

**APPEAL BY NUTFIELD PARK DEVELOPMENTS LTD**  
**FORMER LAPORTE WORKS SITE, NUTFIELD, RH1 4HG**

**PINS APPEAL REF NO.**  
**APP/M3645/W/25/3374913**

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**OPENING STATEMENT BY**  
**TANDRIDGE DISTRICT COUNCIL**

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**INTRODUCTION**

1. These are the opening submissions by Tandridge District Council (“the Council”) in response to the appeal brought by Nutfield Park Developments Ltd (“the Appellant”) under section 78 of the Town and Country Planning Act 1990 (“TCPA 1990”) against the refusal of the Council to grant outline planning permission at land referred to as the Former Laporte Works Site (“the Appeal Site”) for the following development:

*“the development of the site for new homes (Use Class C3) and Integrated Retirement Community (Use Classes C2, E(e), F2), creation of new access, landscaping and associated works to facilitate the development, in phases which are severable (Outline with all matters reserved, except for Access).”*

2. The application was refused by the Council on 3 October 2025 under delegated authority for two reasons, namely:

*“1) The proposed development would constitute inappropriate development in the Green Belt causing significant harm to the openness and harm to the visual amenities of the Green Belt. The proposal would not comply with the requirements of paragraphs 155 and 156 of the National Planning Policy Framework (2024) as the development would not be in a sustainable location and necessary improvements would not be made to local infrastructure to cater for the needs of the occupiers of the new development. No very special circumstances exist, either individually or cumulatively, to clearly outweigh the harm by reasons of inappropriateness and other identified harm. As such, the proposal is contrary to the provisions of Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies and the provisions of the National Planning Policy Framework (2024) as a whole.*

*2) The proposed development would result in less than substantial harm to the heritage significance of St Peter and St Paul’s Church and the Folly at Redwood, as defined in*

*paragraph 215 of the NPPF. No heritage or public benefits have been demonstrated as part of this application to outweigh such harm given the unsustainable location of the proposed development. The proposal would therefore be contrary to the provisions Policy DP20 of the Tandridge District Local Plan: Part 2 - Detailed Policies (2014) and the provisions of the National Planning Policy Framework 2024.*

3. The Council maintains those two reasons for refusal for the reasons set out in the Officer's Report accompanying the decision to refuse the application ("the OR") and its Statement of Case. In essence, the Council's case remains that the appeal scheme would conflict with a number of policies contained in the Council's development plan read as a whole (in particular the policies relating to Green Belt and heritage) and there are no material considerations sufficient to outweigh the conflict.

#### **THE MAIN ISSUES IN DISPUTE**

4. The main issues in dispute are relatively few. In light of the evidence now exchanged, the main issues are essentially as follows:
  - a. Whether the proposed development would constitute inappropriate development in the Green Belt in terms of whether it would fail to comply with the requirements set out in NPPF paragraphs 155 & 156, specifically whether it would fundamentally undermine the purposes (taken together) of the remaining Green Belt across Tandridge, whether it would be in a sustainable location or one which could be made sustainable and whether or not there are the necessary improvements to local infrastructure.
  - b. If the appeal proposal is inappropriate development, whether or not very special circumstances exist, namely whether or not the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
  - c. The extent of the development's (and specifically the Integrated Retirement Community's) 'less than substantial harm' on the setting and consequently overall significance of the Grade II\* St Peter & St Paul's Church and the Grade II Folly at Redwood as expressed on the customary scale for such, and whether such harm would be outweighed by the scheme's benefits.
  - d. Any other harms and the weight to be attached to its benefits.

5. It is worth at this stage highlighting what is not in dispute. Specifically, in terms of Green Belt policy, the Council has rightly and reasonably accepted that the appeal site would utilise Grey Belt land.
6. Therefore three of the most critical sub-issues in this appeal turn on the question as to whether or not the proposal would “*fundamentally undermine the purposes of the remaining Green Belt across the area of the plan*” (“the paragraph 155(a) issue”) and whether or not the proposal would be in a sustainable location (“the sustainability issue”) and third, whether or not the proposal meets the Golden Rules requirements (specifically, whether or not there are necessary improvements to local infrastructure (“the infrastructure requirement”).
7. For ease of reference, those policy tests which the proposal must meet in order not to be classified as inappropriate development will be referred by the Council as requirements, although technically they are tests to be met in order for the proposal not to have to demonstrate very special circumstances (“VSC”).
8. I do not rehearse now Mr Lee’s evidence on all those sub-issues, but it is worth highlighting now the key difference between the parties on whether those requirements are met.
9. In terms of the paragraph 155(a) question, Mr Lee’s evidence sets out why the proposal does fundamentally undermine the purposes of the remaining Green Belt across the area of the plan. It is accepted that the appeal site does not strongly contribute to any of the other purposes other than safeguarding the countryside from encroachment ( the purpose set out at NPPF paragraph 143(c)), but nonetheless it is entirely open to consider whether or not the rest of the Green Belt’s purposes are undermined. The site sits within a parcel of land that is recorded as fulfilling the encroachment purpose, and the encroachment by the development of this parcel of land will clearly have an effect on the extent to which the rest of that parcel of land which forms part of the wider Green Belt prevents encroachment, and the wider Green Belt. The extent of that effect will be a matter to be explored in evidence with Mr Holliday and Mr Lee.
10. In terms of sustainability, it is common ground that in transport terms, there are no traffic capacity or safety objections to the application, as set out in the Transport Statement of Common Ground. The key difference between the Council and the Appellant is not over

any quantitative analysis in term of journey times or bus provision or frequency, and the Council does not dispute the technical data in the Appellant's transport data. The key issue is a qualitative one i.e whether or not realistically residents will be able to access local amenities on foot or cycle based on the qualitative nature of the routes to the nearest local amenities. The Council's position remains that Nutfield does not provide those amenities, there is no certainty that the development will provide those facilities itself, and the idea in particular that residents of the proposed development will travel by foot or cycle to South Nutfield to access them in particular is wholly unrealistic and fails to take into account the actual nature of that route.

11. As to the local infrastructure requirement, the Council acknowledges the local walking, cycling and public transport improvements offered by the applicant. But the question still remains as to whether or not the additional facilities proposed in the appeal proposal would actually come forward and whether the infrastructure improvements would be sufficient in terms of their convenience, ease of use and cost such that the need to travel by car to reach local amenities (in particular a local shop) would be obviated.
12. The question of the engagement of the VSC test and the outcome of it is critical, because it is common ground between the parties that paragraph 11(d) of the NPPF is engaged. The Council's position, as supported in the evidence of Mr Lee, the Council's planning officer, is that if there are no very special circumstances, then the proposal's conflict with national and local Green Belt policy provides a strong reason for refusal pursuant to paragraph 11(d)(i) of the NPPF.
13. The Council has also set out in its evidence why no very special circumstances exist. In terms of harm, those are set out in the Council's evidence, but largely turn on the question of impact on openness in both the spatial and visual sense, the heritage harm identified by Ms Gardner and the visual harm caused by the proposal and its impact on the character of the area, and the fundamental unsustainability of the site's location due to the lack of local facilities within a reasonable walking distance. All of that is addressed in Mr Lee's evidence and Ms Gardner's evidence on heritage.
14. As to the degree of heritage impact, Ms Gardner sets out why she considers that the harm to the designated heritage assets in question – i.e the Church of St Peter and St Paul and

the Folly - is at the low to moderate end of the less than substantial, slightly higher than the harm identified by Mr Joseph which is at the low end.

15. In terms of visual harm and harm to the character of the area, the main differences between the parties turn on the question of harm to the village character of Nutfield by the extension and spread of development, the loss of woodland and the visual and landscape harm that this gives rise to, and the visual harm to users of the footpaths. Other than the question of the impact on openness and Green Belt harm, the extent of differences between Mr Lee and the Appellant's landscape witness Mr Holliday appear to be relatively limited. In particular, Mr Holliday rightly acknowledges the adverse impact on users of the footpaths, in particular those footpaths which are adjacent to the western element of the proposal.
16. As to the benefits of the scheme, the Council does not dispute any of the technical data in the evidence as to affordable housing provision and custom and self-build rates set out in the Appellant's proofs of evidence. As is evident on the topic specific statements of common ground on those issues, the only issue between the parties is the weight to be attached to those benefits. Those witnesses have ascribed weight to those benefits and therefore the Council formally challenges what those witnesses have set out in terms of weighting. But the Council having reviewed the evidence maintains that the most appropriate way for the question of weight to be dealt with is via the planning evidence of Mr Henley and Mr Lee. If the Appellant wishes to call those witnesses to give uncontested technical evidence nonetheless that is a matter for the Appellant, and it may of course depend on what third parties may raise, but from the Council's perspective it is not strictly necessary.
17. In terms of older person housing provision, since the details of how the extra care home element of the scheme is to be managed is now set out in the draft section 106 agreement, the Council does not take any issue with the classification of that element of the scheme as C2 and agrees that this element of the scheme will make a contribution towards meeting the need for this type of provision, and that some weight should be attached to that.
18. In summary, the Council fully acknowledges the benefits that this scheme will bring. In particular, it is not in dispute that there is an acute need for housing and affordable housing in the area. The question of what weight to be attached to the benefit of housing provision, and the other benefits, will ultimately be a matter for this inquiry to determine. But the Council's position remains that they do not significantly outweigh the substantial Green

Belt, heritage, and visual harm and harm to the character of the area, that the proposal would cause.

19. Those benefits also do not outweigh the clear conflicts with the development plan identified in the Council's Statement of Case, in particular Policy DP10 and DP13 (on Green Belt) and DP20 (on heritage). In addition to the conflict with CSP 1 and DP1 (concerning the location of development, settlement hierarchy and sustainable development), the proposal also conflicts with Policy DP 7 and CSP 18 (concerning the need to respect character and appearance of the area). Taken together, the proposal conflicts with the development plan as a whole. There are no material considerations which outweigh that conflict, and for this reason the Council maintains that its reasons for refusal were justified, that permission should be refused and that the appeal should be dismissed.

**JAMES NEILL**

**Landmark Chambers**

**10 March 2026**