

Statement of Case

Town and Country Planning Act 1990

Appeal by Nutfield Park Developments Limited (Ltd)

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

PINS Reference: APP/M3645/W/25/3374913

LPA Reference: TA/2023/1281

January 2025

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1. Aerial images of site and surroundings

1. The Planning Application

- 1.1 This appeal relates to planning application TA/2023/1281 for the following description of development:

“Outline planning permission for 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).”

- 1.2 On 9th June 2023, the Local Planning Authority (LPA) validated a formal request for a Screening Opinion from the appellant. On 18th July 2023, the LPA formally determined that an EIA would not be required.

- 1.3 The application was refused by the LPA on 3rd October 2025 under delegated authority. There are two reasons for refusal (RR). They are:

- 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.

- 1.4 Prior to the appellant submitting application 2023/1281, the LPA responded to a request from the appellant for pre-application advice which will be referred to as appropriate in evidence by the LPA.
- 1.5 The documents referred to in the statement below can be made available for inspection at the Council offices on request by contacting the Tandridge District Council Planning Department by e-mail at [‘planningapplications@tandridge.gov.uk’](mailto:planningapplications@tandridge.gov.uk) or by telephone 01883 722000 quoting ‘Nutfield Park Developments Ltd appeal, Nutfield Green Park, The Former Laporte Works, Nutfield Road, Nutfield, Surrey and application reference number TA/2023/1281.

2 Appeal Site and Surroundings

- 2.1 The application site lies on the north side of the A25 which is known as Nutfield Road/High Street and comprises a former minerals and landfill site of approximately 59 hectares. The site has been restored to woodland, open fields and agricultural use and is accessible to the public via a number of public rights of way which cross the site. To the east of the site lies Mercer’s Quarry which is an active minerals site and to the west lies an active landfill site operated by Biffa. To the north of the site lies Nutfield Marsh; a historic hamlet of a small number of residential properties with nearby sporadic residential dwellings, the Inn on the Pond Public House and further north lies the Nutfield Cricket Club Ground. To the south of the site along the A25 lies ribbon development of residential properties comprising predominantly two and three-storey dwellings varying in design and period

- 2.2 To The site lies within a Biodiversity Opportunity Area (BOA) and Site of Importance for Nature Conservation (SINC) and is rich in ecological value across the site, with water sources to the north and woodland predominantly to the south; the site is subject to a Tree Preservation Order (Order No 15/2013/TAN). The site forms part of the Green Belt and contributes significantly to the open and spacious character of the area. Nutfield is a Tier 4 – Limited and Unserved – settlement. Such settlements are defined in the Tandridge District Settlement Hierarchy (November 2015) as follows:

These settlements have very little or no service provision. In most cases these settlements are remotely located and take the form of a very small cluster of homes, or a sporadic dispersal of properties across a wider rural area or roadside. Services in these areas are so limited that access to day-to-day services must be gained from elsewhere.

Access to public transport and even the Strategic Road Network is such that there is overt reliance on private transport and travel to meet needs is generated by necessity rather than choice.

These settlements are not considered to be sustainable.

- 2.3 Currently there is no vehicular access into the site from the A25 as an earth bund has been placed across the former roadway to prevent unauthorised access to the site. Evidence of historic mineral workings is evident to the open areas of the site to the north and south.

3.0 Relevant Planning History

- 3.1 2023/737/EIA – Request for Screening Opinion for a proposed redevelopment of the Site to deliver up to 166 residential units, a 70-bed care home and 39-bed extra care facility in buildings up to 2.5 storeys – The Screening Opinion advised that the proposal was not EIA development – 18th July 2023

- 3.2 2021/1040 – Construction and operation of Nutfield Green Park with access from Nutfield Road and Nutfield Marsh Road comprising the construction of an outdoor activity park using imported inert materials, the operation of an outdoor activity park, the construction and operation of an associated wellbeing centre (GP surgery, pharmacy, community diagnostic hub, community shop, restaurant/cafe, creche, office hub, event space, indoor and outdoor gyms together with ancillary uses such as 2 staff accommodation units, treatment rooms and storage) together with development of up to 239 residential units, a 70 bedroom rehabilitation and respite care facility with an associated up to 100 extra care units and staff accommodation for up to 21 staff together with infrastructure, landscaping and open space. (Outline for Access and Layout) – Refused 21st September 2021.
- 3.3 2019/547/EIA – Request for Scoping Opinion for the housing development, residential care home and stroke rehabilitation unit, alongside the formation of Nutfield Green Park outdoor activity and recreation centre – This scoping opinion advised that an Environmental Statement (ES) was required and set the parameters for the ES.

4 Development Plan Policy

- 4.1 The adopted development plan consists of the Tandridge District Core Strategy (2008) and the Tandridge Local Plan Part 2 – Detailed Policies (2014). Within the development plan, the most important policies for the determination of this appeal proposal as set out in the officer report (OR) are: -
- i. Core Strategy Policies CSP1, CSP2, CSP3, CSP4, CSP7, CSP8, CSP11, CSP12, CSP13, CSP14, CSP16, CSP17, CSP18, CSP19, CSP21, CSP22; and
 - ii. Detailed Policies DP1, DP4, DP5, DP7, DP9, DP10, DP13, DP18, DP19, DP20, DP21 and DP22.

The relevance of these policies and key considerations to the determination of this appeal will be set out in detail in the Council's evidence. The Council reserves the right to comment on any additional development plan policies cited by the appellant as part of its case.

4.2 The LPA's evidence will be that Tandridge District Core Strategy housing policy CSP2 is out of date. This does not mean other important policies can be given no weight at all in the determination of this appeal.

4.3 The following Supplementary Planning Documents (SPDs) that have been formally adopted by the LPA apply:

- Tandridge Parking Standards SPD (2012)
- Tandridge Trees and Soft Landscaping SPD (2017)

4.4 Reference will be made in the LPA's evidence to the High Court judgement in the case of *Barnwell Manor Wind Energy Ltd v E.Northants DC, English Heritage, National Trust & SSCLG* ([2014] EWCA Civ 137). The Court held that in enacting section 66(1) of the Listed Buildings Act 1990, Parliament intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm but should be given "considerable importance and weight" when the decision-maker carries out the balancing exercise.

5 The Emerging Local Plan

5.1 Tandridge District Council submitted 'Our Local Plan 2033' for independent examination in January 2019. The Inspector's Report was published on the 20 February 2024, bringing the examination to a close. The Inspector's final recommendation was that the submitted plan should not be adopted due to soundness issues. The Council has now withdrawn Our Local Plan 2033 and started work towards preparing a new local plan. Public consultation on an Issues and Options document for the new local plan is scheduled to take place from

January 2026. The contents of this will be referred to in the LPA's evidence for this appeal where relevant.

- 5.2 The evidence base of the withdrawn local plan remains a material consideration in the determination of the appeal proposal and will be referred to in the LPA's evidence where relevant.

6. Material Considerations

- 6.1 The National Planning Policy Framework 2024 (NPPF) is an important material consideration in the determination of this appeal. The LPA will in presenting its evidence at this appeal refer particularly to the chapters below: -

- Chapter 2: Achieving sustainable development inc. Para. 11 and footnote 7.
- Chapter 5: Delivering a sufficient supply of homes
- Chapter 8: Promoting healthy and safe communities
- Chapter 9: Promoting sustainable transport
- Chapter 11: Making effective use of land
- Chapter 12: Achieving well-designed places
- Chapter 13: Protecting Green Belt land
- Chapter 14 Meeting the challenge of climate change.....
- Chapter 15: Conserving and enhancing the natural environment
- Chapter 16: Conserving and enhancing the historic environment

- 6.2 The LPA's Interim Policy Statement for Housing Delivery – September 2022 (IPSHD) is a material consideration identifying what measures the LPA will take to improve housing delivery in the period pending adoption of the new Local Plan. This comprises sites that are coming forward on brownfield land and Green Belt sites from the emerging but now withdrawn Local Plan which have been through two regulation 18 consultations and a regulation 19 consultation that have been rigorously assessed via HELAA and Green Belt assessments. The IPSHD sets out criteria where applications will be invited on Appendix A and Appendix B sites.

6.3 Appendix A sites comprise:

“The emerging Local Plan process identified a number of large sites (75+ units) that could potentially be brought forward where the Examiner did not raise concerns. These sites have been rigorously assessed via the HELAA process and Green Belt assessments. They have also been through two Regulation 18 consultations, one Regulation 19 consultation as well as site specific Examination hearings.”

As the appeal site was not a proposed housing allocation in Our Local Plan 2033, it is not an Appendix A site for the purposes of the IPSHD.

6.4 Appendix B sites are those involving enabling development which means allowing development to take place that would not normally be granted permission because it is contrary to development plan policy (and possibly national planning policy), but which enables the delivery of a development which provides exceptional and significant public benefit. The appeal site is not an Appendix B site because the development proposed is not enabling development.

7. Key planning issues for consideration

7.1 The LPA considers that the following are key planning issues to be addressed in evidence for this appeal:

1. Housing land supply (market housing, affordable housing and extra care housing) and the weight that should be afforded to this in the planning balance to determine the appeal.
2. Whether the application site is Green Belt or Grey Belt, given the changes in the 2024 NPPF and subsequent changes to Planning Practice Guidance.
3. Whether the appeal proposal is locationally sustainable development.
4. The impact of the proposed development on heritage assets.
5. Any other ham including the character and appearance of the area.
6. Conclusion and planning balance.

8. Key issue 1: Five-year housing land supply and affordable housing

A) Five-year Housing Land Supply (5YHLS)

- 8.1 Table 1 below shows the Council cannot demonstrate a Five-year Housing Land Supply when calculated against the standard method prescribed in the December 2024 NPPF. As of October 1st, 2025, the Council can demonstrate a provision of 2.17 years' worth of supply. Consequently, paragraph 11D of the NPPF is engaged.

Table 1: 5YHLS position as of 01 October 2025

COMPONENT						OUTPUT
Standard Method annual requirement						827
Annual requirement +20%						993
Five-year requirement (inc. buffer)						4964
Total Supply						2158
Year	2025/26	2026/27	2027/28	2028/29	2029/30	TOTAL
FUL <=9	127	68	22	0	0	211
FUL >=10	43	123	133	95	80	474
UC <=9	38	13	5	0	0	56
UC >=10	20	20	20	20	9	89
OUT > 10	0	0	264	276	210	750
PA / CoU / CLU	33	3	4	0	0	34
C2 / Communal	0	20	20	20	24	84
Windfall	0	0	0	230	230	460
Over / Under Provision						-2806
Total Years Supply						2.17

- 8.2 The Council acknowledges that it is unable to demonstrate a 5YHLS and agree this position in a Statement of Common Ground prior to the sitting of the Inquiry.

B) Interim Policy Statement for the Delivery of Housing

- 8.3 The 2022 iteration of the Housing Delivery Test Action Plan (HDTAP) introduced the Interim Policy Statement for Housing Delivery – this policy was adopted at Planning Policy Committee and provides criteria for Development Management to assess planning applications against and determine accordingly. It is an important material consideration in the determination of planning applications. The document expressed support for the proposed allocations included in the 'Our Local Plan 2033' where the Examiner did not raise concerns. Potential sites must also be deliverable and viable: having regard to the provision of any necessary on-site and off-site infrastructure, affordable housing requirements, payment of the Community Infrastructure Levy; and accord with the policies in the adopted development plan.
- 8.4 Table 2 below presents the sites that have already delivered housing or have the potential for delivery as a result of the IPSHD (either identified in the IPSHD as a site for development or using the IPSHD as a material consideration to determine the application).

Table 2: IPSHD Sites Identified to Deliver Housing

Site	Capacity	Planning Status	Current Status
Land North of Plough Road, Small Field	120	Planning application 2022/1658 approved at committee on 7/12/23, referred to Secretary of State as a departure; not called in.	Permission granted by the Council
Former Shelton Sports Ground, Warlingham	150	Planning application number 2022/267 approved at committee on 7/12/23, referred to Secretary of State as a departure; not called in.	Permission granted by the Council
Land at Plough Road and Redehall Road, Smallfield	160	Application at Redehall Road for 85 dwellings 2024/1389; the site does not include does not include the northern parcel of land,	Permission granted by the Council pending completion of a

		hence the reduction in dwellings.	s106 Agreement
Land to the West of Godstone	150	None	Awaiting an application to be submitted
Land West of Limpsfield Road, Warlingham	90	Southern part of site with the northern area granted permission and commenced construction under 2021/2178	Under construction
Land west of Red Lane	60	None	Awaiting an application to be submitted
Warren Lane Depot	50	Live application for 22 dwellings at Warren Lane – 2024/155; this site does not include the southwestern parcel of land hence the reduction in dwellings.	Application submitted and awaiting decision
Land at Green Hill Lane and Alexandra Avenue	50	Planning application under consideration for 50 homes and 72 bed care home reference 2024/1325 (land north of Chelsham Road)	Application submitted and awaiting decision
North Tandridge One Public Estate	82	None	Awaiting an application to be submitted
1 Park Lane Warlingham, Surrey, CR6 9BY	45	Planning application reference 2024/1393. 49% affordable housing	Permission granted by the Council (July 2025)
Land at Former Godstone Quarry, Godstone, RH9 8ND	140 This was not a draft Local Plan allocation but enabling development	Planning application 2022/1523 approved September 2024 with 50% affordable housing and GP surgery	Permission granted by the Council
Young Epilepsy, St Piers Lane, Lingfield, Surrey RH7 6PW	This was not a draft Local Plan allocation but enabling development	2022/1161 application for residential community comprising 152 units of accommodation	Permission granted by the Council

8.5 The Council now has a clear delivery pipeline of new housing and has evidenced increased housing supply and delivery as a direct result of the adoption of the IPSHD. The planning permissions listed in Table 2 were all granted by the Council

under officer delegated powers or by members of its Planning Committee as opposed to through appeal. The IPSHD sites are also all within the Green Belt where the Council had to robustly balance significant local opposition when making its decisions to approve. This is further evidence that the Council is taking a proactive approach to meeting housing needs by positively using its IPSHD to significantly boost housing supply on suitable locations as required by the NPPF.

- 8.6 Although he went on to find it unsound, the Inspector who examined the Council's 'Our Local Plan: 2033' accepted that Tandridge would not be able to meet its objectively assessed need for housing in full¹. This is due to the major policy and infrastructure constraints to development in this district, including the Green Belt (encompassing 94% of the district), two AONBs, areas of flood risk, and significant infrastructure capacity constraints including safety issues (for example around the M25 J6). These constraints can reasonably be expected to reduce any future housing requirement.

C) Affordable Housing

- 8.7 The LPA accepts there is a demonstrable need for affordable housing. Tandridge Council is pro-actively seeking to build affordable homes on its land and land the Council can acquire on the right terms and updated information will be referred to.
- 8.8 The LPA's case will be that absence of a 5YHLS is insufficient to outweigh the substantial weight that must be afforded to the harm that the appeal scheme would cause to the Green Belt; and the weight to be given to the other harm that would result from the appeal scheme. Details of other harm that the LPA considers relevant is set out in the key issues. In the context of the 5YHLS position housing provision, and in particular affordable housing, attracts significant weight in the planning balance.

¹ Paragraph 44 Inspectors Report: It is clear to me that there are specific policies of the Framework which indicate that development should be restricted in Tandridge and that in principle, the Plan would be sound in not meeting the OAN in full.

9. Key issue 2: Green Belt

- 9.1 NPPF paragraph 142 acknowledge the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and performance.
- 9.2 The LPA has acknowledged in the OR and accepts that definitionally the site is grey belt land as it does not contribute to the purposes set out at para. 143 a), b) and d). However, tested against NPPF paragraph 155 the LPA's case is that the development does not satisfy 155 (a) as the development would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. In that regard, the Council notes the analysis of the Inspector in the Burnham appeal referenced in the Officer Report at para. 12.27 (APP/X0415/W/25/3360406).
- 9.3 The appeal proposal would also not satisfy paragraph 155(c) as the development would not be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. Therefore, despite being Grey Belt the development remains inappropriate development for the purposes of paragraph 153 and 154 of the NPPF.
- 9.4 In terms of its contribution to the purpose set out at para. 143 c) the Green Belt in this location strongly assists in safeguarding the countryside from encroachment. There is clear encroachment on the countryside by the development. In relation to the role which the site plays in safeguarding the countryside from encroachment the site currently strongly contributes to Green Belt purpose (c).
- 9.5 There would be both harm by definition and substantive harm in terms of impact on openness in both the visual and spatial sense. In accordance with paragraph 153 substantial weight should be given to any harm to the Green Belt and it should not be approved except in very special circumstances. The LPA considers there are no very special circumstances, because the harm by reason

of inappropriateness, together with substantive harm to openness, and the other harm identified below (including the heritage harm and the unsustainable location of the site) is not clearly outweighed by the benefits of the proposal in the concluding planning balance section..

- 9.6 The proposal is therefore contrary to both national Green Belt policy set out in the NPPF and Development Plan Policies DP10 and DP13.

10. Key issue 3: Location and Sustainability

- 10.1 Whilst the County Highway Authority (CHA) raises no highway objection to the application, subject to s106 contributions including a £4,000,000 (four million pounds) towards the Digital Demand Response Transport (DDRT) and mainstream bus services in the local area and imposition of conditions on any permission as set out in the final response dated 14th March 2025, along with additional highway improvements sought by condition, including the extension of the current 30mph speed limit on the A25 west of the site access, with final details to be secured via a s278 agreement under the Highways Act, the LPA has concerns over the mitigation offered to address the sustainability of the development in the proposed location for reasons set out in the OR. The Highway authority acknowledged the proposal is not in a sustainable location.
- 10.2 The OR sets out the reasoning why Nutfield is not a sustainable location for the amount of development proposed. The following is reproduced from paragraphs 12.34 to 12.38 of the OR for ease of reference
- 10.3 Nutfield is a very small village with a population of around only 300 people. It has a very limited range of existing services comprising a community centre, a jeweller, a veterinary surgery, a flooring shop, a public house and a garage (mechanic, tyre sales and hand car wash). There are no rail stations, schools, doctors or dentist facilities in the village, although an infant's school and railway station in South Nutfield are technically within walking distance, but due to the steep hill that would

need to be climbed between South Nutfield and Nutfield this journey would not be attractive for parents with children or elderly people. Consequently, the settlement hierarchy work that was undertaken for the now withdrawn Local Plan placed Nutfield in the lowest ranked tier (Tier 4 – Limited and unserved settlements). The proposed development that would in effect double the size of the village in terms of both housing and population would add very significant pressure on the very limited services and road networks that do exist. The starting point, therefore, is that the application site is not in a sustainable location; and there can be no disagreement over this baseline position.

10.4 The PPG advises that when considering Paragraph 155 (c) it is necessary to consider whether a site can be made sustainable. In this regard, it is noted that the applicant proposes to make improvements to the local bus, walking and cycle services. It is notable, however, that the proposed transport improvements are only focused (apart from the provision of pedestrian crossings on the A25) on getting people to the larger settlements elsewhere such as Redhill rather than to Nutfield. This is tacit admission of Nutfield's lack of facilities and inherent unsustainability. The reality, however, is that whilst some residents may use the proposed sustainable transport measures the vast majority will not and will be accessing services, facilities and jobs using the private car. It is also unclear whether the proposed sustainable transport contribution will be sufficient to be effective for the lifetime of development in terms of providing sufficient subsidy for residents, or if there would still be a requirement for residents to pay for bus services once it runs out.

10.5 It is also important to consider that sustainable development means significantly more than simply transport measures. It is acknowledged that there is a particular focus on transport within Paragraph 155 (c), but nowhere does it state that other aspects of sustainability should not be considered. In this regard, no substantive or definitive improvements are proposed to local schools, shops, employment opportunities and doctor / dental facilities (apart from a generic indication that a Use Class E (e) - for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the

consultant or practitioner, and/or F2 - use as: (a) a shop mostly selling essential goods, including food, to visiting members of the public in circumstances where: (i) the shop's premises cover an area not more than 280 metres square, and (ii) there is no other such facility within 1000 metre radius of the shop's location, (b) a hall or meeting place for the principal use of the local community, (c) an area or place for outdoor sport or recreation, not involving motorised vehicles or firearms, (d) an indoor or outdoor swimming pool or skating rink - could be provided) all of which will remain mostly accessed by the least sustainable mode of transport, the private car.

10.6 In short, the proposed transport measures, whilst delivering some benefits will not be anywhere near sufficient to change the site's overall status from a 'limited and unserviced settlement' location to one that can genuinely be deemed as sustainable. The size of the proposal is clearly disproportionate to the size and status of Nutfield and would result in it becoming a commuter and dormitory development that will only reduce its sustainability credentials further in the longer term.

10.7 In terms of proximity to services it is noted that the nearest Primary school to the site is Nutfield Church CofE Primary which is located 0.8 miles from the entrance to the application site. However, as noted in the applicants submitted Social Infrastructure Statement (October 2023) this school does not have capacity to accommodate the child yield likely to be generated by the development. The nearest Primary school with any capacity is Earlswood Infant & Nursery which is located 1.8 miles from the site entrance but the walking route to this school is predominantly along the A25 which is heavily trafficked and would not provide a pleasant walking environment for young children.

11 Key issue 4: Heritage Impact

11.1 The development of the site would affect the setting (and therefore the significance) of designated heritage assets: St Peter and St Paul's Church (Grade II* Listed); Folly Tower (Grade II), 40-44 High Street(Grade II) and The Queen's Head (Grade II). Most

notably, the Grade II* listed church of St Peter and St Paul and Grade II listed Folly Tower are a short distance away from the east and southeast corner of the application site boundary (approx. 30m).

- 11.2 The views of the historic buildings officer of Surrey County Council on the local context and impact the proposed development would have on the heritage assets are:

Nutfield is a historic village which sits on top of a Greensand ridge between Bletchingley and Reigate. St Peter and St Paul's Church is the oldest building in the village with parts dating back to the early 13th century. The other surviving buildings from this period are nos. 40-44 High Street and The Queen's Head which date from the 16th to 17th centuries. There is no evidence to suggest this was a planned settlement such as Bletchingley and Limpsfield.

From the 18th century onward, the area was quarried for Fuller's earth. This activity along with the arrival of the railway in the 19th century, led to further development in the village with a number of new houses constructed, identifiable by their slate roofs. Well House on the High Street belongs to this period of development and included a Folly Tower which is now in the grounds of Redwood. There are two heritage assets affected by this scheme which are the Folly Tower at Redwood (Grade II) and St Peter and St Paul's Church (Grade II).*

St Peter and St Paul's Church is a Grade II listed building just to the north of Nutfield Village on Church Hill set on a raised embankment. The church has high historical and archaeological significance as evidence of the early history of Nutfield Village and the development of the surrounding area. The building also has high aesthetic value as an example of a medieval Gothic church which has subsequently been extended over the years.*

The Folly Tower is to the north of the High Street and to the south of the Green Park East development. Built in 1858, its architectural significance lies in both its dramatic appearance as a tower but also its function designed to have views over

its surroundings. The historic interest of the tower is derived from the fashion to create folly buildings in the gardens of moderate to large houses in the 18th and 19th centuries often using local materials, which in this case is Reigate stone.

Owing to the topography of both the church and the Green Park East development site, there will be intervisibility between the development and the church. This is shown clearly within the Landscape and Visual Impact Assessment in Figure 32. While these views will be partially screened by the existing trees, they will not be sufficient to entirely remove views, particularly during the winter months or at night from lighting in the application site. There will also likely be views from the church tower. Ultimately, the residential appearance of the site will detract from the rural setting of the church and cause harm. As the views from the churchyard are limited, I consider such harm to be low but still a material consideration.

The proposal will see the loss of tree cover to the north of The Folly Tower and will give the tower direct views of Green Park East and the Integrated Retirement Community. Owing to the loss of the remainder of the building's landscape setting, I consider this to result in harm. While views are an important part of the Folly Tower's function, I note that much of the surroundings have already been developed and the building's original context has been largely lost. As the views only make a small contribution to the significance of the building, I consider the harm from the proposal to be a low form of less than substantial harm.

- 11.3 The LPA's considers that the proposal would therefore cause less than substantial harm to the setting of the designated heritage assets referred to above. It considers that the degree of harm within this less than substantial category is at the low – moderate degree of harm.
- 11.4 The LPA notes the High Court judgement in the case of Barnwell Manor Wind Energy Ltd v E.Northants DC, English Heritage, National Trust & SSCLG ([2014] EWCA Civ 137) which is relevant to the determination of this appeal. The Court held that in enacting section 66(1) of the Listed Buildings Act 1990, Parliament

intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm but should be given “considerable importance and weight” when the decision-maker carries out the balancing exercise. The applicant has made no assessment of the degree of less substantial harm to the setting of the listed buildings and therefore whether there is just limited harm. The LPA give considerable importance and weight to the harm the proposed development would cause to the setting of the listed buildings at Folly Tower and St Peter and St Paul’s Church.

11.5 The NPPF at paragraph 215 provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The appellant’s Planning Statement forming part of the planning application refers to the following public benefits of the proposed development:

- Provision of housing, including market, affordable (50%) and self-build homes.
- Provision of care, including extra care and a care home
- Ecological enhancement, and a biodiversity net gain of approximately 22.22%.
- Provision of flexible Class F2 and Class E) use floorspace, to further support the provision of other facilities for the benefits of the residents of the IRC and the wider community of Nutfield.
- 50% affordable housing and specialist older persons’ housing for which there is clear evidence of need.
- Sustainable transport measures
- Green Infrastructure (c.88% of 52 ha)
- Employment generation/economic benefits

11.6 In summary, the LPA’s case will be that the key public benefit arising from the proposed development is the delivery of both market and affordable housing. Some of the other public benefits listed by the appellant, such as C2 care housing and self-build homes, and employment generation are considered by the LPA to

attract limited weight. The other benefits such as provision of new public open space and green infrastructure would come at the cost of diminution in the quality of existing recreational facilities (Nutfield Public Footpath Nos. 192, 195, 568, 571, 572, 621, 622 & 624) and the loss of 7 ha of open countryside and woodland and should be afforded minimal if any weight. Taken overall, the LPA case will be that it does not consider that the public benefits outweigh the great weight that should be given to the conservation of the setting of two listed heritage assets, particularly St Peter and St Paul's Grade II* listed church..

- 11.7 The application is thereby contrary to paragraph 215 of the NPPF and development plan policy DP20 and the LPA's considers that this attracts significant weight in the planning balance against the development proposal.

12. Key issue 5: C2 Care Housing Provision

- 12.1 The LPA's assessment sets out that while arguments can be made on the definition of an Integrated Retirement Community, the appellant still needs to demonstrate that the proposed specialist housing units should be argued for a C2 planning use rather than C3. This reflects on the NPPG for [Housing for older and disabled people - GOV.UK](https://www.gov.uk/guidance/housing-for-older-and-disabled-people), which presents "extra care housing or housing-with-care" as a separate typology of specialist housing to "Residential care homes and nursing homes", noting that "any single development may contain a range of different types of specialist housing." In order to argue for a C2 planning use, the services provided to people living in the specialist housing units will need to be either regarded as indivisible from the functions of the care home (as without it the specialist housing would no longer be C2).
- 12.2 As stated in the OR (para. 12.32) Surrey County Council Adult Social Care indicated in their response to the application that the following matters remain unresolved: The undertakings which the applicant would need to make in order to evidence the suitability of a C2 planning use for the "extra care facility beds". The proximity of the care home is not enough to evidence this – the operation of both the proposed care home and relevant housing units need to be intertwined

to the extent that they, together, form what the applicant describes as an “integrated retirement community.”

13. Key issue 6: Self Build Housing

13.1 The PCR clarified that in terms of self-build housing provision,

“the Council’s records indicate that we currently have 21 people who are actively looking for a self-build plot in Tandridge at the present time. It is unclear from our evidence what the applicant’s 1,421 or their 22% figures relate to as neither seem to correlate with our data.” Notwithstanding, the 8 plots that the application in this case is proposing would contribute to addressing 38% of the people on our list. Whilst this could have some weight, whether it is sufficient to amount to VSC is more arguable as there will be other harms and benefits and harms that would need to be considered in the round. It should also be noted that we are due to contact the 21 people on the register to see if they are still actively looking and it may well be that they are not as it has been a while since our last update”.

13.2 The LPA will produce further evidence to address this issue.

14. Key Issue 7: Any other Harm

14.1 The LPA have referred to the impact of the development on local character and appearance of the ‘area’ in paragraphs 19.20 and 19.21 of the OR and maintains that while there is conflict with Policies CSP18 and DP7, on balance it did not warrant a standalone reason for refusal. Nevertheless, the assessment serves to demonstrate the additional harm associated with the proposal. Cumulatively in the planning balance it should add moderate weight against the benefits of the proposal.

15 Conclusions and Planning Balance

15.1 The LPA considers that the proposal does not accord with the development plan as a whole and sets out its position below as to compliance or non-compliance with what it considers are the most relevant development plan policies.”

A) Compliance with development plan policy:

The development proposals are in compliance with development plan policy with respect to the following policies:

- DP19 in part with respect to biodiversity net gain
- DP21(E) surface water flood risk □ DP7 highway safety

B) Non-compliance with development plan policy:

The development proposals are not compliant with development plan policy with respect to the following policies:

- CSP1 and DP1 sustainability because this development is **not** located in a sustainable location.”
- CSP8 for extra care accommodation; the application lacks essential information and cannot be said to be compliant with this policy
- DP10 there is definitional, spatial and visual harm to the Green Belt and the development is in conflict with Green Belt purposes c),
- CSP18 because the proposed development would not reflect and respect the character, setting and local context of the area in which it is situated
- DP20 because of harm to the significance of heritage assets caused by the proposed development would not be outweighed by benefits of the proposed development
- CSP18 and DP7 the proposed development would not add to the overall quality of the area but would have adverse impacts on Nutfield’s character and appearance

15.2 The LPA considers that the weight to be afforded to each issue in the planning balance should be as below: -

Proposed benefits of the application:

- a. market and affordable housing – significant
- b. extra care accommodation – limited
- c. highways – neutral
- d. green spaces/green infrastructure – limited
- e. economic – limited
- f. sustainable drainage – limited
- g. biodiversity net gain - limited

Harm that will be caused:

- a. harm to the Green Belt- substantial
- b. harm to users of Nutfield Footpaths – significant
- c. harm to significance of heritage assets – great weight
- d. Unsustainable location - significant
- e. harm to character and appearance of the local area – moderate

Neutral or no weight

Contamination

- 15.3 The LPA does not consider that there are any material considerations which outweigh this conflict with the development plan. In terms of the application of paragraph 11(d) of the NPPF, for the reasons set out above the LPA accepts that the tilted balance applies but consider that the adverse impacts of granting permission do significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. The LPA sets out what weight it ascribes to the benefits and harms of the proposal, which demonstrates why the harms do significantly and demonstrably outweigh the benefits.
- 15.4 There has been a reassessment of the weight to be afforded to the sustainability of the proposed development. Previously this was afforded limited weight as a benefit of the appeal scheme. However, as set out in the OR, when the external effects of the proposed development in totality are taken into account the conclusion is that the development is unsustainable. Following further discussion with the historic buildings officer of Surrey County Council, and his advice that great weight needs to be given to the harm to the setting of heritage assets. Even greater weight should be afforded to the harm on the Grade II* listed Church the weight afforded to that harm has increased from moderate to significant.
- 15.5 The LPA has set out its full assessment of why the application should be considered inappropriate development in the Green Belt despite its definitional status as Grey

Belt. This is because the LPA contend the site does not accord with Paragraph 155 (a) as it would undermine the purposes of Green Belt when taken together in the rest of the plan area and 155 (c) being in an unsustainable location for the scale of development proposed due to the virtual total lack of facilities within convenient walking and cycling distance of the site. Accordingly, the application proposals for residential development constitute inappropriate development that would cause harm to openness by way of visual and spatial harm, and also definitional harm to the Green Belt. In accordance with paragraph 153 of the NPPF and Tandridge Local Plan Part 2: Detailed Policies DP10 and DP13, substantial weight has to be given to Green Belt harm, in the determination of this appeal.

- 15.6 Development harmful to the Green Belt should not be approved except in very special circumstances (VSC). The LPA has in its evidence relating to the consideration of the key issues raised by this appeal, set out the weightings applying to each issue to derive the benefits and harm that would arise if the appeal was allowed, as summarised in paragraph 15.2 above. The proposed benefits of the application in the applicant's submissions constitute the purported VSC why the application should be approved (paragraph 8.7 of the Planning Statement refers). The most significant of these purported VSCs is the provision of market and affordable housing in circumstances where the LPA cannot demonstrate a five-year housing land supply.
- 15.7 Set against these purported VSCs are the identified harm to the Green Belt and other harm that would arise from the development. The LPA's assessment is that, given the constrained nature of the site, the harms resulting from the proposed development clearly outweigh the benefits, and the VSC for the granting of planning permission do not exist.
- 15.8 For the reasons set out, planning permission should be refused and the appeal dismissed.

Appendix 1 - Aerial Views of the Site and Surroundings. Date Taken 11/12/25



View Northeast Across the eastern section of site towards St. Peter and St Paul's Church on Church Hill (Spire circled to the left) with Folly Tower circled to the right. A25 Memoria Hall and Sports Pitches are located to the left.



Closer view of NE boundary on Church Hill with St Peter and St Paul's Church circled.



View North closer to the eastern boundary of the site on Church Hill with the same church.



View west along the northern section of the site.



Biffa Landfill Site to the west



View Northwest along the A25



View North of Memorial Hall and Sports Pitches on the A25



View to the Northeast adjacent to the Sports Pitches and Folly Tower near Church Hill circled.