Star Inn, is inside the adopted settlement boundary and is separately identified by the LPA as an urban capacity site. Approximately, two-thirds of the 6.2 hectares appeal site is within the Lingfield Conservation Area.
10. The adopted development plan was prepared in two parts. The Tandridge District Core Strategy (the CS) was adopted in October 2008. The subsequent Tandridge Local Plan Part 2: Detailed Policies (TLPP2) was adopted in July

2014. For the purposes of this appeal the CS established a housing requirement and spatial strategy. Given the housing requirement stems from the South East Plan³ and the spatial strategy reflects this, these are now both out of date. As such paragraph 11d) of the National Planning Policy Framework (NPPF) is of particular relevance for this decision. Various policies of the CS and TLPP2 are identified by the LPA as being contravened by the appeal proposal in relation to the main issues in this appeal. The CS policies are clearly of some age, predating the NPPF, and so the weight to any conflict with them must reflect the extent to which they remain consistent with national policy. The TLPP2 policies are more recent and were found sound in the context of the 2012 NPPF. Whilst the NPPF has been through subsequent iterations, in relation to the main issues in this appeal there has been reasonable consistency. Consequently, I give the relevant TLPP2 policies full weight in this decision.

11. An emerging Tandridge Local Plan to 2033 (the eTLP) was submitted for examination in January 2019. The eTLP and the evidence base submitted for examination alongside the Plan have unsurprisingly formed a central part of this appeal given the appeal site was allocated in the Plan for residential development at submitted Policy HSG12. During the Inquiry matters on the eTLP have come to a head following a procedural meeting between the examining Inspector and the District Council on 27 July 2023. The plan Inspector's subsequent correspondence of 10 August 2023 advised that the eTLP be withdrawn or found unsound. All parties at the Inquiry were able to make submissions on this evolving context and I heard no evidence from the District Council that it would be seeking to resist the Inspector's options. I deal with this below including the impact of the eTLP situation on the ability to deliver housing through a plan-led approach.
12. In respect of the submitted eTLP, from all that I have read and heard, what is irrefutable are the following contextual points, relevant to this decision. Firstly, the eTLP classified Lingfield as a 'Semi-Rural Service Settlement' (Tier 2), being a sustainable location for additional housing growth. It consequently allocated the appeal site at Policy HSG12, with an estimated site yield of 60 dwellings. This was the sole housing allocation proposed in the village. Secondly, the site was assessed by the Council as forming sustainable development⁴ and meeting the threshold for the exceptional circumstances for altering the Green Belt boundary in this location. Various evidence documents supported this position. Thirdly, the eTLP Inspector arrived at some preliminary findings in December 2020 including, amongst other things, seeking an additional assessment of the heritage impacts associated with Policy HSG12. In the intervening 2½ years since December 2020 the District Council has not formally submitted a heritage assessment for Policy HSG12 nor did it request to the eTLP examination a proposed main modification to delete or amend the site allocation⁵.
13. Whilst the District Council now seeks to distance itself from the eTLP evidence base in this appeal, the evidence was never rescinded or superseded during the 4½ years of the eTLP examination. Other than heritage, there is little evidence that the examining inspector had other soundness concerns for the site allocation after the relevant hearing session for Policy HSG12. Whilst I

³ Regional Spatial Strategy for the South East of England (2009)

⁴ Assessed as forming part of the most appropriate strategy through systematic Sustainability Appraisal (CD10.6)

⁵ Including in the very recent correspondence to the examining Inspector in TED61 (ID19 to this Inquiry)

acknowledge that I am considering a specific scheme and detailed evidence submitted as part of this appeal, and that the test for Green Belt, as set out in national policy, is materially different, that does not mean that I should put the eTLP evidence entirely to one side. Accordingly, and irrespective of where the eTLP has now ended up, my starting point is that the eTLP evidence base is capable of being a material consideration. I deal with this thematically, as I address each of the main issues, in terms of the weight to be given to it.

14. Work is currently underway on preparing a Lingfield Neighbourhood Plan (LNP). A draft plan⁶, which proposed various options for housing allocations in the Green Belt other than the appeal site and an otherwise protective policy approach to the appeal site (Policy LNP5), was consulted upon in May and June 2023. This has engendered a testing response from the District Council⁷ (and others) in terms of such a plan being capable of meeting the basic conditions and other legal tests required. Evidence⁸ submitted by the appellant shows that the consultation response has not yielded a clear community coalescence around the plan's proposals, including the approach for the appeal site. There is clearly a significant amount of work to be done on the LNP, including resolving the serious concerns of the District Council, before progressing to submitting the document to the LPA, and ultimately an independent examination. On this basis, I give no weight to the emerging LNP.
15. The District Council published an Interim Policy for the Housing Delivery (IPSHD) in September 2022. Given the circumstances around the eTLP and the need to otherwise boost the supply of housing, including as part of the action plan in response to Housing Delivery Test results, the policy is intended to provide an element of certainty and support for those sites where the eTLP inspector did not raise any soundness concerns. Accordingly, the appeal site (Policy HSG12) is not included within the IPSHD for favourable consideration. The interim policy is not part of the development plan and nor has it been subject to any consultation. For this appeal it is a material consideration when considering the benefit arising from the additional supply of housing, but I only give it limited weight because of its non-statutory status.

Green Belt

16. The NPPF seeks to protect Green Belt land and paragraph 137 confirms that the Government attaches great importance to Green Belts. The Green Belt purposes are set out at paragraph 138 of the NPPF. Paragraph 147 of the NPPF states that inappropriate development, is by definition, harmful to Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The NPPF states that very special circumstances will not exist unless the potential harm to Green Belt by reason of inappropriateness, and any other harm arising from the proposal, is clearly outweighed by other considerations.
17. In respect of the development plan, part B of TLPP2 Policy DP10 is wholly consistent with national planning policy at NPPF paragraph 148. Policy DP13 of

⁶ Regulation 14 Draft Submission

⁷ CD11.2 – which amongst other things advises that consideration be given to re-doing the Regulation 14 consultation.

⁸ ID21

TLPP2 also seeks to resist inappropriate development (buildings) in the Green Belt but sets out what development would not be inappropriate in the Green Belt in a Tandridge context. The appeal proposal would not comply with any of the criteria in Policy DP13.

18. There is no dispute that the appeal proposal would comprise inappropriate development. Consequently, as a starting point the appeal proposal would result in a definitional harm to the Green Belt by virtue of inappropriateness. This harm must be given substantial weight.

Green Belt Openness

19. The NPPF states at paragraph 137 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. As such the NPPF confirms that the essential characteristics of Green Belts are their openness and their permanence. The PPG⁹ advises that openness can have both spatial and visual elements having regard to factors such as the duration of development, and its remediability; and the degree of activity likely to be generated.
20. The appeal site comprises open land and development is otherwise absent on the site itself. Whilst the detailed layout plan shows various areas of open space and buffering, the vast majority¹⁰ of the 6.2ha site would be permanently developed with housing, highway infrastructure, garaging, parking courts and boundary treatments. This would significantly reduce the openness of the site. Even when taking into account the existing hedgerow boundaries the spatial loss of openness would be highly perceptible and not significantly contained. This would be keenly experienced in views from the south-east from Station Road and Town Hill, further back on Racecourse Road (and the path from Lingfield station to the racecourse), along extensive parts of PROW381a and in glimpsed views from Church Road. The loss of openness will also be felt by residents of New Place Farm, New Place Gardens, and those properties on Town Hill and Church Road that back onto the north-western and northern parcels of the site, as well as by patrons of the Star Inn.
21. Whilst adjoining roads are, on occasion, heavily trafficked and the site is under the approach path to Gatwick Airport, there is generally a prevailing rurality at the appeal site, with any adjoining or nearby development not being especially prominent in most of the views identified above. This character would change due to the activity associated with a major 99 dwelling development. Taking all these factors together, the appeal proposal would palpably reduce both the spatial and visual sense of openness in this part of the Green Belt.
22. Areas of open space and landscape buffering are proposed, as well as the retention of most boundary hedgerows. The scale and extent of the development however would be challenging to visually contain especially in views in Town Hill and Station Road and along PROW381a as land gently rises up from the Eden Brook. The proposed layout also seeks to preserve medium range views through the development from both Town Hill and Station Road to heritage assets and in doing so the scale of development and attendant loss of openness would be evident in these perspectives. I accept that the proposed open space (approximately 31% of the total site area) would ensure that a

⁹ Paragraph 64-001-20190722

¹⁰ Approximately 69%, Section 5.8 Design & Access Statement

degree of openness within the site would be preserved but it would be overwhelmed by the presence of the amount of housing and associated highway infrastructure proposed.

23. In light of these characteristics, the proposed change arising from the overall amount of built development would result in an appreciable level of harm to the openness of the Green Belt.

Purposes of Green Belt

24. As defined by paragraph 138 of the NPPF, the Green Belt serves five purposes. The Green Belt Assessment (GBA) Part 3 for the eTLP says the Green Belt in this location serves four purposes – safeguarding from encroachment; preventing sprawl; preventing settlements from merging; and preserving the Lingfield Conservation Area (which I take to mean purpose d) – preserving the setting and special character of historic towns). The LPA's case¹¹, at this appeal, however, focuses on purposes c) and e) at NPPF paragraph 138.

25. Purpose c) is to assist in safeguarding the countryside from encroachment. As set out elsewhere in this decision the appeal site is a pocket of countryside extending from the edge of the shallow valley floor of the Eden Brook into the historic core of Lingfield village. Generally, I find the influence of any neighbouring development to be relatively weak, especially in the south-east parcel of the site. When experienced from Town Hill, Station Road, Racecourse Road, PROW381a and the path from the station to the racecourse there would be a tangible encroachment into countryside and a clear new urban edge would be formed. This edge would border onto adjacent countryside to the south and east of Town Hill and Station Road respectively, with scant relationship to any adjoining development other than two isolated rural dwellings at the Town Hill and Station Road junction. Accordingly, I conclude that the appeal proposal would have an adverse impact on the purpose of safeguarding the countryside from encroachment.

26. In relation to purpose e) in terms of assisting urban regeneration by encouraging the recycling of derelict and other urban land, 94% of Tandridge District is Green Belt and the full extent of housing need has not been met for some time and was not envisaged to be met by the eTLP. In this context of significant pent-up demand for housing it seems odd to me that there would be valuable urban sites or redevelopment opportunities whose delivery would be compromised or stalled by the appeal proposal. This may explain why the Council's own Green Belt Assessment for the eTLP did not raise issue with purpose e) when assessing this site. Moreover, the LPAs 2022 Interim Housing Policy supports various eTLP housing allocations in the Green Belt as means of boosting supply. Overall, I find there would be no conflict with purpose e).

27. The Parish Council and others submit that the proposal would conflict with purpose b) in relation to preventing neighbouring towns merging into one another, by reference to Lingsfield and Dormansland. I observed the character between the two settlements and that various intervening developments including the racecourse, Lingfield College, the St Piers complex and the housing at Tannery Gardens could contribute towards a perception that separation between the two settlements is fragile and as such remaining countryside gaps serve purpose b). Whilst the appeal proposal would result in

¹¹ Paragraph 6.2, Clifford Thurlow Proof of Evidence

encroachment in the countryside there would remain distinguishable separation with Dormansland by virtue of a residual countryside gap around the Eden Brook and the unaffected strong sylvan character between the railway bridge / St Pier's Lane turn and the north-western edge of Dormansland. Overall, there would be no physical or perceptual merging of settlement and so purpose b) would not be conflicted with.

28. Whilst the LPA does not advance a case of harm to Green Belt purpose d) I note that the GBA for the eTLP did, and this is reflected by the appellant¹². I deal with heritage in more detail below but it is clear that Green Belt at the appeal site serves a purpose to preserve the setting and special character of historic towns in terms of the historic settlement in Lingfield, a large rural settlement. As such purpose d) would be conflicted with, albeit only to a modest degree.

Green belt and emerging Local Plan

29. The Part 3 Green Belt Assessment¹³ (GBA) for the submitted eTLP concluded that exceptional circumstances were justified to alter Green Belt at the appeal site. The site was assessed as LIN030 and Appendix 1 of the GBA makes clear that the appraisal was predicated on the site accommodating 50 dwellings. This is in marked contrast to the 99 dwellings scheme here. Whilst recording that previous Green Belt assessments for the eTLP (Parts 1 and 2) appear not to have found exceptional circumstances, the Part 3 GBA asserts that harmful impacts on the purposes of Green Belt could be limited by being contained by existing built form. The GBA then goes on to assess that "infilling this area" would "make positive contribution to settlement form". It also considers that buffers, landscaping and sensitive design could conserve the setting of Lingfield Conservation Area and states that impact on setting of listed buildings could be adequately mitigated. The impact on the significance of heritage assets was an unresolved aspect of the eTLP examination and so I am very cautious to give any weight to this aspect of the GBA.
30. It is not entirely clear on what basis the GBA considered a scheme of 50 dwellings but it is informative that the 'landscape' section of the GBA states: "The site is potentially suitable for limited development within the northern part of the site, in association with the existing surrounding development....." (my emphasis). This section of the GBA then goes on to say that the southern portion of the site protrudes into the surrounding landscape and is a noticeable part of the south-eastern approach to Lingfield providing a rural setting to the village. This all aligns with the requirement in part 4 of Policy HSG12. Ultimately, the GBA places some emphasis that development would infill a gap confined by built development and roads in the built-up area and would 'complete' settlement form (again, my emphasis). That is a matter of judgement and one which given the relatively weak relationship to development to the south-east of the pinch-point within the site could only be sensibly applied to the north-western parts of the site.
31. Consequently, whilst the GBA may have supported a conclusion of exceptional circumstances in respect of HSG12 for 60 dwellings (based on an assessment of 50 dwellings) it is of almost nil weight in terms of informing whether very

¹² Alun Evans, Proof of Evidence, paragraphs 3.7 & 3.17

¹³ Green Belt Assessment (Part 3): Exceptional Circumstances and Insetting – June 2018

special circumstances exist for 99 dwellings on the site, including the proposed significant extension of development into the south-eastern part of the site.

Green Belt conclusion

32. In conclusion, the appeal proposal would be inappropriate development which is harmful by definition. The scheme would also result in significant harm to the openness of the Green Belt. The proposal would also result in significant harm to the purpose of safeguarding the countryside from encroachment and moderate to limited harm to the purposes of preserving the setting and special character of historic towns. These harms, as set out in the NPPF, attract substantial weight. Accordingly, the proposal must be considered against TLPP2 Policies DP10 and DP13 which seek 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.

The effect on the significance of Heritage Assets

33. On this main issue there is some common ground between the LPA and the appellant¹⁴. Except for the Conservation Area, no heritage assets would be physically affected by the proposed development, such that for many of the heritage assets the main issue relates to their setting¹⁵ only. The issue of setting also applies to the Conservation Area as the appeal site straddles the designated boundary. There is no dispute that harm to the significance of heritage assets would arise as a consequence of the appeal proposal. Furthermore, there is common ground that in respect of the heritage significance of each asset the harm would be less than substantial. I concur with this. Consequently, it is the degree of any less than substantial harm, which is the matter in dispute.
34. As a precursor to dealing with this main issue, there is some fluidity in the heritage evidence as to the character of the appeal site in terms of the direct impact on the Conservation Area and character of the appeal site in assessing setting. The heritage evidence before me invariably describes the appeal location as either rural, semi-rural or as part of a townscape. I deal with character and appearance in more detail below as a separate main issue, but for purposes of heritage significance the appeal site is manifestly countryside. Despite the proximity of Lingfield Park Racecourse and development on Town Hill, Church Road, Station Road and to the north at New Place Gardens off Baker's Lane, the prevailing character of the appeal site is rural, being pastoral countryside at the edge of a large village. The District Council term the appeal site a 'green lung', that is an apt description.

Setting of the listed buildings to the west at 'Church Old Town'

35. To the west of the appeal site is group of buildings clustered around the church. Various references are made to this area as the 'Church Old Town' or 'church group'. There is agreement that the designated heritage assets at this location that need to be considered are the Grade I listed St Peter and St Paul Church, the Grade I listed Pollard Cottage and Pollard House (hereinafter referred to as Pollard House) and the Grade II* listed Church House and Star

¹⁴ Heritage Statement of Common Ground (July 2023)

¹⁵ Applying the definition of 'setting of a heritage asset' at Annex 2 of the NPPF

Inn Cottages (hereinafter referred to as Church House). These are part of a remarkable group of buildings, predominantly of medieval origin, where some of the earliest buildings in Lingfield are located. Part of the heritage significance of the assets listed above is their delineation of a period of vibrant but nucleated medieval settlement and activity at Lingfield.

36. The Grade I listed St Peter and St Paul Church, comprising a Fourteenth Century tower and the remainder of the church rebuilt in the Fifteenth Century, is a strong example of medieval ecclesiastical architecture. Due to its scale and grandeur, it is significantly more than an archetypal parish church¹⁶, reflecting the wealth and standing of the de Cobham family in the medieval period, including connections to the college and the training of chaplains. The church occupies slightly higher land above the shallow valley floor of the Eden Brook to the east. Furthermore, the church tower is topped with a dominant pyramidal broach spire. Consequently, it seems to me that the church was to some extent intended to be experienced in the wider rural landscape as a locator of notable medieval settlement and as a marker of the wealth and status of the de Cobham family.
37. Whilst the majority of the heritage significance is embodied in the architectural (aesthetic) and spiritual value of the building and this would remain unaffected, setting is an important aspect of its significance for the reasons set out in the preceding paragraphs. I share the assessment of Dr Edis that the immediate churchyard environs, the later churchyard extension and the grouping of buildings in the immediate vicinity of the church are the more sensitive part of the setting and this would remain unaffected. Whilst there are some verdant qualities in this immediate setting there is little sense of the church in a wider rural landscape within which it was originally conceived and located.
38. Whilst there is no direct intervisibility to the appeal site within the immediate churchyard, there remains a sense of rural openness beyond the Star Inn when approaching the Church Old Town group from the south on Church Road. Whilst development from the late Nineteenth Century onwards has enveloped the Church Old Town to the north, west and south, the appeal site, despite the intervening presence of the Star Inn building, survives to the south-east as the last discernible trace of countryside close to the church. In various views from within Lingfield, the church is now mainly experienced in the context of intervening development, with little sense of its origins and long-held position (for some 500 years) as a relatively isolated rural church. As such I consider the surviving rurality of the appeal site makes a notable contribution to the wider setting of the church as part of its significance. This aspect of setting would be moderately harmed by the perceptible infilling of the appeal land when approaching the church from Church Road to south, through the gaps to either side of the Star Inn.

¹⁶ "Surrey's only Perpendicular church of any size or pretension and overall therefore one of the stateliest in the county." Quoted from O'Brien, Nairn & Cherry, in 'The Buildings of England: Surrey' at paragraph 4.3.2 of Mr Reynold's Proof of Evidence

39. The appeal site affords the last remaining views across countryside, from Station Road and beyond¹⁷, towards the upper part of the church tower and its spire. In these limited views its prominence and status as a substantial parish church, in a rural context, is revealed. The views from the Station Road footway were, due to the height and density of the hedge in full leaf, limited to glimpses of the tower from two places broadly at the location of Figure 5 in Mr Reynolds' evidence¹⁸. In winter months when the hedge is not verdant, I am satisfied that the church spire would be more clearly visible from Station Road. A clearer, unimpeded view of the tower, albeit over a slightly longer distance is available from the path to the racecourse at the point of Dr Edis' Figure 82 and again on the same path slightly to the south after the footbridge over the brook. In all of these views the appeal proposal would have a harmful effect on the setting of the church by reducing visibility of the spire in a rural setting. In the case of the appeal site this has particular significance in being the last meaningful area of countryside fringing the 'Church Old Town' and its survival as an edge to clearly demarcate the period of medieval settlement including the church.
40. The layout of the appeal scheme is purposefully designed to create a central avenue through the housing development to establish a sightline to the church tower from Station Road and which would also line up to Dr Edis' Figure 82 viewpoint on the racecourse path. This is shown in a sketch vignette¹⁹ for purely illustrative purposes. Whilst the tower and upper parts of the church would be revealed it would be experienced in the context of a dominant suburban foreground with any sense of rurality significantly diminished. I do not consider this design approach significantly reduces the harm. Overall, I find there would be less than substantial harm to the setting of the church and this would be at the low end of any range of such harm. I am mindful, however, that this harm would be to a particularly fine Grade I heritage asset, which has significant community value. Accordingly, even a low level of less than substantial harm must weigh heavily against the proposal.
41. Pollard House is a Grade I listed building whose heritage significance is mainly embodied as a fine example of a surviving Fifteenth Century Wealden Hall House with a later Sixteenth Century jettied cross wing. As recorded on the listing description, this later element contains a "rare survival" of an original medieval shopfront. The building forms part of the edge of the "Church Old Town" group and so its position in marking the extent of medieval settlement and the stasis that followed, in terms of the preservation of the proximity of countryside to the south-east is a moderate part of its heritage significance. In terms of setting, the principal experience of Pollard House is as part of the grouping of other buildings forming the entrance to the southern side of the churchyard. I do, however, for similar reasons as set out above for the church, consider that the current openness and rurality of the appeal site a short distance to the south-east of Pollard House is a spatial aspect of its setting. Additionally for Pollard House there would be some direct, limited visibility of the appeal proposal from the first floor window of the jettied cross wing

¹⁷ There was some dispute at the Inquiry as to the status and accessibility of the footpath connecting from Racecourse Road to Lingfield railway station. It is a generous tarmac path with streetlamp lighting. There is nothing at either end of the path to say access is restricted. On all site visits I have undertaken (various times of the day and none coinciding with a race meeting) I have observed several people using this path. A viewpoint from this path is assessed by Dr Edis (his Figure 82) and he does not dispute the accessibility of this path (paragraph 3.5, footnote 29).

¹⁸ Also STAGs Viewpoint B and Dr Edis' Figure 53.

¹⁹ Core Document 1.21 Drwg 2661 C 1053 Rev A

between the Star Inn and its outbuilding to the north. Whilst the Star Inn provides a considerable physical intervention, a clear sense of rurality can be experienced beyond the Star Inn in the gaps to either side of the building, when approaching Pollard House from the south on Church Road or at the front of the building. This sense would be tangibly reduced by the extent and layout of the proposed development, even allowing for the proposed area of open space. This less than substantial harm in terms of impact on its setting would not be negligible but it would be very much towards the low end of any range of such harm. In coming to this view, I have given appreciable weight to the submissions of Historic England who share the Council's assessment of a low level of less than substantial harm.

42. Church House is a Grade II* listed building where the heritage significance mainly comprises its architectural quality and its scale as a building of some status reflecting its past function as a hostelry. In terms of setting as part of its significance there are some parallels to Pollard House in terms of being towards the edge of the medieval nucleus and the significance of the proximity of the appeal site in terms of the original rurality of the Church Old Town group. In respect of Church House, I consider the contribution of the appeal site to the setting to be slightly less because it is a building of later reconstruction which largely faces away from the appeal site with little evidence that upper floor windows were intended to take in the appeal site. Furthermore, the listing description, reflecting that Church House is somewhat further tucked into the Church Old Town group, purposefully states that it forms an "important part of the approach to the Church." The same is not said of Pollard House. As such I consider the aspect of setting provided tangentially by the appeal site is not as significant to appreciating the heritage significance of Church House as it is for Pollard House and so it would be reasonable to conclude that the scale of less than substantial harm would be minimal.

Setting of New Place

43. New Place is a Grade II* listed building of early Seventeenth Century origin. It is a substantial house, in the Jacobean style, sitting within its own grounds, the most immediate of which are contained within a substantial and separately listed wall. Its heritage significance derives from a combination of its architectural quality, including the durability of materials used and the quality and detail of its openings. Its heritage significance also derives from its status as a building of some grandeur conceived to be experienced as a stand-alone country house. In terms of setting, the house is orientated to be principally experienced from the east, from what is now Station Road. The contained garden grounds to the west are also an important part of its immediate setting. I also consider, however, that another important dimension of its setting is the intervening countryside at the appeal site, which serves to reveal that New Place was established as a separate, satellite development in the countryside rather than extending from the Church Old Town core established earlier by the de Cobham family. Another aspect of the setting to New Place is the interrelationship to the nearby New Place Farm to the south-west and the extent to which the appeal site was in common ownership as farmed land associated with New Place.
44. In terms of the appeal proposal there would be no impact on how the building is experienced from Station Road. There would be scant intervisibility within New Place with the proposed dwellings due to the orientation of openings,

intervening vegetation and the buildings at New Place Farm. There would be no interruption of any significant views from within New Place towards historic Lingfield. The dynamic between New Place and New Place Farm would not be affected by the appeal proposal. Within the contained private grounds of the house there would be only a limited physical awareness of the proximity of the proposed development. There would, however, be harm to setting arising from the significant physical loss of intervening countryside and a consequent enclosure and final enfolding of New Place into the built-up area of Lingfield, significantly eroding the original, detached countryside origins of New Place. I share the assessment of Historic England that the proposed buffer zone of open space to the west of New Place would not be sufficient to maintain a meaningful sense of rurality to New Place. Overall, the harm identified to the setting of New Place would be less than substantial and towards the low end of such harm.

Lingfield Conservation Area

45. The Lingfield Conservation Area (LCA) encompasses the historic core of settlement at Lingfield, including the 'Church Old Town' assemblage. The LCA also extends east of the Church Old Town group to include various parcels of open land as far as and to include the substantial dwelling at New Place and the nearby New Place Farm. The latter has been converted to residential units but is recognised as a non-designated heritage asset. Whilst there is not a Conservation Area Appraisal²⁰, in my assessment the delineation of the LCA decisively sought to envelop an important dimension of the evolution of the settlement morphology of Lingfield in terms of New Place establishing close to, but separate from, the earlier medieval core in Lingfield. Whilst the appellant queries the rationale for the boundary of the LCA as it crosses open land in the southern part of the appeal site and the direct heritage value of the appeal site, by reference to archaeology and other matters, I also note that there is little dispute that the LCA boundary has been purposefully drawn²¹.
46. Notwithstanding the development of the Star Inn in the early Twentieth Century and the later residential development at New Place Gardens, the LCA encompasses an appreciable area of open land that still allows for the historic relationship between the medieval core and New Place to be tangibly experienced and understood. The heritage significance of the LCA is its encapsulation of the pattern of historic development in Lingfield as a rural settlement in the Low Weald.
47. As set out above, the degree of proposed open space and buffering to PROW381a and the retained garden land to New Place, would not mitigate the fact that the scale and layout of the appeal proposal would extensively remove any meaningful sense of separation between Church Old Town and New Place. There would be significant harm to the ability to appreciate and understand historic settlement pattern in this part of Lingfield. The proposed development would also extend into open farmland forming the immediate setting to the south of the LCA and the New Place group including New Place Farm. This projection of development would further adversely impact on the ability to read and understand the historic settlement pattern contained within the LCA.

²⁰ Initial preparatory work for a CAA has been undertaken by Lingfield Parish Council and Surrey County Council but there is not an advanced output to inform this decision.

²¹ Dr Edis Proof of Evidence, paragraph 3.3, footnote 27.

48. In terms of experiencing this harm, I am satisfied, as set out above, that the loss of openness and rurality of the appeal site, whilst not strongly visible, would be perceptibly experienced from within the LCA on Church Road between the gaps either side of the Star Inn in terms of noise, lights and glimpses of rooftops, including above what is currently a modest marquee structure to the south of the pub. The impact on the LCA would be readily and significantly experienced on PROW381a due to the proximity of proposed development in both the north and north-western parcels either side of the path and with the new vehicular highway crossing over the path. Additionally, the harmful loss of openness and consolidation of settlement would be highly experienced in the setting of the LCA from Town Hill and Station Road and more widely to south-east on Racecourse Road and from the racecourse path.
49. The appellant asserts that the less than substantial harm to the LCA would be at the middle of any range. Historic England comment that the harm to LCA would be 'middling' in any less than substantial spectrum. The LPAs position is at variance to this in concluding that the less than significant harm would be at the upper end of the range. Clearly the appeal proposal would not result in the total loss of the heritage significance of the LCA but it would significantly, permanently infill an open area that is key in revealing historic settlement pattern in Lingfield. New Place and New Place Farm would become subsumed within a pattern of modern residential development and their original rural identity would be irrevocably lost. The appeal proposal, through the direct loss of open land intrinsic to understanding historic settlement pattern and the evolution of Lingfield would inherently fail to conserve and enhance either the character or appearance of the LCA. Accordingly, I arrive at my own conclusion that the less than substantial harm would be in the upper half of any range, above the mid-point.
50. In coming to this assessment, I give credence to the submissions of Mr Reynolds that when looking at the heritage significance of the LCA one should factor in the non-designated heritage asset at New Place Farm on the south-western edge of the LCA rather than potentially 'double counting' by dealing with New Place Farm separately. In terms of New Place Farm, its heritage significance as both being within the LCA and as a non-designated heritage asset is its spatial and functional relationship as the 'home farm' to the nearby New Place and its agrarian form and function connected to the tenure of the surrounding land of the appeal site, which is either within the LCA or its immediate setting. The buildings have been converted to residential, but the original layout and character of the farm complex is still evident. The conical oast house and its cowl are prominent in numerous views from Town Hill providing a clear marker in the landscape of the agrarian heritage in this part of Lingfield parish. Due to the adjacent fields, including those of the appeal site, New Place Farm is generally detached from the pattern of built-up development in Lingfield and remains to be mainly experienced as a rural heritage asset.
51. Layout is not a reserved matter and the proposal to position a particularly large building²² immediately to the south of New Place Farm within an extensive area of car parking would insensitively overwhelm the form and scale of the original farm buildings. In my view, it would be a particularly poor design response. It

²² Whilst scale and appearance are reserved matters, the sizeable footprint of the building on the fixed layout plan is consistent with Section 5.2 of the Design & Access Statement which shows a bulky apartment building.

would remove the rural setting of the buildings, and firmly incorporate them within a modern housing development. I recognise that a considerable part of the setting of New Place Farm is the spatial relationship to New Place and this would not be interrupted by the appeal proposal. However, the immediate land of the appeal site informs the very purpose of the origins, function and form of the buildings and this sense and relationship would be harmfully lost.

52. At present there are several uninterrupted views along Town Hill of the Oast House and its distinctive cowl as well as other parts of New Place Farm. Having regard to the proposed layout details all but one of these views would be fundamentally lost with the proposed development. The one retained view from Town Hill is purported to be from the proposed access road junction. Based on the proposed layout the principal access road does not align with the position of the Oast House. Any view would be limited to a point at the extreme south-east of the proposed access road junction. As such I do not share the appellant's assessment that the appeal scheme would positively frame a view to the Oast House and the New Place Farm buildings. In contrast to what is currently an unimpeded view of the historical farm complex in its intended arcadian setting, the consequence of the appeal proposal would be to reduce a view of the Oast House to a relatively narrow sightline where modern housing development in the foreground would harmfully dominate and interfere.
53. All of this reaffirms in my view that an assessment of less than substantial harm to the heritage significance of the LCA is somewhere between the middle and upper end of the range of such harm.

Heritage Benefits

54. The appeal proposal would deliver new areas of accessible open space, including notably an area to the north-west of the site adjacent to the Star Inn. Within this area there would be views of parts of the church and elements of Church House and Pollard House. The views of the church would not be comparable to the longer-range views from Station Road and on the racecourse path where the spire is experienced within a wider, deeper rural setting. There would be a strong sense of enclosure at the proposed open space with modern housing and the Star Inn being dominant features. As such I only give very limited weight to the potential heritage benefit of public views from what is currently private land.
55. As set out above, I acknowledge the scheme seeks to retain two views across the site to the church and New Place Farm oast. As a consequence of the layout and amount of development proposed (both of which are fixed for determination as part of this appeal) I find these views would be compromised in the extent to which they could positively reveal the heritage significance of the assets. In balancing this against the views that would be lost there would be minimal beneficial gain.

Emerging Plan and Heritage

56. As set out above, the eTLP inspector, despite having the Sustainability Appraisal (SA) report and the Tandridge Landscape Capacity and Sensitivity Study 2017, nonetheless requested additional evidence in relation to the effect on the significance of heritage assets. The SA itself identified that the heritage impacts of a 60 dwelling scheme were minor negative/uncertain, indicating a

degree of harm. I am advised that Mr Reynolds' evidence to this inquiry would have formed the District Council's assessment had the eTLP examination advanced. I have no reason to disagree that this would have been case. Various proposed modifications by the LPA to HSG12 on plan submission (the red text) appear to indicate that the heritage impacts of a 60 dwelling scheme on HSG12 may have been under-estimated when preparing the eTLP. Accordingly, on the issue of effects on heritage assets, I find myself giving no weight to the emerging plan evidence base because of the unresolved concerns of the examining Inspector and the variance between what was tested in SA and the significantly different amount of development proposed in the appeal scheme.

Overall conclusion on heritage

57. For the reasons set out above, there would be less than substantial harm to the significance of various heritage assets. The harm to the setting of the Church of St Peter and St Paul, Pollard House and New Place would be at low end of less than substantial harm. Given these are Grade I and Grade II* listed buildings that degree of harm, to some of the most nationally important heritage assets, is not to be regarded lightly. The less than substantial harm to the setting of Church House would be slightly lower than those above. In respect of the direct effect on the LCA and the impact on its setting, including the presence of New Place Farm as a non-designated heritage asset within the LCA, the less than substantial harm is at a point between the middle and upper end of any range of such harm.
58. The proposal would be contrary to CS Policy CSP18 and TLPP2 Policy DP20 by virtue of failing to respect the character, setting and local context, including heritage assets that contribute to local distinctiveness. Specifically, the proposal would not protect, preserve or wherever possible enhance the historic interest and setting of the District's heritage assets and historic environment. Paragraph 189 of the NPPF states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The NPPF states at paragraph 199 that great weight should be given to an asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 199 goes on to say, that this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states that any harm either directly or from development within its setting, should require clear and convincing justification. In this appeal, there is no dispute that the harm would be less than substantial, and I do not arrive at a different conclusion, and so paragraph 202 of the NPPF states that such harm should be weighed against the public benefits associated with the proposal.
59. Importantly, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special regard to the desirability of preserving a listed building or its setting. Similarly, Section 72(1) of the Act²³ requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. These are stern

²³ Engaged by virtue of the appeal site comprising land within the LCA.

tests and as such it is incumbent that I attach considerable importance and weight to the harm that has been identified.

The effect on the character and appearance of the area and whether valued landscape

60. Under this main issue I deal first with general character and appearance matters including whether the appeal site is valued landscape for the purposes of NPPF paragraph 174 a) and then secondly whether the proposed layout for 99 dwellings would be an appropriate response to the local character given it would not be a reserved matter for future consideration.
61. The appeal site comprises an intimate patchwork of pastoral fields, generally enclosed by hedging of various density and height. There are occasional trees on parts of the site closer to the Star Inn and numerous trees sporadically around the edge of the site, particularly to the north. I appreciate my site visits have occurred in summer when deciduous trees and hedging are in full leaf but in various perspectives around the site, built development is not a particularly strong or consistent feature, with long-established development on Town Hill, Church Road and Station Road generally filtered through maturing vegetation. Indeed, when approaching the site from the south-east as Racecourse Road crosses the Eden Brook, the appeal site presents a bucolic scene in which any palpable sense of the adjacent modern settlement²⁴ at Lingfield is astonishingly absent. Overall, the appeal site is a remarkably intact verdant pocket of countryside at the south-east edge of Lingfield.

Valued Landscape

62. The appeal site does not fall within, nor is it immediately adjacent to, any national or strategic level designation which reflects a landscape character or quality dimension, for example, an Area of Outstanding Natural Beauty. Nor is the appeal site within a local landscape designation in an adopted development plan. The Surrey Landscape Character Assessment for Tandridge (2015) identifies the appeal site as within a landscape area of Low Weald Farmland, and specifically the Horley to Swaynesland Low Weald Farmland Landscape (referenced as area WF3). The WF3 area comprises a large tract of gently undulating land in Tandridge between the narrow band of Greensand hills to the north and the wooded hills of the High Weald to the south. I note the appellant's Landscape and Visual Impact Assessment 2022 (LVIA) states that WF3 is considered to have a "local/district value". This is defined as being locally or regionally designated landscapes, which is not the case here, or areas which site observation indicates as being more valued than the surrounding area.
63. The Low Weald Farmland landscape within which the appeal site is located is an area of generally attractive but otherwise relatively ordinary lowland farmland. I accept that the Landscape Character Assessment work is necessarily 'broad-brush' but the appeal site coherently fits within the wider host landscape rather than exhibiting a particular level of landscape characteristics that distinguish it on a very localised level.
64. The verdant character and openness of the appeal site is clearly appreciated by many in the local community, with this value potentially heightened by the

²⁴ By which I mean development from the late Nineteenth Century onwards

northern part of the appeal site being dissected by a very well-used public footpath. PROW381a connects large parts of the village to the train station, allowing for a pleasant rural walk in an otherwise large built-up village. Popularity, however, in and of itself is not a basis for a valued landscape²⁵.

65. The appellant has undertaken an assessment applying recognised guidance²⁶. The LPA has not undertaken to record a comparable methodical exercise. I attach appreciable weight to the Technical Guidance Note (TGN) which has overlap with the earlier Box 5.1 methodology in GLVIA3²⁷. Looking at the various landscape factors the site has some localised ecological value but no designations. It has cultural heritage value in terms of a large part of the site being within the Conservation Area and providing part of the setting to other designated and non-designated heritage assets. This could equally be said of many parts of the countryside and the site itself displays little to reveal a 'natural time depth'²⁸. As such I am cautious that cultural heritage alone elevates the site to a valued landscape. There are no associative connections to the site.
66. I accept there are relatively few striking views across the site and that the site possesses no wildness. Other than within the boundaries of PROW381a there is no formal or agreed public access to the site. I agree with Mr Croot's assessment that the landscape condition is relatively intact²⁹. I am, perhaps, more positive than Mr Croot regarding the distinctiveness and perceptual (aesthetic) qualities of the site, in terms of the contribution it makes to the character and identity of the historic core of Lingfield and sense of arrival from the south-east. However, having regard to the TGN and what it says about distinctiveness and scenic and perceptual qualities I am clear I should not conflate my observations of what is a pleasant, bucolic approach and area within Lingfield with a landscape that distinctively confers a strong sense of place.
67. In looking at the evidence on valued landscape in the round, I have also considered the Tandridge Landscape Capacity and Sensitivity Addendum 2017. This assessed the appeal site under reference LIN030 providing a scoring mechanism for landscape value against recognised factors. The overall value judgement score is 20 which is 'moderate'. I note the range for moderate is 16-21 placing the site towards the upper end of the spectrum but I see nothing irrational in the component scores. It confirms my view that the appeal site has some strong landscape qualities, but these make the site a 'good' ordinary rather than something exceptional or substantial in landscape terms that elevates the site "beyond mere countryside".
68. It is finely balanced but, overall, I am satisfied that the appeal site does not meet a threshold to be considered a valued landscape for the purposes of NPPF paragraph 174 a).

²⁵ Stroud District Council v. SSCLG & Gladman Developments Ltd [2015] EWHC 488 (Admin)

²⁶ Landscape Institute Technical Guidance Note (TGN) 02/21: Assessing landscape value outside national designations.

²⁷ Guidelines for Landscape and Visual Impact Assessment – 3rd Edition 2013

²⁸ Archaeology, historic field patterns etc

²⁹ Table 1, para 6.3.1. Proof of Evidence of Ben Croot

Landscape – character and appearance

69. The appeal site is redolent of intrinsic key characteristics for the host WF3 landscape. These are set out in the Surrey Landscape Assessment for Tandridge at pages 78-9 and those applicable to the appeal site include, the low-lying landscape with some undulation, the occasional areas of smaller pastoral fields (my emphasis); and the consistent network of well-maintained hedgerows. Whilst the WF3 landscape wraps around several built-up areas (including Lingfield) it is described as a relatively peaceful landscape with limited settlement, particularly to the east³⁰.
70. The landscape guidelines for WF3 advise that built development should conserve the pattern and character of existing settlements, resisting spread and to conserve and enhance the landscape setting to villages and edge of settlement. It goes on to advise that distinctive open areas should be conserved, and that built form be integrated by woodland edges, hedgerows and open areas linked to the existing network. Incontestably, the appeal proposal would result in the loss of one of the occasional areas of smaller pastoral fields, key to the character of the host landscape. Whilst various areas of landscape buffer and open space are proposed these would be largely of a suburban amenity character due to the dominance of modern housing and parked vehicles adjacent to these areas. Accordingly, there would be little effective mitigation for the substantial area of pastoral land lost to development. Due to the extensive projection of development beyond the mid pinch-point of the site into an area more prominently experienced in the rural approach to Lingfield from the south-east, the proposed extent of landscaping and retained boundary hedging would not conceal the visible spread of development or significantly reduce its urbanising presence. Overall, the appeal proposal would negatively impact on several key characteristics of the host landscape type.
71. Tellingly, the Tandridge Landscape Capacity & Sensitivity Study 2017 advises in relation to landscape capacity: “The site is potentially suitable for limited development within the northern part of the site, in association with the existing surrounding development, provided it has regard for the existing character of the area and demonstrates no adverse impacts on the surrounding local landscape...” (my emphasis). The appeal proposal would be at significant variance to this. The proposed layout and mitigation would not reduce the landscape or visual impacts to an acceptable degree, in large part due to the extensive volume of development, including breaching beyond what is arguably a stronger point for both landscape containment and assimilation with the existing settlement pattern.

Layout

72. The appeal site comprises three distinct parcels of land. There is a discrete, small parcel of land north of PROW381a which is shown to accommodate 9 dwellings. To the south of the footpath are two larger rectangular parcels of pastoral fields which are diagonally adjacent to each other on a north-west to south-east axis and nipped in the middle by a pinch point located between the eastern most dwelling on Town Hill and New Place Farm³¹. The remaining balance of 90 dwellings to the south of the footpath appears to be broadly

³⁰ The appeal site is in the east of the WF3 landscape area.

³¹ More eloquently described by others as taking the form of the wings of either a butterfly or a bat.

evenly split between the two areas. The north-west area would, in plan form, be better related to the existing pattern of residential development on Church Road and Town Hill. The south-east portion would result in the proposed housing markedly extending out into open countryside forming a new built edge to Lingfield along Town Hill and Station Road where there would be limited relationship to existing development. This change in countryside character would be accentuated by the sole vehicular access to the development being taken from what is currently a rural part of Town Hill which is not strongly or visually related to existing development to the west.

73. Highway access is shown to significantly extend into and around the site to serve the somewhat disjointed parcellated form of the appeal site. Additionally, the proposed spread of a moderately low density across the site has produced a layout with a notable use of cul-de-sac arrangements. Elsewhere dominant areas of parking courts are proposed to serve apartment development. Overall, I find the extensive degree of highway environment would have a significantly harmful urbanising effect at the appeal location.
74. With regards to the relationship to adjoining development, the appeal proposal, even at an estimated indicative density of around 23.5dph³² would be moderately denser than development on Town Hill and Church Road. Whilst I note Core Policy CSP19 envisages a density of 30-40dph in rural areas, the appeal site has significant sensitivities which means a bespoke approach is required³³. To some extent that appears to have informed the assessment of 50-60 dwellings for the site as part of the eTLP process and the proposed content of Policy HSG12. Whilst the outward facing plots around the south and east perimeter would follow the rhythm of housing on Town Hill they would be on much shallower plots. As such the proposed development behind would readily reveal the overall higher density in these perspectives, thus limiting the extent of replication and assimilation with the character of the established dwellings on Town Hill and Church Road.
75. Elsewhere around the appeal site where there is limited development, such as New Place Gardens, Station Road (including Heatherwell House) and New Place Farm this is low to very low density and generally it tends to subtly blend into the verdant edges of these parts of Lingfield. The proposed layout would not be a sympathetic response to this. For example, there would be a small but notable, one-off cluster of relatively dense development north of PROW381a which would have a very limited relationship to the surrounding pattern of development. Similarly, the layout and density of development between New Place Farm and Station Road would significantly jar with the more dispersed pattern of development to the north. Furthermore, as set out above, the proposed layout would unduly dominate and urbanise the rural New Place Farm through a harmful combination of proximate bulky buildings and a swathe of car parking across two areas.
76. Landscaping is proposed at the southern and eastern edges of the site, including provision for sustainable drainage features. The details of this landscaping would be controlled at any reserved matters stage but the depth of this buffer is relatively modest along Town Hill and thin along the northern part of Station Road boundary. Given the likely footprint and proximity of the proposed dwellings and the dominance of frontage cul-de-sac arrangements I

³² Dwellings per Hectare, figure taken from Design and Access Statement, page 49.

³³ Applying 30-40dph would result in a capacity of 189-252 homes, Deely Proof of Evidence para 7.4.

find the proposed scope for landscaping would have only a limited effect in mitigating the visual impact and projection of development into what is currently a distinctly rural location. Whilst I accept that visibility of development can serve as a means of wayfinding, I find that to be minimal relevance or benefit here.

77. Ultimately, the site is countryside with a prevailing rural character despite the proximity of some development. Some parts of the site clearly have a greater capacity to accommodate development than others. I am mindful that the site is highly sustainably located, close to facilities in Lingfield, a train station with frequent services and there are various bus stops around the site. NPPF paragraph 124 supports the tenet of making efficient use land, albeit caveated at point e) in terms of the desirability of maintaining the area's prevailing character and setting. The proposed approach of evenly spreading a major development of 99 dwellings with only modest buffering to sensitive edges (or not all in the case of New Place Farm) and necessitating extensive highway to access to various parts of the site means a particularly harmful urbanising effect would result which would fail to be a sympathetic response to local character.

The crossing of PROW381a

78. I am satisfied, having regard to the Statement of Common Ground Addendum on the PROW³⁴, that highway access to the northern parcel of land could be safely achieved. However, in doing so, some mature boundary vegetation either side of the footpath, at what is currently a notably rural and secluded part of the path, would need to be removed. Whilst landscape buffering is proposed in this part of the appeal site, due to the required degree of opening up to get the road safely across the path with sufficient visibility for path users, the proposed housing development either side of the path would be highly conspicuous, particularly to the north. The rural nature of the path would be further eroded by the physical interruption of the new road across it. Whilst this road would only be lightly trafficked it would nonetheless, in combination with the removal of mature vegetation, harmfully interfere with the rural, tranquil nature of the footpath. I consider the urbanising effect the character and experience of using the pleasantly rural PROW381a would be a further moderate harm under this main issue.

Character and Appearance and eTLP evidence

79. In terms of the harm to character and appearance I am mindful that the entire appeal site formed proposed allocation HSG12 and so some degree of change to character and appearance was clearly anticipated when the LPA submitted the eTLP. There are, however, a number of significant differences between submitted Policy HSG12 and the appeal proposal that have a bearing on this main issue.
80. Firstly, submitted Policy HSG12 estimated a site yield of 60 dwellings on the 6.2 hectares site and the evidence base in relation to HSG12 on plan submission was predicated on either on this capacity³⁵ or a lower figure of 50 dwellings³⁶. The appeal proposal represents a 65% uplift to the 60 dwellings

³⁴ ID11

³⁵ For example - "approximately 60 residential units" in the eTLP Sustainability Appraisal, CD10.6 p.293

³⁶ Green Belt Assessment Part 3 CD13.15

figure (noting the appeal scheme is fixed at 99 dwellings, and not up to 99 dwellings). Whilst the LPA confirmed as part of the plan examination that 60 dwellings was to be regarded as a minimum figure³⁷ no alternative or higher figure was either offered by the Council or recommended by the Inspector for HSG12 as being necessary for plan soundness. Indeed, the Council's response in TED17 specifically states at Section 5 that the submitted 60 dwelling yield estimate reflects "...conservation, town / landscape and environmental character constraints." No alternative figure had been tested or consulted upon over the following 4 years of the plan examination.

81. On any measure a 65% uplift in capacity is a significant difference to what the eTLP anticipated for the site. Furthermore, I find the evidence in Appendix 1 of TED17, which calculates a "possible revised capacity" figure of 151 dwellings to be of very limited relevance. It appears to be little more than a theoretical exercise on a standard density multiplier (60% net developable area at 40 dwellings per hectare) with little regard to the sensitivities of the appeal site. Indeed, it was put forward without the benefit of any detailed heritage assessment as sought by the plan inspector. There are no proposed modifications to the eTLP before me to indicate that such a capacity was ever seriously contemplated. Ultimately, the eTLP evidence base does not assess the ability of the site to accommodate 99 dwellings. This places significant limitations on any weight I should give the eTLP evidence base on the issue of character and appearance.
82. Secondly, the language of submitted policy HSG12 is unambiguous. It refers to supporting development where site-specific matters/requirements are addressed. A requirement ordinarily means something which is necessary or that must be satisfied. Part (iv) of the submitted Policy HSG12 states that: "To limit the impact to the wider landscape, development should be focused toward the areas adjacent to existing built form and the north of the site." This part of the policy was not proposed for modification on plan submission and there is no evidence that the plan inspector was seeking to recommend changes in this regard. By significantly extending development into the south and east of site and substantially breaching the obvious pinch point that defines the north of the site, the appeal proposal would not conform with this envisaged requirement. I do not consider the small range of buildings at New Place Farm and the pair of dwellings at the junction of Town Hill and Station Road provide a sufficient extent of 'built form' to which development in the south-east parcel could be related to in order to create an infill extension to the village. In large part the development in the south-east part of the site would harmfully project into open countryside contrary to what eTLP Policy HSG12 was clearly seeking to achieve.

Conclusion on character and appearance

83. I conclude that the proposed development would have a significantly harmful effect on the character and appearance of the area. In failing to preserve and enhance landscape character it would be contrary to CS Policy CSP21. It would also be contrary to TLLP2 Policy DP7 due to neither integrating effectively with its surroundings nor reinforcing local distinctiveness and landscape character. The proposal would also conflict with paragraph 174b) of the NPPF insofar as it seeks to recognise the intrinsic character and beauty of the countryside. In

³⁷ Document TED17 – Tandridge District Council Allocated Housing Site Yields – October 2019 – Section 2

terms of design and the urbanising effect, the proposal would be contrary to CS Policy CSP18 which requires, amongst other things, that development must reflect and respect the character, setting and local context. There would be further conflict with TLLP2 Policy DP7 in terms of respecting and contributing to character and appearance of the area, being in keeping with the prevailing landscape/streetscape and by avoiding overdevelopment or unacceptable intensification. In terms of design the layout of the proposal would not accord with NPPF paragraphs 126 and 130 in terms of achieving well-designed places as a key aspect of sustainable development. The development would not add to the overall quality of the area (NPPF paragraph 130a), it would not be visually attractive as a result of good layout and effective landscaping (NPPF paragraph 130b), and it would not be sympathetic to local character and landscape setting (NPPF paragraph 130c). NPPF paragraph 134 states that development that is not well designed should be refused.

Other Considerations

Housing Delivery

84. Due to the circumstances with plan-making, the appropriate measure is the latest local housing need using the recommended 2014 household projections. The LPAs latest 2022 Annual Monitoring Report says there is 1.57 years supply although there is persuasive evidence before me that it is now likely to be even less at 1.54 years. Against either figure, the housing land supply situation in Tandridge is highly unsatisfactory. Recent housing delivery in Tandridge has been lamentable at just 39% of the required target.
85. Unfortunately, these circumstances are likely to have been exacerbated by the protracted eTLP process. Despite the LPA's Interim Policy Statement for Housing Delivery the situation is likely to worsen further in the short term in the absence of an up-to-date Local Plan. Whilst I recognise the District Council may not necessarily be starting with a blank piece of paper for any successor development plan to the eTLP, the hard reality is that in a district with 94% Green Belt, there will not be a plan-led approach to tackling housing delivery for some time. Given the significant objections to the nascent LNP, I am not persuaded that this plan will promptly provide a local framework for housing delivery in Lingfield. The situation regarding the eTLP and the realistic timeframe for any successor Local Plan means that housing land supply issues are unlikely to be resolved in any meaningful way through plan-making any time soon.
86. In light of the above, the appeal proposal would deliver 99 much needed homes with attendant significant social and well-being benefits that derive from giving households a decent home. This would accord with the aim of national planning policy to significantly boost the supply of housing and providing types and tenures of housing needed for different groups, including family housing.
87. I am mindful of the LPA's Interim Policy Statement for Housing Delivery and progress being made on some of the eTLP sites identified in the policy at Appendix A. I am concerned, however, that on closer examination the headline support for these sites in the policy has not necessarily transferred into practice. This is evidenced in the very recent appeal in early 2023 for 100 homes west of Limpsfield Road in Warlingham (eTLP site HSG15) where the LPA maintained an in-principle objection on Green Belt harm despite the site being identified in Appendix A. Other sites on the list appear to be taking some

considerable time to progress through the planning process. I am also directed to other developments, notably the recent St Piers scheme between Lingfield and Dormansland for 152 units³⁸. Whilst this provides some evidence of the LPA taking a positive approach to development proposals, ultimately, I am being referred to relatively few examples. Accordingly, I am not confident that, despite the interim policy, that there are currently sufficient signals to indicate a marked improvement in housing delivery is materialising in Tandridge in the short term, such that I should give reduced weight to the benefits arising from the delivery of an additional 99 dwellings.

88. Overall, in the context of a most optimistic figure of 1.57 years deliverable supply and against a recent backdrop of very poor delivery and having regard to the appeal scheme's ability to bring forward a variety of house types and sizes, the benefits arising from the proposed market housing must carry very significant weight.

Affordable Housing

89. Turning to affordable housing, the evidence before me in the District Council's latest housing strategy is of an annual need for 456 dwellings over a five year period (2019-2023 and then 284dpa thereafter to 2033). Given that average house prices in Tandridge are circa £500,000 and the evidence before me is that the District housing waiting list is just shy of 1,800 households, it is unsurprising that there is a significant need for affordable housing. Looking at the latest Annual Monitoring Report (AMR)³⁹, Table 2 shows the monitoring for CS Policy CSP4 and confirms that since 2006 only 68 affordable homes have been delivered on average each year. At the recent Warlingham decision it was considered that performance would decline with only 53 affordable dwellings likely to be completed per annum over the next 5 year period. Given the Warlingham appeal was allowed (with 40% affordable housing provision) that figure increases to approximately 61 affordable homes per year. Accordingly, I fully concur with my colleague at the recent Warlingham decision that the affordable housing situation in Tandridge is "extremely bleak"⁴⁰.
90. I was referred to the District Council's commendable efforts to increase the supply of affordable housing through amongst other things its own land assets⁴¹, but the scale of what is being envisaged would make relatively little inroads into the substantial scale of need identified. Particularly, when on closer scrutiny some of the schemes referred to are already accounted for in the housing trajectory in the AMR. Overall, there remains a pressing and acute need for affordable housing within the District.
91. The appeal scheme would deliver 40% affordable housing, which would be in excess of the CS Policy CSP4 requirement for 34% in this location. Through the submitted S106 this would be direct, on-site provision, over which the District Council would have nomination rights applying its choice based letting scheme to align provision with greatest need. Accordingly, I afford the benefit of 40% on site delivery of affordable housing very significant weight in favour of the appeal proposal.

³⁸ A scheme for extra-care (C2) units and so its impact on housing delivery would be adjusted downwards using the multiplier in the Housing Delivery Test.

³⁹ Core Document 9.5

⁴⁰ APP/M3645/W/22/3309334 – paragraph 72

⁴¹ ID20

Economic Benefits

92. The proposal would deliver economic benefits during the construction phase. Over the long term, future occupiers of the dwellings would contribute to the local and wider economy including expenditure in local facilities. The proposal would also be liable for CIL and generate annual Council Tax revenue. I give the economic benefits of the proposed development moderate weight.

Biodiversity

93. Baseline evidence records populations of grass snakes and an 'exceptional' population of common lizard at the appeal site, with approximately 0.3 ha of suitable habitat lost or affected. An Outline Reptile Strategy has been submitted which provides a basis for mitigation, including as a backstop the strategy of a translocation site. I have some reservations about the effectiveness of what is being proposed in terms of the preference to deliver a receptor area on-site within the proposed greenspace given the likely preponderance of cats and a general aesthetical desire amongst most people for tidiness and neatness that would be inimical to tolerating the kind of scrubby, scruffy habitat that would suit reptiles.
94. It may well be that a translocation site for reptiles would be more effective, and this would be secured through the S106 as part of any required offsetting. I also accept a condition could be imposed requiring further details on a reptile mitigation strategy prior to commencement. Whilst my concern regarding reptiles is not something that specifically weighs against the appeal proposal it does dampen, in my view, the extent to which any biodiversity benefits would flow from the scheme.
95. The site is likely to be of foraging value to other species including badgers and bats and of benefit to breeding birds and hazel dormice. I am satisfied that these matters can be appropriately addressed by conditions on landscaping, lighting and protective measures to be taken during the construction phase. The Parish Council raised particular concern regarding newts but the evidence before me, including from Surrey Wildlife Trust, is that they are unlikely to directly present on the site.
96. Biodiversity net gain (BNG) through a combination of habitat and hedgerow units shows there would be gain in excess of the minimum 10% which is shortly to be enacted through legislation. The BNG is committed to through a combination of condition (in terms of a Biodiversity Enhancement Strategy) and various obligations through the S106 to secure offsetting provision if required. The S106 includes a financial contribution towards biodiversity offsetting as well as securing off-site land (receptor site) and its ongoing management over a reasonable period. The S106 also makes provision to the District Council for monitoring the implementation of the various obligations relating to S106. The monitoring sum is significant at £120,000 but it is to endure for an appropriate period to ensue the necessary requirements are met and so is fairly and reasonably related in scale and kind. The proposed approach to biodiversity would generally accord with CS Policy CSP17 and TLPP2 Policy DP19. NPPF Paragraphs 174 d) and 180 d) seek to minimise harm and improve biodiversity in and around developments, especially where this can secure measurable net gains for biodiversity. Accordingly, and notwithstanding my reservations about the potential effectiveness of mitigation

for a valuable reptile population, I afford the environmental benefits arising from the predicted biodiversity net gain moderate weight.

Highways

97. The proposal is supported by a comprehensive Transport Assessment which forecasts the likely vehicle trip rates to be generated by the development using widely recognised formula. I have observed that traffic levels on this road can get busy at peak periods, but it appears to be a reasonably free-flowing road. Whilst there is some local concern about the speed of traffic at this location, I attach significant weight to the absence of an objection from the local highway authority on highway safety grounds, subject to the imposition of conditions. The proposed visibility splays at the junction with Town Hill would reflect the local highway conditions including recorded speeds. There is nothing substantive before me to demonstrate that the proposed point of access would be unsafe or have an unacceptable impact on the road network more generally. As set above residual concerns regarding highway safety where a proposed access road crosses the PROW 381a have now been resolved through detailed technical drawings, which could be secured by condition. I am satisfied that the proposed arrangement shown in the drawings would be safe for all highway users including those using PROW381a. Consequently, the appeal proposal would be acceptable on highway safety grounds and there would be no conflict with Policy DP5 of the TLPP2 or with paragraphs 104a), 110b) and 111 of the NPPF.

Sustainable Location and Climate Change

98. Lingfield has very good sustainability credentials including a range of services and facilities within walking and cycling distance of the appeal site. The appeal site is within very short walking distance of the train station which benefits from regular and direct train services to nearby towns and into London and there are bus stops on both Station Road and Town Hill with a reasonable frequency of service⁴². There is a very good prospect that future occupiers of the appeal scheme would not be reliant on the private car and modal shift could further be enhanced by the proposed planning obligation to improve bus stops in the vicinity of the site and through the provision of cycle storage in the scheme and a travel plan both of which could be secured by condition. The appeal proposal would be highly sustainably located in accordance with NPPF paragraph 105. I consider this to be a significant benefit weighing in favour of the proposal.

99. A small part of the appeal site close to Station Road is within Flood Zone 2. No built development is proposed in this area and it would form part of the landscaped area to the south-east of the site. The S106 contains obligations requiring that a Sustainable Drainage System (SuDS) is implemented in accordance with approved details and maintained and kept free for that use. Whilst there were some reservations about the effectiveness of the proposed approach, these have now been resolved⁴³ subject to the S106 and the imposition of conditions. Accordingly, there would be no conflict with TLPP2 Policy DP21 or paragraphs 167 and 169 of the NPPF.

⁴² See Appendix A to McMurtary Proof of Evidence, especially Figure 3.2 and Tables 3.1 and 3.2

⁴³ ID9

100. The homes would be constructed to latest energy efficiency standards and incorporate measures for electric vehicle charging. I attach moderate weight to these environmental benefits.

Planning Obligations

101. I have dealt with those planning obligations relating to affordable housing provision and BNG in terms of the weight to be given to benefits that would arise in the preceding paragraphs. Planning obligations would also provide for open space, including play area provision and for the ongoing management of these areas. Such provision is required by CS Policy CSP13 and TLPP2 Policy DP18 and would accord with NPPF paragraphs 92 and 93. Whilst the open space and play area could be used by the wider community as it is provision which largely mitigates demands arising from the development, I have treated its provision as neutral in any planning balance.
102. Planning obligations would also provide for “highway works” comprising a new pedestrian crossing over Station Road and improvements to bus stops in the vicinity of the appeal site on Town Hill, Church Road and Station Road including shelters, accessible height kerbing and real time passenger information. This would support modal shift in accordance with CS Policy CSP12. What is being sought would meet the relevant legal tests and so I have taken the “highway works” obligation into account. What would be secured would represent an improvement on existing provision, including safer means of crossing the highway to reach the railway station, which would have wider benefits for the local community, particularly those without access to a car. This would amount to a modest social and environmental benefit in favour of the appeal proposal.
103. A separate contribution of £32,000 is proposed to fund improvements to PROW381a. I observed that the footpath has a tarmacadam surface along its entire length and lighting columns at regular intervals. There are places where the path surface is either narrow or particularly uneven and/or beginning to disintegrate. The path would serve the appeal proposal as one of the means of pedestrian connection. The LPAs CIL Compliance Statement provides details of how the sum has been calculated and I find it would be reasonably related in scale and kind to the appeal proposal. As such I have taken the obligation into account and assign it positive weight in the overall balance in terms of the wider benefit to Lingfield from enhancements to what is clearly a well-used path.
104. A planning obligation is presented to contribute £300,000 towards the installation of a mobility impaired persons access at Lingfield station. At present the station has a stepped footbridge for passengers alighting on the platform from the London direction or for travel to East Grinstead, which disincentivises impaired mobility persons from using the train, including future occupiers of the appeal proposal. The District Council’s Infrastructure Delivery Plan identifies the project, and it was specifically referenced in Policy HSG12. A project prepared by Network Rail to install lifts is costed at £6million, which is not yet fully funded or in receipt of any CIL monies. CS Policy CSP12 seeks that new development contribute towards improvement to rail facilities including accessibility. The obligation would contribute 5% to the overall cost which I consider to be fairly and reasonably related in scale and kind. As such I have taken the obligation into account.

105. A planning obligation is proposed to contribute £224,330 towards re-provision of existing doctor surgery facilities in Lingfield. There is little dispute that the existing surgery facility in the village is too small. Policy HSG12 sought such a contribution in relation to the proposed eTLP allocation. The contribution would be in accordance with CS Policy CSP11 in terms of providing additional capacity to meet the needs arising from the development with further explanation provided in the Council's CIL Compliance Statement⁴⁴. As such I find the obligation would meet the relevant tests but again as mitigation to meet demands of the development, I treat it as neutral rather than something positive in any balance.

Other Matters

106. I have been referred to other appeal decisions, including those where very special circumstances for inappropriate development in the Green Belt have clearly outweighed the harms identified. As a general principle, however, each case must be determined on its own merits and on the particular facts of the case. There are two recent appeals (Warlingham⁴⁵ and Billericay⁴⁶) which I consider have the greatest relevance to the circumstances before me.

107. As a very recent appeal decision in Tandridge District for major residential development of 100 homes in the Green Belt, on a site proposed for allocation in the eTLP (site HSG15) the Warlingham decision is clearly a notable material consideration for this appeal. I have arrived at a comparable conclusion to this decision in relation to the economic benefits of what are almost identically scaled schemes. In relation to general housing and affordable housing delivery I have arrived at a different conclusion of very significant weight (as opposed to significant weight) mainly because of the situation with the eTLP examination and the ramifications that there will now be a further hiatus before there is any plan-led grip on meeting the housing requirement in Tandridge.

108. On the other hand, there are significant differences which limit the extent to which the Warlingham scheme provides a basis on whether very special circumstances exist at the appeal site before me.

109. Firstly, the Warlingham scheme would deliver the re-provision and enhancement of a sports facilities, a benefit which does not apply here. Secondly, the Warlingham scheme did not entail any heritage harm and concluded that there would be no unacceptable harm to the character and appearance of the area. The absence of such 'other harms' in determining whether very special circumstances exist is materially different to this appeal. Thirdly, whilst matters have moved on with regards to the eTLP examination since March 2023, I note in the Warlingham decision that no specific soundness concerns were raised by the examining inspector on site HSG15 in contrast to the circumstances at this HSG12 appeal site⁴⁷. Accordingly, that would inform a different assessment against paragraph 48(b) of the NPPF in terms of weight to emerging Local Plan policy than the situation before me. Allied to this, the Warlingham appeal site, unlike the appeal site before me, is positively identified in the District Council's Interim Policy Statement for Housing Delivery. Consequently, on the substantive matter of reaching a view on

⁴⁴ ID26, in particular Appendix 1

⁴⁵ APP/M3645/W/22/3309334 – Land West of Limpsfield Road, Warlingham – decision dated 11 April 2023

⁴⁶ APP/V1505/W/22/3298599 – Land North of Kennel Lane, Billericay – decision dated 9 December 2022

⁴⁷ Paragraph 59 of 3309334 refers to the "evident lack of unresolved objections to the principle of the proposed housing allocation on the appeal site in Policy HSG15 in the ELP" and paragraph 48 of the NPPF.

whether very special circumstances exist I find the Warlingham decision, overall, to be of limited applicability and weight.

110. Turning to the Billericay decision, and having regard, in particular, to NPPF paragraphs 147 and 148, I share my colleague's assessment in that case that demonstrating very special circumstances represents "an extremely high policy bar to cross"⁴⁸. Whilst the Billericay decision states that the Green Belt Review evidence for the withdrawn Local Plan weighed "very heavily" in favour of the appeal in that case, I have relatively few details about the Local Plan and have to assume there was reasonable synergy between the appeal proposal capacity for up to 200 dwellings and the proposed local plan allocation, which is not the case in this appeal. Ultimately, the Billericay decision hinges on Green Belt harm and no other harms, which again is materially different to the circumstances before me and so limits the weight I can give to this decision in terms of withdrawn Local Plan evidence and whether very special circumstances exist.

111. Details are provided of an unimplemented scheme for 51 dwellings on the appeal site granted planning permission in August 1970 under reference GOR/475/70. This scheme preceded the designation of the LCA in 1972. It was also granted prior to the increased professional understanding and policy guidance of such matters as historic environment, landscape and design quality. Accordingly, I do not consider it a material consideration for this appeal, which is taking place some 53 years later in a markedly different development plan and national planning policy context.

Whether any harm to Green Belt and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposed development.

112. In respect of the Green Belt, harm would arise from inappropriateness, the appreciable reduction in openness and conflict with two of the five Green Belt purposes. The identified harm to the Green Belt attracts substantial weight against the proposal.

113. In terms of other harms, there would be less than substantial harm to the significance of various heritage assets. There would be a high degree of less than substantial harm to the significance of the Lingfield Conservation Area, including its setting and significant harm to the setting of a non-designated asset within it. There would be a generally low level of less than substantial harm to various listed buildings. This low level of harm is nonetheless to four designated heritage assets of the highest significance being either Grade I or Grade II*. Whilst there would be some limited heritage benefits from additional public views, this would do little to reduce or lessen the harm identified. The identified heritage harm must be given very great weight given heritage assets are an irreplaceable resource, whose significance should be conserved and enhanced.

114. The harm to the character and appearance of the area, including the particular urbanising effects of the proposed development, attracts significant weight against the proposal.

⁴⁸ Paragraph 71 of 3298599

115. In terms of the other considerations, I have given very significant weight to the provision of both market and affordable housing as positive benefits that would arise from the appeal proposal. The proposed housing would be highly sustainably located being close to services, facilities and good public transport and this also attracts significant weight in favour of the appeal proposal. Moderate weight is given to the economic benefits that would arise. Limited weight is given to the benefit of biodiversity net gain and moderate weight to the benefits of new homes built to latest energy efficiency standards. The benefits that would arise for the wider community from enhancements to PROW381a, improved bus stops, safe pedestrian crossing of Station Road and financial contributions to accessibility measures at Lingfield station are all of moderate weight.
116. I have also taken into account the other consideration that the appeal site was allocated in the eTLP under Policy HSG12 and that various evidence base documents prepared by, and for, the District Council sought to demonstrate that exceptional circumstances existed for altering the Green Belt at this location to facilitate sustainable housing development. As set out in my decision, the appeal scheme is significantly at variance with Policy HSG12 and parts of the accompanying evidence base. The examination on the eTLP has now all but unsatisfactorily finished at the time of writing this decision and the examining inspector's soundness concerns regarding the heritage impacts of HSG12 remained unresolved. As such, I have variously given either only limited or nil weight to the eTLP and its evidence base being in support of the appeal proposal. Therefore, the proposed allocation in HSG12, adds little in my view, as part of any 'other considerations' that should weigh in favour of the appeal proposal. Moreover, the threshold for exceptional circumstances required when reviewing Green Belt boundaries through the prism of strategic plan-making as part of the eTLP process is materially different to the extremely high bar needed to demonstrate very special circumstances.
117. In having regard to the other considerations in this case, they do not clearly outweigh the harms I have identified. Consequently, the very special circumstances necessary to justify the proposed development do not exist. The appeal proposal would therefore conflict with TLLP2 Policies DP10 and 13 and national planning policy as summarised above, notably paragraph 148 of the NPPF.
118. As set out above there is no five year supply of deliverable housing land and various development plan policies that are most important for determining the application are out-of-date. In terms of the application of paragraph 11(d) of the NPPF and whether planning permission should be granted (subject to Section 38(6) of the 2004 Act) I turn first to limb (i) of the paragraph.
119. In respect of heritage matters, the less than substantial harm identified, should be weighed against the public benefits of the proposal in accordance with paragraph 202 of the NPPF. Whilst I have found that the less than substantial harm to the setting of various Grade I and Grade II* listed buildings would be to the lower end of any spectrum of less than substantial harm, I cannot overlook that this harm would be to heritage assets of the highest national significance. Moreover, the direct harm to the significance of the LCA would be firmly above the middle of any range of less than substantial harm.

120. Heritage assets are an irreplaceable resource, and the last vestiges of the conservation area's rural qualities, providing an important demarcation between the historic edge of the medieval core and later satellite settlement at New Place, contributing to the heritage significance in terms of the setting of the listed buildings, would be irrevocably eroded to an unacceptable degree. Whilst the cumulative benefits of the appeal scheme are considerable and there would be a limited heritage benefit in terms of newly created viewpoints, I do not find the public benefits would outweigh the harm to heritage assets.
121. Consequently, when considering limb (i) of paragraph 11(d) of the NPPF I am drawn to footnote 7 as to whether there are policies that provide a clear reason for refusing the development proposed. In this case both Green Belt and heritage policy, as referred to in footnote 7, are engaged and provide clear reasons for refusing the appeal proposal. Consequently, the presumption in favour of sustainable development is overcome in this appeal and with it, potential support from TLLP2 Policy DP1.
122. In conclusion the appeal proposal would be contrary to CS Policies CSP18 and CSP21 and TLLP2 Policies DP7, DP10, DP13 and DP20. It would also fail to accord with national planning policy at paragraphs 126, 130, 134, 137, 138, 147, 148, 174, 189, 199, 200, 202 and 203 of the NPPF, as set out above. The CS policies identified are reasonably consistent with the relevant parts of the NPPF and the conflict with them should be given significant weight notwithstanding their age. The TLLP2 policies are consistent with the NPPF and so carry full weight. For the reasons given, there are not material considerations in this appeal, including very special circumstances, to indicate a decision should be made other than in accordance with the development plan. Accordingly, the appeal fails.

Conclusion

123. For the reasons set above and having regard to all other matters including the intended allocation of the site in the eTLP, the appeal should be dismissed and planning permission should be refused.

David Spencer

Inspector.

APPEARANCES

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Parish Councillor and Vice Chair of the Parish Council

For Planning matters she called:

Kate Hearnden

Chair of Lingfield Neighbourhood Plan Working Group

Star Fields Action Group (STAG):

Ian Jones

Chairman of STAG

For Heritage Matters he called:

Bill Stevenson

Chair of RH7 Local History Group

INTERESTED PARTIES:

Cllr Katie Montgomery

- Ward District Councillor

Julie Duggan

- Parish Councillor

Edward Lowy

- Local Resident

Alison Verlander

- Local Resident

Ryan Howard

- Local Resident

Andrea Watson

- Local Resident

Richard Young

- Local Resident

Richard Wickham

- Local Resident

Stuart Scholes

- Local Resident

Cllr Lesley Steeds

- Ward County & District and Parish Councillor

Ben Rispin

- Local Resident

Lindsey Smith

- Local Resident

Inquiry Documents (IDs) submitted at the event

- 1 Opening Statement for the Appellant
- 2 Opening Statement for the Local Planning Authority
- 3 Opening Statement for Lingfield Parish Council
- 4 Opening Statement for STAG
- 5 Statement of Cllr Katie Montgomery
- 6 Statement of Parish Councillor Julie Duggan
- 7 Statement of Cllr Lesley Steeds
- 8 Photographs from Ben Rispin
- 9 Correspondence from the Local Lead Flood Authority 2 August 2023
- 10 Extract from Volume 1 of Sustainability Appraisal for the Submitted Tandridge Local Plan 2019 - Key to Appraisal Scores

- 11 Statement of Common Ground Addendum re. Public Right of Way – 10 August 2023
- 12 Map of LCA WF3 Horley and Swaynesland Low Weald Landscape
- 13 Local Plan Examination ID23 Inspector Letter of 23 May 2023
- 14 Local Plan Examination TED59 TDC Letter to Inspector 15 June 2023
- 15 Local Plan Examination ID24 Inspector Letter of 23 June 2023
- 16 Local Plan Examination TED60 TDC Letter to Inspector 4 July 2023
- 17 Email of 21 July 2023 notifying Local Plan Procedural Meeting Of 27 July 2023 and hyperlink to TED61
- 18 Email of 25 July 2023 from Local Plan Examination Programme Officer with agenda for procedural meeting of 27 July 2023
- 19 Local Plan Examination Document TED61 – TDC document for Procedural Meeting of 27 July 2023
- 20 Tandridge District Council Leader’s Column June 2023 – Council House Building and Affordable Homes
- 21 Responses to Lingfield Neighbourhood Plan Regulation 14 consultation
- 22 Local plan inspector correspondence of 10 August 2023 (ID26 to the Local Plan Examination)
- 23 Mr Thurlow’s Supplementary Proof of Evidence on Local Plan Examination
- 24 Draft Section 106 agreement submitted by the appellant 31 August 2023
- 25 Revised List of Suggested Conditions submitted 29 August 2023
- 26 Updated CIL Compliance Statement submitted 8 September 2023
- 27 Amended Conditions 11 and 12 and new condition 23, submitted 12 September 2023
- 28 Closing Statement for the Local Planning Authority
- 29 Closing Statement for Lingfield Parish Council
- 30 Closing Statement for STAG
- 31 Closing Statement for the Appellant

Inquiry Documents submitted after the event

- 32 Engrossed Planning Obligation – Received 22 September 2023