

LAPORTE EARTHWORKS, NUTFIELD

Appellant's Opening and List of Appearances

Appearances

Zack Simons KC & Odette Chalaby instructed by **Richard Henley** of hgh Consulting will call:

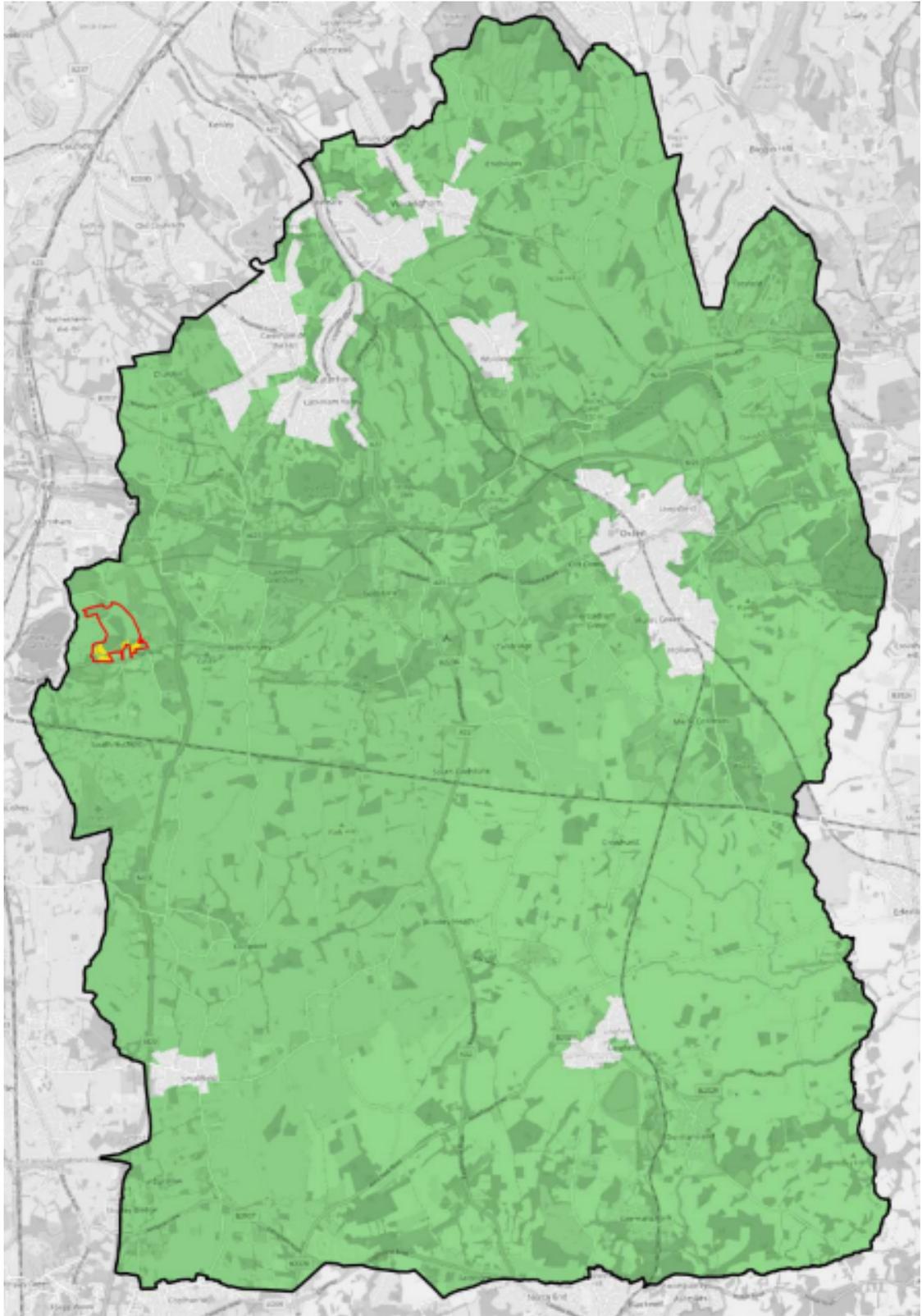
- (i) **Andrew Josephs** BA (Hons), managing director of Andrew Josephs Associates (heritage).
- (ii) **David Bird** BSc CEng MICE, director of Rovia (transport).
- (iii) **Gary Holliday** BA (Hons), M Phil, FLI, director in FPCR Environment and Design Ltd. (character, appearance and green belt).
- (iv) **James Stacey** BA (Hons) DipTP MRTPI, managing director of Tetlow King Planning (affordable housing).
- (v) **Iain Warner** BSc (Hons) DipTP MRTPI, senior director at Tetlow King Planning (older persons housing).
- (vi) **Andrew Moger** BA (Hons) MA MRTPI, director at Tetlow King Planning (self-build and custom housebuilding).
- (vii) **Richard Henley** BA (Hons) TP B.PL MRTPI, executive director of hgh Consulting (planning policy and the balance).

Opening



1. For generations, this part of east Surrey has been let down by the planning system.
2. Years go by – decades pass – national policies come and go. But through it all, Tandridge has managed to keep its head buried firmly in the sand. For too long, this district has been frozen in aspic.
3. 23,300 of the 24,820 hectares of land in Tandridge – some 94% – are washed over by the Metropolitan Green Belt drawn up in the 1950s to curb the outward sprawl of Greater London. That 94% is the most of any authority in England. It covers everything outside the settlement boundaries:

¹ Nutfield and the appeal site in the foreground from the east, with Redhill beyond.



4. Given that constrained geography (before we even come to other constraints like e.g. the 2 areas of National Landscape in Tandridge), the position is clear: if this Council is to come anywhere *near* meeting its needs (and in particular its needs for housing), use of land currently washed over by London's Green Belt land isn't a choice. It's a certainty. There is literally no other option.
5. The Council has recognised that fact for several years, noting e.g. in the evidence base for its now-abandoned local plan that "*development within the Green Belt is necessary*" given, among other things, "(i) *the acuteness/intensity of the objectively assessed need for housing, (ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development and (iii) the consequent difficulties in achieving sustainable development without impinging on the Green Belt*".² The use of land in the Green Belt to meet housing needs here is inevitable.
6. In those circumstances, national policy expects the review and amendment of Green Belt boundaries to happen through the local plan process, i.e. at least every 5 years, so that needs are properly accommodated.
7. But here, the Metropolitan Green Belt boundaries around Nutfield have been essentially **unaltered** since they were established in 1958. **67 years ago**. In a totally different local, regional and national policy context. Those belt boundaries were not drawn up all those years ago to reflect any particular landscape, ecological, historic or environmental qualities of Tandridge. Their purpose was simple. They were drawn up for a basic spatial planning reason: to curb London's outward sprawl. Reviewing that plan on the previous page: how

² CD 6.59, p.48, §4.19.

much of a role does *this site* play in that core spatial function for which this green belt was designated? None whatsoever.

8. In any event, what is remarkable about this authority is that, generations later, despite needs of all kinds (and in particular needs for housing) having ballooned, the Green Belt boundaries around Nutfield have essentially frozen since then.
9. And that creates a Catch-22 which has stalled sensible development proposals in Tandridge for decades. It is inevitable that land which is currently within the Green Belt will be required for new homes. National policy generally expects the release of that Green Belt land to be managed in a plan-led way. But there is no plan-led mechanism to release Green Belt land in Tandridge to meet housing needs, and there has not been for a long time.
10. As we will explain, the current development boundaries reflect the requirements of another generation, and we are still years away from a new plan to update them:
 - (i) The Council's Core Strategy was adopted in 2008, 4 years before even the first version of the NPPF. That plan reflects the housing needs of another era – in particular, it did not meet the now long-standing requirement in national policy to meet full objectively assessed needs for housing (NB its housing requirement at policy CSP 2 of 125 dpa is 12.5% of its **current** requirement under national policy).³
 - (ii) And it did not review Tandridge's green belt boundaries.

³ See p.5 of the Housing Land Supply SoCG CD8.3, which confirms the current requirement of 993 dpa.

- (iii) This is a Core Strategy predicated on housing numbers from the long-abolished South East Plan, which were themselves recognised as only a “*limited response*” to addressing household growth figures from as long ago as 2004.⁴
- (iv) Indeed, Tandridge has **never** had a local plan which attempts to meet its objectively assessed needs. Its most recent failed attempt to adopt a plan was predicated on a figure which – the examining inspector found – was only a fraction of Tandridge’s true needs.⁵ So it was a disappointment but no surprise that, after 5 years of examination, the Council’s 2019 attempt to update the Core Strategy (on which work had begun years before) was set aside as unsound 2024. And here we are, now back in the foothills of another plan-making exercise in Tandridge. But one with no early prospect of resolution. Even on the Council’s view,⁶ we are not months but **years** away from the adoption of a new plan, and further still away from homes being delivered pursuant to allocations in that plan. And that says nothing of the likely disturbances to that timeline from e.g. local government reorganisation or the implementation of Strategic Development Strategies.
- (v) This is a paradigm case of when, as the Secretary of State said last year, we **cannot** wait for all green belt release to come through plan making.⁷ On the contrary, in Tandridge, *if* the Council’s needs are to be addressed at all in the short-medium term, it must be through the development management process. Through planning applications just like this one – ideally on sustainable sites (like this one), a former mineral extraction site just

⁴ CD6.54, p.58

⁵ CD6.1, pdf p.35.

⁶ CD6.61.

⁷ CD5.5, p.3.

outside one of the area's principal settlements which the Council confirms meets the Government's definition of "grey belt".

11. This break-down in the plan-led system in Tandridge has had real consequences for real people. Most of all, and for many years, this Council has not come anywhere *remotely* close to meeting its real housing needs, including needs for retirement or sheltered housing.
12. The shortfalls aren't marginal. They're staggering. We aren't talking about missing the mark by tens or even hundreds of homes. We're talking about thousands. Many thousands. With all the terrible social, economic and environmental consequences that failing to plan will bring: families unable to afford somewhere to live, more people languishing on the housing register, unsustainable solutions with people being forced to find a home further away from where they work, shop and socialise.
13. Of course, there is a wider regional and national housing crisis. We are, in this Government's view, in "*the middle of the most acute housing crisis in living memory*"⁸, borne of a "*failure over many decades to build enough homes of all tenures to meet housing demand and housing need*",⁹ and those working in the planning system have not just a "*professional responsibility but a moral obligation to see more homes built*".¹⁰
14. But that the crisis is wider does not dilute the severity of what is happening – or rather, what is *not* happening – in Tandridge:
 - (i) Looking backward, its housing delivery test score (41%) is one of the lowest in England.

⁸ CD5.5.

⁹ CD5.7.

¹⁰ Angela Rayner MP's 30.7.24 letter to local authorities "*Playing your part in building the homes we need*".

- (ii) Looking forward, its housing land supply is one of the lowest in England: the shortfall in housing delivery over the next 5 years will be 4,094 homes.
 - (iii) When it comes to housing for older people, the PPG tells us the need is **critical**. Mr Warner's evidence explains a shortfall in Tandridge of hundreds of care beds, and further hundreds of extra care dwellings.
 - (iv) On affordable housing, the situation is dire. As Mr Stacey explains, even over the last few years, there has been a shortfall in delivery of thousands of affordable homes in Tandridge.¹¹ Almost 2,000 households are languishing on the housing register – a number rising year on year as delivery continues to flat-line and needs compound. And those on the register are waiting on average not weeks or months but **years** for a home (almost 4 years on average for 3-bed homes.)¹² The Council spends almost £2million a year on temporary accommodation, most of which is being spent to house families with children.
 - (v) Further, as Mr Moger says, there is an unmet demand for thousands of self- and custom-build plots in Tandridge, with no pipeline or plan allocations to meet the need, and no prospect of the Council's statutory duties in this area being met.
15. This position, which has endured for years here, should be unacceptable. It is antithetical to the proper functioning of a planning system intended to meet the needs of "*present and future*

¹¹ Mr Stacey's proof at pp.40-42.

¹² Mr Stacey's proof at p.50.

generations”¹³. And without any up-to-date local plan, it has gone on in Tandridge for far, far too long.

16. So the real issue before this inquiry is whether the many people in need here now should have to wait another 5 years, another 10 years, or however long it takes, for Tandridge to actually adopt a plan, and then for sites to come forward in accordance with that plan. Or whether more urgent needs require more urgent solutions.

17. Which takes us to the appeal site in Nutfield:

- (i) The Laporte Works Site was an operational mineral extraction and processing facility until 1986 before it was decommissioned in 1997:



Figure 2: Aerial Impact of the Site in 1971

¹³ §8(b) NPPF.

- (ii) It is on the fringe of Redhill – a 5 minute bus, and 8 minute cycle ride. Redhill is one of the areas most significant towns, with the full range of services and amenities, including regular rail services into central London.
- (iii) The site meets – we all agree – the Government’s definition of “grey belt”. The Council’s assertion that this site’s development would fundamentally undermine the purposes of Tandridge’s green belt *as a whole* is – with respect – totally misconceived. The site comprises less than 0.03% of this District’s green belt, in an area of no strategic importance for that green belt whatsoever.
- (iv) In an area covered by landscapes at the highest quality – including of national importance – this site is not part of any designated landscape at any tier of law or policy (national, regional, local), and is not part of any “valued” landscape under the NPPF. Nor does it have any impact on the setting of any designated or valued landscapes. There was – quite rightly – no landscape reason for refusal, and Mr Holliday explains, the impacts will be experienced only in a very limited visual envelope, and will reduce over time.
- (v) There are no other “strong” reasons to refuse planning permission under FN7 and §11(d)(i) NPPF, in relation to e.g. heritage, landscape, ecology or anything else. In particular, we agree with the Council that any less-than-substantial impacts to the heritage significance of the nearby Grade II* Church of St Peter and St Paul and the Grade II Folly Tower do not comprise such a “strong reason” for refusing permission. That is because, as Mr Henley explains, they are outweighed by the scheme’s many public benefits.

- (vi) There are no technical objections from any statutory consultees in relation to e.g. highways, drainage, flooding, ecology, air quality, environmental health or anything else.
- (vii) In particular, the highways authority supports the site. Not just on the basis that there are no technical highways objections (e.g. on networks effects or safety) but also because Surrey County Council accepts that this scheme would:
 - (a) Enable and encourage sustainable modes of transport;
 - (b) Give priority to pedestrian and cycle movements; and
 - (c) Facilitate access to high quality public transport.¹⁴

In consequence, Surrey’s view is that an objection on highway sustainability grounds is **unsupportable**. They are right, and Tandridge is wrong to maintain this argument without Surrey’s support. As Mr Bird explains, a number of on and off-site measures, including a improvements to national cycle route 21 into Redhill, and a £4million contribution towards extending a demand responsive bus service, mean that residents will have the “*genuine choice*” of travel modes required by national policy to access a range of local amenities including education, retail, leisure, health and work. The improvements will be of benefit, as Surrey has confirmed, both to existing and new residents. The site is in a sustainable location – one will be made *more* sustainable by the scheme.

- (viii) Again as Mr Henley explains, the scheme accords with all of the NPPF’s “golden rules”, including the requirement to provide 50% affordable housing, and the provision of a

¹⁴ See e.g. SCC’s 14.3.25 response at Appendix 1 to CD8.8.

vast amount of high quality open space of benefit to both existing and new residents (only 7ha of the appeal site's 58.8ha – around 12% - will be developed).

(ix) In consequence, the scheme does not comprise inappropriate development in the green belt. The relevant test for determining the appeal is §11(d)(ii) NPPF.

18. Which is why, for all the many documents before you, the real question is simple:

Do the scheme's adverse impacts significantly and demonstrably outweigh the benefits.

Unless they do, permission should be granted: §11(d)(ii) NPPF. Even if, for whatever reason, you decide that the tests in §155 NPPF are not all met, the appeal should succeed anyway because the scheme's benefits clearly outweigh its harms: §153 NPPF.

19. In striking that balance, we must remember that even on the Council's case, you are asked to give our benefits significant weight (in relation to at least the delivery of market homes, affordable homes and care), and the NPPF requires you to give significant weight in the scheme's favour to its accordance with the Golden Rules. Of course, on Mr Henley's evidence, the weight to be attributed to the scheme's benefits is *very* substantial – and include, in addition to the delivery of much needed care uses for older people, a range of health and wellbeing benefits described in Mr Warner's evidence, cost savings e.g. to the NHS, and the release of under-occupied homes.

20. In the end, our case is straightforward: given the disastrous scale of shortfalls in delivery of housing of all kinds in Tandridge, and the failures to plan to address them, this scheme's benefits are profound, the imperative to bring them forward on a sustainable site is compelling, and they are not outweighed – still less significantly or demonstrably outweighed – by what will only be a localised impact to this appeal site and its immediate surroundings.

21. For those reasons, which we will develop in our evidence and in closing, the balance weighs decisively in favour of granting planning permission, and we will ask you to allow the appeal.

ZACK SIMONS K.C.

ODETTE CHALABY

Landmark Chambers

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10th MARCH 2026