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**Former Laporte Works Site, Nutfield Road,
Nutfield, RH1 4HG**

**An Appeal Under Section 78 of the Town and
Country Planning Act 1990**

**Appeal Reference:
APP/M3645/W/25/3374913**

**Summary Proof of Evidence of
Richard Henley BA (Hons) TP B.PL MRTPI**

**On Behalf of
Nutfield Park Developments Ltd**

February 2026

CD 11.2



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1.0 MY QUALIFICATIONS

- 1.1 My name is Richard Henley, and I am an Executive Director at hgh Consulting.
- 1.2 I am a Chartered Town Planner with over 30 years of experience in strategic land promotion, new settlements, and residential and mixed-use development across London and the South East.
- 1.3 My career has included senior roles at Chesterton plc, Preston Bennett, Hamptons/Countrywide, and, since 2017, as a founding Director of hgh Consulting.
- 1.4 I have advised the Appellant on the Former Laporte Works Site since 2022, leading the planning strategy, technical coordination, and preparation of the planning application and appeal.
- 1.5 I confirm that my evidence is prepared in accordance with the RTPI's ethical standards.

2.0 INTRODUCTION AND SCOPE OF MY EVIDENCE

Introduction

- 2.1 This appeal is submitted by Nutfield Developments Ltd against Tandridge District Council's ('TDC' or 'the Council') refusal of outline planning application 2023/1281.
- 2.2 The Appeal Proposal seeks permission for new homes, an Integrated Retirement Community, and associated access arrangements, with all matters except access reserved. The Appellant's intention is to deliver a sustainable, landscape-led community that provides a wide range of homes, significant environmental enhancements, extensive public access to green space, and a comprehensive package of sustainable transport measures.
- 2.3 At this public inquiry, I represent Nutfield Developments Ltd, the Appellant.

Scope of My Evidence

- 2.4 My evidence relates principally to matters of planning policy in the context of assessing development in the green belt, grey belt exception policy and locational sustainability, and the overall planning balance in respect of the determination of the Appeal Scheme.
- 2.5 I rely on topic-specific evidence of experts in transport, landscape and Green Belt, heritage, affordable housing, older persons' accommodation, and self-build/custom housing. My evidence is also supported by a Housing Land Supply Statement at Appendix 2.

My Position

- 2.6 I set out two routes by which this appeal should be allowed - firstly, as the Appeal Site meets the definition of grey belt, which is common ground with the Council, and as I demonstrate in my evidence, that the Appeal Scheme satisfies all four tests in paragraph 155 of the NPPF, including the 'Golden Rules' and is therefore not inappropriate development; and alternatively, under the planning balance and the paragraph 153 test.
- 2.7 My position is that the Appeal Site constitutes grey belt as it does not "strongly contribute" to Green Belt purposes (a), (b) or (d) and there are no strong reasons to refuse the scheme under footnote 7 of the NPPF. With the most important policies in the Plan being out of date pursuant to footnote 8 of the NPPF (no 5YHLS and poor HDT results) paragraph 11d(ii) is engaged. As I have demonstrated, the adverse impacts of the development do not in my opinion come remotely close to significantly and demonstrably outweighing the very considerable planning and public benefits. Accordingly, planning permission should be granted without delay.

- 2.8 If contrary to my analysis it is considered that the Appeal Scheme does not satisfy NPPF paragraph 155 and is inappropriate development in the Green Belt (the Council's case) I have also undertaken the required planning balance exercise in accordance with the test in paragraph 153 of the NPPF. In that scenario, I have clearly demonstrated that 'other considerations' exist, which individually and collectively will deliver extensive and wide-ranging benefits. These benefits clearly outweigh the identified harm to the Green Belt by reason of inappropriateness and other harms identified by the Council, such that in the alternative case, the paragraph 153 test is favourably passed.
- 2.9 It is my evidence to this Inquiry, that the Appeal should be allowed under either planning balance route, whether the tilted balance in paragraph 11d(ii) or the paragraph 153 test as the positive outcome is the same.

3.0 THE APPEAL SITE AND APPEAL SCHEME

The Appeal Site

- 3.1 The site extends to approximately 58.8 hectares north of Nutfield village. It comprises grassland, self-seeded woodland, waterbodies, and remnants of former mineral extraction and landfill operations.
- 3.2 Around 7 hectares, about 12% of the site, would be developed. The remaining 52 hectares is retained as publicly accessible open space.
- 3.3 The Appeal Site formed part of the Fullers Earthworks Quarry and to the south of the site, being the location of the proposed built development is the remains of the former Laporte Works factory (Appendix 1). The Site was decommissioned in 1997 and the land subsequently restored and self-seeded.

Surrounding Area

- 3.4 The site adjoins Nutfield and South Nutfield, with Redhill located 2.4 kilometres to the west and accessible by bus, cycle, and car. Tandridge District is predominantly Green Belt (94%) and experiences high levels of commuting between dispersed settlements.

Planning History

- 3.5 A larger mixed-use scheme was refused in 2021. Other planning applications date back to before 1998 and are not considered relevant to this appeal.
- 3.6 The current Appeal Scheme was validated in October 2023 and refused by TDC under delegated powers on 3 October 2025.

The Appeal Scheme

- 3.7 The Appeal Scheme proposes up to 166 homes, 70-bed care home, 41 extra care units, 1,500 sqm of flexible community and health floorspace, a new access onto the A25, a £4 million contribution to Surrey's Digital Demand Responsive Transport bus service, a significant package of on- and off-site highway works and sustainable transport measures, and a biodiversity net gain of +22%.

4.0 REASONS FOR REFUSAL AND MAIN ISSUES

Reasons for Refusal

4.1 The Council refused the application for two reasons (summary):

REASON FOR REFUSAL 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.

REASON FOR REFUSAL 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.

Third-Party and Rule 6 Issues

4.2 Objectors raised concerns about highways, flood risk, design, privacy, noise, dust, infrastructure, and parking. I note that Surrey County Council confirmed there would be no unacceptable highway safety impacts, and that issues such as design, layout, and parking will be addressed at reserved matters stage. I set out a response to the Rule 6 objection at Appendix 7 of my evidence.

5.0 THE DEVELOPMENT PLAN

- 5.1 The Development Plan comprises the 2008 Core Strategy and the 2014 Local Plan Part 2. Both documents are significantly out of date, with housing requirement and spatial strategy being based upon 2001 and 2003 ONS and CLG population projections that informed the South East Plan and have not been fully reviewed for over 25 years. The housing requirement figures that informs the spatial strategy is wholly out of date and therefore inconsistent with the NPPF.
- 5.2 As a result, policies restricting development outside settlement boundaries and within the Green Belt carry limited weight. I have concluded in my evidence that the Appeal Scheme does not accord with the Development Plan as a whole (conflicts with CSP1 spatial strategy, DP13 Green Belt and DP20 Heritage policies) being inconsistent with the NPPF 2024.
- 5.3 Whilst the Appeal Scheme conflicts with a number of policies, these conflicts are not considered to be determinative because the policies themselves are outdated and inconsistent with national policy. In accordance with s38(6) PCPA 2004, other material considerations justify the grant of planning permission.

6.0 MATERIAL CONSIDERATIONS

Housing Land Supply

- 6.1 As agreed in the SoCG, Tandridge's HLS position is 1.97 years. The Appellant's HLS position is 0.87 years (Ben Pycroft Statement, Appendix 2). The 2023 Housing Delivery Test result is 42% with an accumulated housing delivery shortfall of 4,696 homes (2019-2023). By either measure the housing need and supply position is exceptionally severe and reflects the national housing crisis.

Affordable Housing

- 6.2 Affordable housing is a separate and specific need, and is similarly acute. Over the Core Strategy period (2008/09 - 2026) Tandridge has only delivered an average of 58 affordable homes per annum. Mr Stacey's evidence identifies a substantial cumulative shortfall of -2,194 affordable homes in the last seven years equating to an average annual shortfall of -313 affordable homes. A further demonstration of the District's dire affordable housing need is the nearly 2,000 households on the Housing Register waiting list. With rising demand and falling delivery the consequence of this has seen rising housing prices (+4%) in stark contrast to it declining nationally and a worsening affordability ratio. All these indicators demonstrate an acute and worsening affordable housing situation in Tandridge.
- 6.3 The Appeal Scheme would deliver 103 much needed affordable homes (50% of the total proposed) which would separately contribute towards meeting the severely acute affordable housing need in Tandridge.

Older Persons' Accommodation

- 6.4 Mr Warner has identified in his evidence that there is a substantial and discretely different housing need for older persons' accommodation, ranging from 326 - 482 extra care units and 357 - 731 care beds between 2029 - 2045. The scheme provides 70 care beds and 41 extra care units, which will make a meaningful contribution to meeting this need.

Self-Build and Custom Housing

- 6.5 Mr Moger similarly identifies a cumulative shortfall of 145 plots for self-build and custom housing. The Appeal Scheme contributes eight serviced plots.

Heritage

- 6.6 Mr Josephs has assessed the development in relation to its impact on the setting and significance of the Church and Folly being the two assets in closest to the Appeal site. Mr Josephs' has concluded that there will be separate minor adverse effects on the setting and appreciation of the Church and Folly, which he concludes amounts to a "low level of less than substantial harm".
- 6.7 Case law and paragraph 212 of the NPPF requires 'great weight' be attributed to the assets conservation. Paragraph 215 of the Framework is engaged, requiring the public benefits of the Appeal Scheme to outweigh the harm identified. My evidence concludes in Section 7 that the public benefits overwhelmingly and clearly outweigh the less than substantial harm identified.

Green Belt and Grey Belt

- 6.8 I have fully demonstrated, with reference to the landscape evidence of Mr Holliday, that the Appeal Site is grey belt and complies with the four grey belt paragraph 155 criteria (not fundamentally undermine the purposes of the Green Belt across the Plan area; meeting identified housing need; sustainable location based upon proposed transport improvements secured by s106 Agreement; and meeting the 'Golden Rules' - 50% affordable homes, provision of local infrastructure and public access to green spaces). Consequently, the scheme is not inappropriate development, and pursuant to footnote 55, the Appeal scheme does not cause harm to the openness of the Green Belt and planning permission should be granted without delay.
- 6.9 If in the alternative, the Appeal Scheme is considered inappropriate development (the paragraph 153 test), substantial weight is afforded to the harm of the development in the Green Belt. In terms of spatial openness, the new housing development would have a significant effect but due to the woodland containment of the site in terms of visual openness the harm would be localised and have a very limited effect. Other harms identified relate to conflicts with the development plan, visual harm to users of the footpaths, character and appearance and heritage significance.

Other Benefits

- 6.10 The Appeal Scheme delivers on-site SUDS ponds, +22% biodiversity net gain, significant employment during construction and operation, social and economic value, extensive new public open space, and major investment in sustainable transport.

7.0 PLANNING BALANCE AND MY CONCLUSION

7.1 Informed by my assessment of the evidence I have attributed weightings to each of the material considerations (harms and benefits) which is summarised in the table:

Harms	Appellant weight attributed
Green Belt <i>(only applicable if grey belt case is not accepted and the alternative NPPF paragraph 153 assessment is required)</i>	Substantial
Conflict with the Development Plan	Limited
Harm to footpath users	Moderate to minor
Character and Appearance	Limited
Heritage harm	Great weight
Benefit	Appellant weight attributed
Market Housing	Very substantial
Affordable Housing	Very substantial
Care Provision	Substantial
Self-Build Housing	Substantial
Golden Rules	Significant
Employment	Significant
Cycle and pedestrian links (inc. SUTRANS upgrade)	Significant
Biodiversity Net Gain	Significant
Sustainable transport improvements	Significant

7.2 In terms of the planning balances to be undertaken to determine the proposed Appeal Scheme, I conclude that:

- (a) **Heritage (paragraph 215 test):** The low level of less than substantial harm is clearly outweighed by the substantial public benefits, addressing the second reason for refusal, and does not amount to a strong reason for refusal under footnote 7 nor precluding the site from being grey belt.

- (b) **Grey Belt (Paragraph 11(d)(ii) test):** I have demonstrated that the Appeal Site is grey belt and the proposed Appeal Scheme fully accords with paragraph 155 and 156 of the NPPF and as such is not inappropriate development, as an exception to Green Belt policy. In the absence of an update to date development plan and policies that are out of date (no 5YHLS and 42% HDT) the tilted balance in paragraph 11d(ii) of the NPPF is engaged. The adverse impacts of the scheme as identified in the above table do not remotely come close to significantly and demonstrably outweighing the very considerable planning and public benefits of the Appeal scheme such that planning permission should be granted without delay.
- (c) **Green Belt (Paragraph 153 test):** If alternatively it is considered that the Appeal site is not grey belt and the paragraph 155 test is not passed, I have demonstrated that ‘other considerations’ exist, which individually and collectively will deliver extensive and wide-ranging benefits, including delivery of housing, affordable housing, care, older persons accommodation, self build plots, Golden Rules, BNG and a substantial investment into sustainable transport measures. These very substantive planning and public benefits clearly outweigh the identified harm to the Green Belt by reason of inappropriateness, and the other harm(s) as identified by the Council resulting from the development. The paragraph 153 test is favourably satisfied.

7.3 For these reasons, under any of the planning balances the outcome is the same. I consider that the appeal should be allowed and outline planning permission granted.



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