



Appeal Decision

Hearing held on 10 June 2026

Site visit made on 11 June 2026

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2026

Appeal Ref: 6002898

Land at Longsdon Way, Caterham

Grid reference Easting:534531, Grid reference Northing: 155113

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Miss Holly Becket of Croudace Homes against the decision of Tandridge District Council.
 - The application Ref is 2025/413.
 - The development proposed is 42 affordable dwellings, green infrastructure, public open space, biodiversity enhancements, parking, and vehicular and pedestrian access arrangements.
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Decision

1. The appeal is allowed and planning permission is granted for 42 affordable dwellings, green infrastructure, public open space, biodiversity enhancements, parking, and vehicular and pedestrian access arrangements at Land at Longsdon Way, Caterham in accordance with the terms of the application, Ref 2025/413, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Miss Holly Becket of Croudace Homes against Tandridge District Council. This application is the subject of a separate decision.

Preliminary Matters

3. At the hearing the appellant submitted updated versions of the draft planning obligation, a community infrastructure levy compliance statement and a summary of the S106. In addition, in the pre hearing note I requested particular documents and also appeal decisions (APP/M3645/W/25/3374913 Former Laporte Works Site and APP/M3645/W/25/3371917 Lingfield House), a Noise Technical Note, draft versions of the S106 and supporting documents have been submitted in advance of the event which were not before the Council at the time it made its decision. These documents do not alter the scheme under consideration and the planning obligation would be binding on the signatories. The parties had the opportunity to respond to these matters at the hearing. As such, the parties would not be prejudiced if I were to consider these documents, and I have taken them into account in the decision. An updated Biodiversity Net Gain (BNG) Metric was also discussed. However, the appellant agreed that it was not necessary to consider this specific technical document and I have not taken it into account.

4. A signed planning obligation has been submitted which seeks to provide mechanisms relating to matters including affordable housing, open space, BNG and highways works. I will return to these later in the decision.
5. At the time of the hearing the Caterham, Chaldon and Whyteleafe Neighbourhood Plan (2025-2040) (2026) (NP) had received a 'yes' vote at referendum but had not yet been made. The NP was subsequently made on 18th June 2026. These policies were discussed at the hearing and as indicated at the event, I have proceeded to make a decision on this basis.

Main Issues

6. The main issues are
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2024 (Framework) and any relevant development plan policies, including whether the site is Grey Belt land.
 - The effect of the proposal on the character and appearance of the area with particular regard to the Area of Great Landscape Value (AGLV).
 - The effect of the proposed development on ecology with particular regard to the lowland calcareous grassland.

Reasons

Whether Inappropriate Development

Grey Belt

7. The Framework sets out that the fundamental aim of green belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of green belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the green belt. Development in the green belt is inappropriate, and thus should be approved, only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in paragraph 154 of the Framework, or utilise grey belt land and satisfy the criteria in paragraph 155.
8. This is broadly echoed by policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (2014) (LP). Policy DP13 of the LP sets out exceptions where development would not be inappropriate in the green belt. However, this policy pre-dates the up-to-date version of the Framework and does not include reference to grey belt. Although the aims of the policy are generally in accordance with the Framework, there is some inconsistency in this regard. I have therefore given greater weight to the more recent Framework and Policy DP10 of the LP in this matter.
9. In order to meet the definition of grey belt, the land must not strongly contribute to any of purposes a), b), or d) in paragraph 143 of the Framework. The site is located some distance from another neighbouring town, and although there is a conservation area in Caterham, it is not an historic town. As such the appeal site does not strongly contribute to points b) and d).

10. Turning to point a) and whether the land would strongly contribute to checking the unrestricted sprawl of built up areas, the Planning Practice Guidance (PPG) provides some considerations for informing these judgements, albeit guidance only. The appeal site is free from existing development and is adjacent to the settlement boundary of Caterham. It is mainly bordered by housing, the A22 and a small parcel of woodland. The A22 has 4 lanes and a central reservation in this location. It is set behind a belt of woodland, but the movement of vehicles can be seen and heard through it. It is a clear linear feature which bounds the site. Some way north, there is development to the east of the A22. However, in the setting of the site, development on the eastern side of the road is limited. As such, along with the existing housing, the road is a physical feature in reasonable proximity that could restrict and contain development.
11. Although there are some areas in Caterham where there is open land between development and the A22, there is also housing which extends near to this road, including at Deerswood Close and Tillingdown Lane, in close proximity to the appeal site. As such, there is not a regular separation between the settlement and the road. The proposed development would alter the built up edge of the settlement. However, the open site in itself would not be a feature that would restrict and contain development. In this particular location, development of this land would sit between existing housing and the road and would not result in an incongruous pattern of development.
12. There is a small area of woodland on the boundary, however the majority of the rest of the boundaries are bordered by housing. The site is therefore partially enclosed by existing development. Overall, taking these features into account, the site makes only a moderate contribution to purpose a).
13. Consequently, the land does not strongly contribute to any of purposes a), b), or d) in paragraph 143. Nor, as can be seen elsewhere in the decision, does the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) provide a strong reason for refusing or restricting development. Consequently, the site is grey belt land in the terms of the Framework.

Whether inappropriate development and Golden Rules

14. In order to benefit from the exemption to inappropriate development relevant to grey belt land in paragraph 155 of the Framework, the proposed development must not fundamentally undermine the purposes of the remaining green belt land, there must be a demonstrable need for the type of development proposed, it must be in a sustainable location and meet the 'Golden Rules'.
15. Given my findings above, the site would not fundamentally undermine purposes a), b) and d). Moreover, there is a physical feature in reasonable proximity that could restrict and contain development and as such the appeal scheme would not lead to development of the countryside beyond the site itself. There would be some loss of countryside land due to the introduction of built form and the scheme would not recycle urban land, although it would be adjacent to the settlement boundary. Taking into account its scale and these circumstances, the development would not fundamentally undermine the purposes of c) assisting in safeguarding the countryside from encroachment or e) assisting in urban regeneration, by encouraging the recycling of derelict and other urban land. Consequently, the

proposed development would not fundamentally undermine the purposes of the remaining green belt land.

16. The Council cannot demonstrate a 5 year supply of deliverable housing sites and there is a demonstrable unmet need for the provision of housing. The appeal site is close to the centre of Caterham with services and facilities including a train station and bus routes. This limits the need to travel and offers a genuine choice of transport modes. As such it is a sustainable location.
17. The Golden Rules are contained in paragraph 156 of the Framework. Paragraph 156a requires the provision of affordable housing. Tandridge does not have a specific affordable housing requirement for major development involving the provision of housing on the green belt, but Policy CSP4 of the Tandridge District Core Strategy (2008) (CS) requires the provision of 34% affordable housing. Paragraph 156 therefore requires 15 percentage points above this requirement. The development is proposed as 100% affordable housing.
18. The planning obligation includes the provision of open space, a local area of play (LAP), Sustainable Drainage System (SUDS) and highways works which are necessary to mitigate the effects of the development. I do not have substantive detail, such as detailed evidence from service providers, that the appeal scheme would result in harm to the provision of existing services or that there are any other specific necessary improvements to local or national infrastructure as a result of the development. As such paragraph 156b would be satisfied.
19. Paragraph 156c requires the provision of new, or improvements to existing green spaces that are accessible to the public, and that new residents should be able to access good quality green spaces within a short walk of their home. Paragraph 159 provides further detail that these improvements to green spaces should contribute positively to the landscape setting of the development, support nature recovery and meet local standards of green space provision. I am directed to Policy CS11 of the CS which requires the provision of 1.27ha of playing space per 1000 population and Policy CCW15 of the NP which refers to the Tandridge Open Space Study which recommends 2.25ha per 1000 population.
20. The proposed development includes a 0.11ha LAP and surrounding shared green space within the developed part of the site which would contribute to the soft landscaping of the built form. A 0.57ha area of natural and semi natural greenspace is also proposed with a walking route around the perimeter of the grassland 'Ecology Meadow'. Specific measures are proposed to support the nature recovery of this land as detailed elsewhere in the decision. The walking route would be fenced, and both the Landscape and Ecological Management Plan (LEMP) and the Habitat Management and Monitoring Plan (HMMP) include management details which could set out further measures to prevent recreational access to the Ecology Meadow. The development would therefore support the nature recovery of this land. The planning obligation secures that it would be implemented, managed and publicly accessible. This would satisfy the requirements of paragraph 159.
21. Consequently, the development would satisfy the Golden Rules and the Framework sets out that this should be given significant weight in favour of the grant of permission.

22. Therefore, the development would not be inappropriate development in the terms of paragraph 155 of the Framework and Policy DP10 of the LP. The effect on openness is implicitly taken into account in this exception and therefore there is no requirement to assess the impact of the development on openness.

Character and Appearance

23. The appeal site is open grassed land which slopes upwards from west to east. It includes a belt of woodland alongside the A22 with some more dense vegetation in its south western corner.
24. The Surrey Landscape Character Assessment (2015) identifies the locality as being within the 'Open Chalk Farmland' landscape character type. Its key characteristics include undulating complex landform and linear woodlands with a generally open field pattern and the site broadly accords with these characteristics.
25. The site is within the AGLV which acts as a buffer to the Surrey Downs National Landscape (NL) in particular in views from and into it. Policy CSP20 of the CS sets principles to conserve and enhance the NL which also apply to the AGLV. The evidence before me does not suggest that the site is likely to become part of the NL in the future. Nevertheless, the NL is nearby, on the opposite side of the A22 separated by a tree belt on both sides of the road. The site is only visible in limited glimpsed views from public viewpoints within the NL. However, given its proximity and open character it does form part of the setting of the NL. The Framework therefore requires that development should be sensitively located and designed to avoid or minimise adverse effects on the designated areas.
26. The NP sets out that Caterham is surrounded by countryside which is highly valued by the community. As a result of its valley setting, parts of the appeal site are seen in some long views including from Tupwood Lane. The NP identifies locally significant views. These include the view from Tillingdown across the A22 (view 12), Tillingdown above Beechwood looking East to Woldingham (view 13), and St Johns Church looking East towards Tillingham from Church Hill (view 19).
27. At the hearing the Council withdrew the part of its suggested reason for refusal which related to views 12 and 13. With regard to view 12, visibility from the public footpath on the Eastern side of the A22 is screened by a hedgerow along the footpath, the planting on both sides of the A22 and the slope of the land. The site is not readily visible from this point. View 13 is shown as being located around the north west corner of the site. However, although there may be some limited views from the neighbouring houses, it is not a public viewpoint and visibility from the nearby roads is heavily screened by existing development. From view 19 there is notable screening from vegetation along Church Hill, but the upper part of the site is visible at some distance in the glimpsed views. As such I find that the open green character of the site is an appreciated and important characteristic. However, in particular the lower slopes, are only visible in limited public views.
28. Taking all the above into account, although it is not nationally designated the land is locally designated, with parts of the site locally visible and valued. Therefore, it is nevertheless a valued landscape which must be protected and enhanced in a manner commensurate with its status.

29. The proposed development would introduce buildings, roads, and associated development to the lower part of the site resulting in an urbanising effect which would harmfully undermine the open countryside qualities of the land.
30. This would be clearly seen in private views from the nearby houses. Albeit, due to the topography it would be seen only in some limited public views from within Caterham. However, its location on the lower parts of the site close to the existing settlement boundary would result in the development being seen in the context of the existing built up area with the more elevated and visible parts of the site retained as open space. This would minimise the visibility of buildings in long views and continues to provide a clear and pronounced buffer between the edge of the settlement and the road, and transition to the open landscape beyond. As such there would not be conflict with Policy CCW4D of the NP in this regard and the effects of the proposed development would be localised.
31. The amount of development has been reduced through the application process, and the built form is located adjacent to the existing settlement, away from the more sensitive western part of the site and below the treeline separating the site from the road and is unlikely to be visible from within the NL. Consequently, its design and location would avoid harm to the NL and in combination with the limited visibility in public views would protect views to and from it. Therefore, the application of policies that protect the National Landscape would not be a strong reason for refusing development. However, the urbanising effect on part of the site would still result in harm to the special landscape character of the site and the AGLV itself
32. Urbanisation of part of the appeal site would be harmful to its open countryside character and appearance. This would have an adverse effect on the landscape character of the site and AGLV particularly in private views from nearby houses. However, this site is unlikely to become part of the NL in the future and due to the proposed siting there would be limited visibility of the proposed built form in important views, and the development would avoid adverse effects on the NL. As such, overall, there is moderate harm in this regard.
33. Therefore, the proposed development would be harmful to the character and appearance of the area. Consequently, it would be contrary to Policy DP7 of the LP, Policy CSP18 and CSP20 of the CS and Policy CCW4 of the NP and Paragraph 187a of the Framework. Together these seek high quality design which integrates well with its surroundings, respects character setting and local context, reinforces landscape character and conserves and enhances the special landscape character of the AGLV amongst other things.

Ecology

34. Part of the site is lowland calcareous grassland which is a habitat of principal importance, designated under the Natural Environment and Rural Communities Act 2006 (as amended). Although the site would fall short of the standard to be designated as a Site of Nature Conservation Importance. The proposed development would result in the loss of approximately 0.84ha of the grassland.
35. The appeal scheme proposes the retention and enhancement of the remaining 1.55ha of lowland calcareous grassland. If the development did not go ahead, I have no reason to believe that the existing management practices for the land would alter. As such its quality would not be anticipated to vary significantly.

During the course of the appeal the Local Nature Recovery Strategy (LNRS) was published. It allocates the eastern part of the site as an area that could become of particular importance for biodiversity and, whilst it does not align directly with the proposed grassland area, they are similar. In these locations policy GSH2.2 seeks to create and restore new areas of calcareous grassland prioritising the expansion and connectivity of existing sites. However, there is little before me to suggest that there is any financial support for its improvement nor that it is forthcoming, therefore in the absence of the proposed development, improvements to the grassland are also unlikely.

36. Off-site improvements to an area of 2.243ha of lowland calcareous grassland are also proposed. This would be in the same National Landscape Character Area, however it would be in the adjoining local authority area of Sevenoaks.
37. These improvements would also contribute to the site's BNG. Consequently, they would need to be registered on the biodiversity gain sites register which prevents double counting. The detail of these measures could be secured as part of the BNG Plan and their maintenance and management would be secured for a period of no less than 30 years as part of a planning obligation and conditions. The on site improvements could be subject to LEMP and HMMP conditions which could require details of its long term implementation and the body responsible. The submitted obligation includes a provision to transfer the Ecology Meadow to a suitable body, which would maintain it to the same standard for the lifetime of the development. These requirements would persist and be enforceable notwithstanding any change of ownership. 20% BNG is proposed for the development and it would be suitably secured via the planning obligation as detailed elsewhere in the decision.
38. The biodiversity gain hierarchy seeks to prioritise the enhancement and creation of on-site habitats above off-site gains and policy CCW13 of the NP states that where biodiversity net gain units cannot be delivered on the development site, they should be prioritised for use within the Neighbourhood Area. Furthermore, habitat fragmentation and removal is a threat and pressure to biodiversity. However, I heard that a functional link does not occur for this habitat site, and therefore the distance would not undermine the remaining habitat. Connectivity would also be maintained through the upper part of the site. The appellant has provided detailed evidence that there are no closer sites, nor any within the local authority area which would be available to provide calcareous grassland and I am satisfied that although unsuccessful, off site gains in the Neighbourhood Area were prioritised.
39. There would be a loss of lowland calcareous grassland on the site. However, the development would ensure that the remaining area would be improved and maintained. Furthermore, the appeal scheme would secure that a larger off site area of this habitat was improved and the overall quantum of this habitat of principal importance would increase.
40. The site is also a key reptile site. The housing could increase the number of cats in the area. However, the site is directly adjacent to housing and consequently cat predation is an existing feature of the site that already influences the reptile population. Considering the scale of the development, there would not be a significant change to the circumstances of the site in this regard. The appellant has suggested mitigation which would include the translocation of reptiles and the

details could be secured by condition. This is an appropriate way to mitigate the effects on reptiles.

41. There is a balance to be struck between the number of dwellings proposed and the amount of on-site habitat that would be lost and this is reflected in the scale of any benefits and harms. Moreover, I am required to determine the development before me now, not some alternative scheme which I have no indication would be forthcoming. There would be a local loss of lowland calcareous grassland, albeit the development would result in local improvements to the habitat retained. There would also be an increase in the quantity and quality of this habitat type. Along with the 20% BNG that would be secured, it would have an overall positive effect on the provision of habitats. In the circumstances of this case, there would be an appropriate balance between on site and off site gains.
42. Overall, the proposed development would have an acceptable effect on ecology with particular regard to the lowland calcareous grassland. As such it would be in accordance with Policy CSP17 of the CS and Policy DP16 of the LP. Together these seek to protect and enhance biodiversity and environmental assets.

Other Matters

Housing

43. The appeal site is outside the settlement boundaries, and therefore there is conflict with policy CSP1 of the CS which sets out the spatial strategy and seeks to concentrate development within the existing built up areas.
44. The proposed development would provide 42 units of affordable housing. The Annual Monitoring Report (December 2025) shows that the Council can demonstrate a housing land supply of 2.17 years, and a recent appeal decision at the Former Laporte Works Site determined there was a 1.97 year supply. At the hearing the main parties agreed that there was around a 2 year supply for the purposes of this appeal. In addition, the latest housing delivery tests shows that the delivery of housing was 42% of the housing requirement over the previous three years. This is a serious undersupply.
45. Furthermore, the Council also has a clear undersupply of affordable housing delivery with an annual need of 456 dwellings per year in 2019-2023 and 284 dwellings per year from 2023-2033. This compares to the delivery of an average of 68 affordable completions per annum over the 18-year period 2006/07 to 2023/24. This is a severe shortfall.
46. Furthermore, whilst there has been some progress towards a new local plan and an interim housing statement has been drafted, it does not appear that new housing sites will be adopted in the near future, and as such the shortfall is likely to persist. Consequently, I afford very substantial weight to the provision of 42 affordable housing units.
47. The development would provide a home for 42 households who are in need of housing. The effect of the development on these families would be profound. Given the history of affordable housing delivery, it appears very unlikely that they or others in need, would be housed in Tandridge in the long term without this development. It is not in dispute that I should afford the highest level of weight to this provision.

Existing living conditions

48. The proposed new dwellings would be to the rear of a number of homes and would be at a higher level due to the site's topography. They would replace an open field with an urban form of residential development. This would be a distinct change and the harm to character is covered above.
49. Boundary treatment is proposed along the western part of the site with 1.8m high fencing and hedgerow planting. A condition is proposed which would secure the landscaping and the specific details for each of the dwellings would be considered at this stage. The proposed properties are affordable housing which would be managed by a registered provider and tenancy agreements are likely to require management of the landscaping. Nevertheless, soft landscaping to private gardens cannot be relied upon to provide long term screening. However, the dwellings are two storeys, generally over 20 metres away and positioned so the majority do not have a direct back to back relationship. Consequently, taking into account the separation between properties and their layout along with the proposed boundary treatment, this would not result in unacceptable overlooking or overbearing effect.
50. A 1.2m high fence is proposed along the edge of the walking route. It is further separated from neighbouring houses with a notable strip of landscaping. It would be subject to the management provisions in the HMMP and LEMP and the planning obligation which would secure the maintenance and management of the planting in the long term. As such the development would not result in unacceptable effects on the safety of the nearby occupiers in this regard.

Noise

51. A noise survey has taken place which determines that the main source of noise in this location is from the A22. There is also a Royal Mail sorting office which is adjacent to the site where deliveries take place at unsociable hours.
52. Specific glazing and ventilation is proposed to the eastern facades which ensures that appropriate noise levels can be achieved. The glazing proposed to the western facades would also mitigate the main noise from the road as well as any contribution from the Royal Mail depot. These dwellings are also further from the Royal Mail site than existing dwellings. The mitigation would achieve suitable living conditions for all occupiers and ensure that the development would integrate effectively with the existing sorting office. Their implementation could be secured via condition.

Highway Safety

53. The appeal site is located close to the services, facilities and public transport connections in the centre of Caterham. The TDC Parking Standards – Supplementary Planning Document requires the provision of 84 allocated parking spaces and 8 visitors' spaces. These are incorporated within the development. As such the development is unlikely to lead to overspill on street parking. The obligation also includes a commitment to fund works to introduce parking restrictions on Longsdon Way. The implementation of the scheme is not controlled by the appellant, but taking into account Surrey County Council's involvement in recommending such a scheme there is a prospect of these works being

undertaken. Whilst, for the reasons above, cars parking on street are unlikely, it would further minimise any effects.

54. Godstone Road is a main route through Caterham and representations suggest that it is busy at peak hours. There have been 17 injury accidents in the past 5 years on this stretch of the road. However, these were not close to the junction with Longsdon Way and do not indicate a safety issue in this location. The proposed development would result in 8 and 12 additional journeys on Godstone Road (North) in the morning and evening peak, and 14 and 11 respectively on Godstone Road (South). This represents around a 1% increase in traffic. As such, there would not be a harmful impact on highway safety nor a severe impact on the road network.

Drainage

55. There is a change of levels across the site. This has been taken into account in the drainage details which have been provided with the application and have been found to be acceptable by the Lead Local Flood Authority. Therefore, subject to a condition securing full details and evidence of implementation, these measures would ensure that the proposed development would not result in an increase in flood risk on site or elsewhere.

Planning Obligation

56. Policy CSP4 of the CS requires the provision of 34% affordable housing and paragraphs 156 and 157 of the Framework require the provision of 49% affordable housing for this scheme. The obligation would secure 100% of the housing as affordable. This would exceed these policy requirements. The obligation suitably secures the housing as proposed. The obligation would also secure the delivery, management, maintenance and public access to the open space, LAP and SUDS. These are necessary in line with the policy requirements previously set out in the decision.
57. Highway Works including a continuous footway at a junction within the site, road markings, and pedestrian crossings at the Longsdon Way/Asprey Grove junction and Godstone Road/Longdon Way junction are included. Along with a measure to contribute towards a traffic regulation order towards yellow line markings on Longsdon Way. These are required to ensure suitable and safe pedestrian facilities and for highway safety at the junction with Ashwick Close.
58. The statutory BNG condition would be the appropriate mechanism to secure 10% BNG. However, the development proposes to deliver 20% including off site provision which would need to be secure via a supplemental BNG agreement. Therefore, a planning obligation is a suitable mechanism to secure the BNG proposed in this case. Monitoring costs for BNG, S106 and travel plan are also included, and these fairly and reasonably relate to the scale and kind of the development.
59. The obligation would be necessary, directly related to and fairly and reasonably related in scale and kind to the development and is necessary to make the development acceptable in planning terms. As such I have taken it into account in this decision.

Planning Balance

60. The Council cannot demonstrate a 5 year supply of deliverable housing sites. In such circumstances, paragraph 11(d) of the Framework is engaged. It requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies.
61. As set out in detail above, the proposed development would provide 42 new affordable dwellings in a sustainable location along with the social and economic benefits that accompany the provision of new housing. Given the severe shortfall and as set out above, I afford very substantial weight to this matter. The appeal scheme would provide affordable homes that meet an identified local need and would make an effective use of land in this regard. Furthermore, I give substantial weight to the compliance with the Golden Rules and these include public access to new open space. In addition, the development would provide 20% BNG which exceeds the minimum statutory requirement and the dwellings would have a high standard of energy efficiency. Together the benefits of the proposed development would be very substantial.
62. On the other hand, for the reasons above I have identified moderate harm to character and appearance and the development would not be sympathetic to the landscape setting. It would also fall outside the settlement boundary and so would be contrary to the spatial strategy in the development plan. However, given the serious shortfall against housing delivery I afford limited weight to the conflict with this policy. Therefore, taken together the proposed development would have no more than moderate adverse impacts.
63. This leads me to conclude that the moderate adverse effects would not significantly and demonstrably outweigh the very substantial benefits set out above. As such these considerations are of sufficient weight to indicate that the presumption in favour of sustainable development should apply in this case.

Conditions

64. The suggested conditions were discussed at the event and I have considered them against the tests in the Framework and the advice in the PPG. I made it clear that I would make amendments as necessary to comply with those documents.
65. I am attaching the standard implementation condition and in the interests of certainty a condition to define the plans with which the scheme should accord. Details of materials, hard and soft landscaping, a tree protection plan as well as a requirement to replace trees which die or are removed within 5 years are necessary for character and appearance reasons. The tree protection plan is a pre commencement condition as these details are required for the full duration of the works. The submission of biodiversity details has been removed from the landscaping condition as these are covered in detail in other conditions.
66. For the detailed reasons set out above, a LEMP and an HMMP are necessary. Whilst there are similarities, the HMMP would apply to and is a requirement of the proposed BNG, whilst the LEMP would also take into account other aspects of the landscaping. These are pre commencement conditions as the details are required for the full duration of the development. The PPG advises that the BNG condition

has its own separate statutory basis and is deemed to apply to every relevant planning permission granted. The local planning authority are therefore strongly encouraged not to include the biodiversity gain condition in the list of conditions imposed in the written notice. As such, I have not included it here. This condition requires the submission of a biodiversity gain plan, and therefore the BNG metric has been removed from the list of approved documents to avoid duplication.

67. A construction environmental management plan, which includes requirements for a hazel dormouse non-licensed method statement and an update badger survey, a reptile mitigation strategy and an invertebrate management and enhancement plan are needed in the interests of ecology. These are pre commencement conditions as these works would be required before the development takes place. Details of external lighting are also needed for the same reason as well as to protect living conditions.
68. The development shall be carried out in accordance with the submitted noise details in order to ensure acceptable living conditions for future occupiers and a limit on the noise from air source heat pumps is also recommended to protect the living conditions of existing occupiers. Details of a surface water drainage scheme and a verification report are required in order that the development would not increase flood risk. Details must be submitted prior to commencement as these works would be required to take place before the development is implemented.
69. The implementation of a travel plan, the provision and retention of cycle parking, car parking and turning and a construction transport management plan (CTMP) are necessary in the interests of highway safety and for the first two, in order to promote sustainable transport modes. The CTMP condition has been amended to ensure that it does not positively require the payment of money, and it is a pre commencement condition as the details are required for the full duration of the development. The car and cycle parking conditions include a requirement for a schedule for implementation to allow the timing of the provision to be agreed. Other highway works relate to land outside the appeal site and are appropriately secured in the planning obligation, so these have not been duplicated as conditions.
70. There is the potential for below-ground remains associated with a Roman Road on the site which have heritage significance. Groundworks associated with the development could result in the destruction of archaeological remains. Further investigation including further trial trench evaluation would be needed. In the circumstances of this case, a condition would be appropriate response to ensure that the development preserves the heritage significance of archaeological remains. The details must be submitted prior to commencement as they must be secured prior to any works taking place
71. Due to the presence of a neighbouring waste site, even though no longer in operation, a condition requiring details of a risk assessment and investigation with regard to contaminated land is necessary in order to ensure the site would be suitable for use with no unacceptable risk to health or the environment. This is a pre commencement condition as the works would be required before development takes place. Compliance with an energy report is also needed to secure a reduction in carbon dioxide emissions.

Conclusion

72. For the reasons given above the appeal should be allowed.

H Miles

INSPECTOR

Richborough

Schedule of Conditions

- 1) The development hereby permitted shall start not later than the expiration of 3 years from the date of this permission.
- 2) This decision hereby permitted shall be carried out in accordance with drawing nos:

Location Plan 25013 – S101

Coloured Site Layout 25013 – C101A

Plot 1 (Type 2A) 25013 – P110

Plots 2-3 (Type 2A) 25013 – P111

Plots 4-6 & 38-40 (Type 2A) 25013 – P112

Plots 25-26, 27-28 & 29-30 (Type 2B) 25013 – P113

Plots 35-37 (Type 2B) 25013 – P114

Plots 21-22, 23-24, 31-32, 33-34 & 41-42 (Type 3A) 25013 – P115

Plots 7-8 (Type 3B) 25013 – P116

Plots 9-10 (Types 1BMA & 1BMB) 25013 – P117

(Types 2BMA & 2BMB) Plots 11-14 25013 – P118A

Plots 15-20 (Apartment Building Plans) 25013 – P119

Plots 15-20 (Apartment Building Elevations) 25013 – P120

Ancillary Buildings 25013 – P125

Landscape Strategy (September 2025) 4416_125_E

Play Area Proposal – LAP (September 2025) 4416_126_A

Boundary Treatments Plan (September 2025) 4416_127_B

Proposed Drainage (Sheet 1 of 3) (12 August 2025) 5898-005-5005 P03

Proposed Drainage (Sheet 2 of 3) (12 August 2025) 5898-005-5006 P03

Proposed Drainage (Sheet 3 of 3) (12 August 2025) 5898-005-5007 P03

Proposed Manhole Schedule (12 August 2025) 5898-005-5010 P02

Proposed Drainage Details Sheet 1 of 4 5898-005-5041 P01

Proposed Drainage Details Sheet 2 of 4 5898-005-5042 P01

Proposed Drainage Details Sheet 3 of 4 5898-005-5043 P01

Proposed Drainage Details Sheet 4 of 4 5898-005-5044 P01

Catchment Areas Plan (12 August 2025) 5898-005-7200 P03

Proposed Highway Details 5898-005-5045 P01

Road Sections (12 August 2025) 5898-005-5051 P02

Refuse Vehicle Tracking (12 August 2025) 5898-005-7000 P04

Fire Tender Vehicle Tracking (12 August 2025) 5898-005-7100 P04

Proposed Levels (Sheet 1 of 3) (12 August 2025) 5898-005-5001 P04

Proposed Levels (Sheet 2 of 3) (12 August 2025) 5898-005-5002 P04

Proposed Levels (Sheet 3 of 3) (12 August 2025) 5898-005-5003 P04

Air Quality Assessment J10/15664A/10 (25 July 2024)

Drainage Statement (Sheet 1 of 2) (12 August 2025) 5898-005-001Rev B
Part 1

Drainage Statement (Sheet 2 of 2) (12 August 2025) 5898-005-001Rev B
Part 2

Drainage Maintenance Schedule (12 August 2025) 5898/005/002 – Rev B

Energy Strategy (September 2025) BO.LA.CR3 R03 (BO.LA.CR3)

Noise Assessment Report 0001 V1.0 (April 2025)

Arboricultural Impact Assessment March 2025 Revision A - September 2025

Schedule of Accommodation (10 September 2025) P101A Rev.A

Ecological Impact Assessment (December 2025) CSA/4416/04

Biodiversity Net Gain Report (December 2025) CSA/4416/09

Royal Mail Response – Noise Technical Note (27 May 2026)
413.058279.00001

- 3) Prior to the commencement of the development hereby approved, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP should include, but not be limited to:
- i) Map showing the location of all of the ecological features
 - ii) Risk assessment of the potentially damaging construction activities
 - iii) Practical measures to avoid and reduce impacts during construction
 - iv) Location and timing of works to avoid harm to biodiversity features
 - v) Responsible persons and lines of communication
 - vi) Use of protected fences, exclusion barriers and warning signs
 - vii) Hazel Dormouse Non-Licensed Method Statement
 - viii) Update Badger Survey
- Once approved, the development shall be carried out wholly in accordance with this document.
- 4) Prior to the commencement of development hereby approved a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based on the avoidance, mitigation, and enhancement measures specified in the submitted ecological reports, and it shall also include, but not be limited to:
- i) Description and evaluation of features to be managed detailing protection and enhancement measures for the Habitat of Principal Importance.
 - ii) Ecological trends and constraints on site that might influence management
 - iii) Aims and objectives of management

- iv) Appropriate management options for achieving aims and objectives
- v) Prescriptions for management actions, together with a plan of management compartments
- vi) Preparation of a work schedule (including an appropriate time plan for works to be carried out)
- vii) Details of the body or organisation responsible for implementation of the plan
- viii) Legal and funding mechanisms by which the long-term implementation of the plan will be secured by the applicant with the management body(ies) responsible for its delivery.
- ix) Monitoring strategy, including details of how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The LEMP shall be adhered to throughout the period to which it applies.

- 5) Prior to the commencement of development hereby approved, a Habitat Management and Monitoring Plan (HMMP) detailing how the land will be managed over at least 30 years, prepared in accordance with the approved Biodiversity Gain Report, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be undertaken in accordance with the approved Habitat Management and Monitoring Plan. The HMMP shall include, but not be limited to:
- i) Description and evaluation of features to be managed
 - ii) Ecological trends and constraints on site that might influence management
 - iii) Aims and objectives of management
 - iv) Appropriate management options for achieving aims and objectives
 - v) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 30-year period)
 - vi) Details of the body or organisation responsible for implementation of the plan
 - vii) Ongoing monitoring and remedial measures
 - viii) Mechanisms by which the long-term implementation of the plan will be secured by the applicant with the management body(ies) responsible for its delivery
 - ix) Monitoring strategy, including details of how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme

The HMMP shall be adhered to throughout the period to which it applies.

- 6) Prior to the commencement of development hereby approved, a detailed reptile mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority to prevent harm to this species. The development shall be carried out in accordance with the approved mitigation strategy.
- 7) Prior to the commencement of development hereby approved, a detailed Invertebrate Management and Enhancement Plan shall be submitted to and

approved in writing by the Local Planning Authority to prevent harm to this species. The development shall be carried out in accordance with the approved Management and Enhancement Plan.

- 8) Prior to the commencement of development hereby approved, details of the final design of a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The final design should follow the principles set out in the approved drainage strategy. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
 - i) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels. Where infiltration is proposed confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.
 - ii) Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate equivalent to the pre-development Greenfield run-off including multifunctional sustainable drainage systems.
 - iii) Detailed design drawings for all sustainable drainage elements including cross sections and detailed drainage layout plan.
 - iv) An exceedance flow routing plan demonstrating no increase in surface water flood risk on or off site. The plan must include proposed levels and flow directions.
 - v) Details of drainage management responsibilities and maintenance regimes for all drainage elements.
 - vi) Details of how surface water will be managed during construction including measures to protect on site and downstream systems prior to the final drainage system being operational. Including details of how existing watercourse on and adjacent to the site will be protected.

The surface water drainage system shall be constructed in accordance with the approved scheme prior to the first occupation of the development hereby approved.

- 9) Prior to the commencement of the development hereby approved, a written scheme of investigation including a programme of archaeological work shall be submitted to and approved, in writing, by the Local Planning Authority. The programme of work shall be carried out in accordance with the approved details prior to the commencement of the development hereby approved.
- 10) Prior to the commencement of the development hereby approved, a detailed written scheme of risk assessment and investigation shall be submitted to and approved in writing by the Local Planning Authority. The scheme of risk assessment and site investigation shall be carried out in accordance with the principles detailed in Waddel Armstrong technical note BM12978/0003-01 dated 24/06/2025. All laboratory results shall be provided as numeric values

in an electronic formatted spreadsheet in accordance with the standards of the Government Guidance for Land affected by Contamination.

Based on the risk assessment a suitable scheme for decontamination and, if necessary, gas protection and validation shall then be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented prior to the first occupation of the development hereby approved.

- 11) Prior to the commencement of the development hereby approved, a Construction Transport Management Plan, to include details of the following items shall be submitted to and approved in writing by the Local Planning Authority.

- i) parking for vehicles of site personnel, operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials
- iv) programme of works (including measures for traffic management)
- v) provision of boundary hoarding behind any visibility zones
- vi) HGV deliveries and hours of operation
- vii) vehicle routing
- viii) measures to prevent the deposit of materials on the highway
- ix) before and after construction condition surveys of the highway and a commitment to repair any damage caused
- x) on-site turning for construction vehicles.

The development shall be carried out wholly in accordance with the approved Construction Transport Management Plan.

- 12) Prior to the commencement of the development hereby approved, a detailed tree protection plan and detailed arboricultural method statement, in full accordance with sections 5.5 and 6.1 of BS5837:2012 Trees in relation to design, demolition and construction – Recommendations, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works shall be carried out and constructed in accordance with the approved details.

- 13) Prior to the development hereby approved exceeding slab level, details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

- 14) Prior to the development hereby approved exceeding slab level, details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- i) proposed finished levels or contours
- ii) means of enclosure/boundary treatment
- iii) other vehicle and pedestrian access and circulation areas
- iv) hard surfacing materials

- v) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.).
- vi) tree, shrub and hedgerow planting

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

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

- 15) Prior to the first occupation of the development hereby approved, a verification report shall be submitted to and approved in writing by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), confirming any defects have been rectified, provide the details of any management company and provide an 'As-Built' drainage layout and state the national grid reference of key drainage elements.
- 16) Prior to the first occupation of the development hereby approved, a scheme detailing facilities for high quality, secure, lit and covered parking of bicycles and the provision of a charging point with timer for e-bikes by said facilities and a schedule for their implementation (including an appropriate time plan for works to be carried out) shall be submitted to and approved in writing by the Local Planning Authority. Bicycle parking shall be implemented in accordance with the approved scheme and the schedule for implementation. Thereafter the bicycle parking shall be retained for their designated purposes.
- 17) Prior to the first occupation of the development hereby approved, details including a schedule for implementation (including an appropriate time plan for works to be carried out) of car parking including visitors spaces within the development site and space for vehicles to be parked and to turn so that they may enter and leave the site in forward gear shall be submitted to and approved in writing by the Local Planning Authority. Parking and turning areas shall be laid out within the site in accordance with the approved plans and the schedule for implementation. Thereafter the parking and turning areas shall be retained for their designated purposes.
- 18) The air source heat pumps installed on the site must not generate noise that exceeds 35dB(a) when measured at any opening within any neighbouring dwellings on the application site. If noise is generated in excess of that stated limit, the use of the air source heat pump shall cease until a scheme of

- mitigation has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented.
- 19) The approved Travel Plan shall be implemented in full accordance with the details in section 5 Management and Implementation.
 - 20) The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures set out in section 6 of the Noise Impact Assessment produced by Wardell Armstrong dated April 2025, supplemented by the specifications set out in Section 4 of the Technical Memorandum produced by SLR, dated 27 May 2026.
 - 21) No trees or hedges shall be pruned, felled or uprooted during site preparation, construction and landscaping works except as shown on the documents and plans hereby approved. Any retained trees or hedges which are removed, or which within a period of 5 years from the completion of the development die are removed, or, in the opinion of the Local Planning Authority, are dying, becoming diseased or damaged shall be replaced in the net planting season by plants of a similar size and species.
 - 22) Prior to the installation of any external lighting on the site (whether permanent or temporary), details of the external lighting shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The details will demonstrate that areas to be lit will not disturb bat activity. The development shall thereafter be carried out in accordance with the approved details and retained as such thereafter.
 - 23) The development shall be carried out in accordance with the details provided within the Energy Report submitted by Energist and dated September 2025 (Ref. BO.LA.CR3 R03 (BO.LA.CR3)), and the Photovoltaic panels and Solar Source Heat pumps shall be installed and shall thereafter be retained in accordance with the approved details

APPEARANCES

FOR THE APPELLANT:

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Victoria Hutton

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Chris Roberts

Clive Self

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Peter Rainier

INTERESTED PARTIES:

Andrew Cann

Annette Evans

Spencer Lane

Adrian Oliver

Jill Scudamore

Alex Shattock

Robin Spencer

DOCUMENTS

Draft planning obligation,

Community Infrastructure Levy Compliance Statement

Summary of S.106 Agreement