



# NUTFIELD GREEN PARK

STATEMENT OF CASE

OCTOBER 2025



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Appendix 1: Notice of Intention to Appeal

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## 1.0 INTRODUCTION

1.1 This Statement of Case (SoC) has been prepared by hgh Consulting on behalf of Nutfield Park Developments Limited ('the Appellant'). It sets out the case that the Appellant intends to present at the forthcoming appeal against the refusal of an outline application at the Former Laporte Works Site, Nutfield Road, Nutfield ('the Site').

### Background

1.2 An application for outline planning permission (reference: 2023/1281) was validated on 20 October 2023 by Tandridge District Council ('TDC' or 'the Council'). The application proposed the following:

*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)*

1.3 Throughout the protracted determination of the application, the Appellant has responded to comments from the case officer and both statutory and non-statutory consultees and has engaged in meetings with relevant consultees and provided further supporting information throughout the near 2-year determination period. Over this time, all known requests for further information or holding objections from statutory consultees have been addressed.

1.4 Notwithstanding these efforts, and a recent extension of time that was agreed until 6 October 2025 to allow the application to be presented and determined at 2 October 2025 Planning Committee, the application was refused under delegated powers on 3 October 2025.

1.5 The Appellant considers the two reasons for refusal as grounds to appeal the decision and sets out a clear and robust case in this Statement as the basis for detailed evidence in due course in support of the Appeal scheme for the Planning Inspectorate's consideration.

1.6 The Appellant issued a notice of an intention to submit an appeal (via hgh Consulting) to the Planning Inspectorate (PINS) and the Council via email on 7 October 2025 (Appendix 1).

### The Council's Decision to Refuse Planning Permission

1.7 Outline planning permission was refused on 3 October 2025, under delegated powers. The reasons for refusal are as follows:

- 1) **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.*
- 2) **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.*

#### **The Justification for Inquiry Appeal Procedure**

- 1.8 In accordance with the provisions set out in the PINS Guidance '*Criteria for determining the procedure for planning, enforcement, advertisement and discontinuance notice appeals*' (April 2022) (as amended and updated), an Inquiry will be the most appropriate procedure in this instance because:
  - There is a need for the evidence on Green Belt, including associated landscape and visual issues, heritage, highways and respective needs cases, and for the application of planning policy to be thoroughly tested through formal questioning by an advocate;
  - The issues set out by the reasons for refusal are inter-related and complex;
  - The Appeal has generated substantial local interest; and
  - Potential for one or more Rule 6 Party with a material interest in the determination and outcome of the Appeal, which is sufficient to warrant an inquiry.
- 1.9 Over the 2-year determination of the application, there has been a substantial amount of local interest in the proposed development. In addition to the statutory and non statutory consultees and interested parties, the application attracted 533 objection letters together with 16 letters of support during the initial consultation period in 2023. A further 25 letters/emails of support were issued to TDC over the course of the Summer of 2025 following the submission of the Planning Statement Addendum in April 2025.
- 1.10 Prior to the submission of this application, a planning application was refused by the Council on 21 September 2021 (ref: TA/2021/1040), with 20 reasons for refusal attached to the decision notice.
- 1.11 The Appellant consider that the Appeal should be dealt with by way of a Planning Inquiry.

- 1.12 A detailed assessment and proof of evidence are considered necessary to appropriately establish the complex assessment of key technical topics.
- 1.13 The Planning Inquiry is expected to take 8 sitting days and the intended list of topics to be covered include:
  - Planning;
  - Green Belt and grey belt;
  - Landscape and Visual Impact;
  - Heritage impact;
  - Movement and Transport;
  - Housing Land Supply and Need;
  - Affordable Housing Need;
  - Older Person Need; and
  - Custom and Self-Build Need.
- 1.14 Material facts and matters of opinion are in dispute on a wide range of technical issues, such that evidence will need to be tested through formal questioning by an advocate.
- 1.15 Legal submissions will need to be made in relation to a range of matters, including the application of the NPPF, the section 38(6) Planning and Compulsory Purchase Act 2004 test, the proper approach to grey belt assessment (the paragraph 155 test) and Green Belt policy, and legal issues surrounding Section 106 (S.106) agreement matters including transport contributions, affordable housing and securing biodiversity net gain and longer-term maintenance and monitoring.
- 1.16 A draft Statement of Common Ground (SoCG) is prepared by the Appellant and is submitted with the appeal. This has not yet been agreed with the Council. The draft is intended to reflect discussions with statutory consultees and (the poor level of engagement) with the case officer to date. Following the submission of this Appeal, the Appellant team will look to agree a separate SoCG in regard to agreed highways matters.
- 1.17 In relation to affordable housing need, evidence will be presented by the Appellant, among other things, as to: (a) the annual ongoing need for affordable housing need; (b) past market and affordable housing delivery and comparisons with the identified affordable housing needs against delivery performance; (c) the relevant affordability indicators including, for example: (i) the number of households on the Council's Housing Register (ii) house prices; (iii) annual earnings; (iv) affordability ratios; and (v) private rents etc; (d) other material considerations such as relevant applicable Secretary of State and Inspectors decisions.
- 1.18 The Appellant's case in relation to affordable housing need will be, in summary, that there is an acute need for more affordable housing in Tandridge and the benefit of 50% affordable housing to be provided by the proposals weighs very heavily in favour of the appeal being granted. The Appellants will be seeking to agree a topic specific Statement of Common Ground in respect of Affordable Housing matters with the Council.

1.19 The Appellant reserves the right to expand or vary its case as necessary in response to any relevant change in circumstances and/or evidence that might arise further during the appeal process.

#### **Contents of Appeal Submission**

1.20 This Statement of Case is structured as follows:

- **Section 2** refers to the Appeal Site and its context within the surrounding area;
- **Section 3** provides a summary of the Appeal Proposal
- **Section 4** refers to the relevant planning policy;
- **Section 5** sets out the Appeal Case; and
- **Section 6** concludes the Appeal Case and presents the Planning Balance.

## **2.0 APPEAL SITE AND SURROUNDINGS**

### **Site and Surroundings**

- 2.1 The whole Site measures approximately 58.8 hectares (ha). It is located to the north of the A25 Nutfield Road, east of Cormongers Lane, south and west of Nutfield Marsh Road, south east of Chilmead Lane, west of Church Hill and to the immediate north of the village of Nutfield.
- 2.2 The full description of the Appeal Site and its surroundings is found within the draft SOCG.

### **Planning Designations**

- 2.3 The planning designations for the Appeal Site is found within the submitted draft SOCG.

### **Planning History**

- 2.4 The relevant planning history for the Appeal Site is found within the submitted draft SOCG.

### **3.0 APPEAL PROPOSAL**

- 3.1 The Site extends to approx. 58.8ha. Only approx. 7ha of the total site area will be subject to built development or hardstanding. This accounts for only approx. 12% of the total site area.
- 3.2 The remaining 52ha of the Site is proposed to be open space, of which approx. 2ha will be open space in and around the developable areas, with general open space making up the remaining 50ha of the Site.
- 3.3 For reference, the Appeal description of development states:

*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)*

- 3.4 A brief summary of the key characteristics of the proposed development is provided below:
  - Up to 166 residential units inclusive of market and affordable homes and self-build plots (Class C3);
  - Up to 70 care home beds (Class C2);
  - Up to 41 extra care facility beds (Class C2);
  - Up to 1,500 sqm Class E(e), F2 flexible use floorspace;
  - A new vehicular access junction onto the A25 including pedestrian/cycle facilities;
  - A package of highway improvements, including: a substantial £4M contribution towards the Digital Demand Responsive Transport (DDRT) and existing mainline bus services, e-cycles, SUSTRANS21 route upgrading, improved cycleways and footpaths; and
  - An extensive on-site Biodiversity Net Gain of +22%.
- 3.5 The full description of the Appeal Proposal is outlined within the draft SOCG.

#### **4.0 PLANNING POLICY**

4.1 The detailed relevant planning policy is outlined within the draft SoCG. This section of the SoC seeks to summarise the planning policy considerations relevant to the determination of this application, including the planning policy changes since the submission of the planning application, namely:

- A change in national government;
- Two Secretary of State Written Ministerial Statements, relating to housing and economic growth and Green Belt development;
- The publication of the updated National Planning Policy Framework ('NPPF' or 'Framework') in December 2024, alongside some minor clarificatory amendments to the NPPF (published 07.02.25) introducing grey belt and 'Golden Rules'; and
- National Planning Practice Guidance on 'Green Belt' ('NPPG' or 'PPG') providing advice on the role of the Green Belt in the planning system and identifying and the assessment of grey belt (published 27.02.25).

4.2 The Appellant reserves the right to add to this list as part of the preparation of detailed evidence, particularly in light of any updated evidence base documents and/or the receipt of the Council's own statement of case.

#### **4.3 The Development Plan**

4.4 The adopted Development Plan relevant to this Appeal Site comprises the following:

- Tandridge District Core Strategy (October 2008);
- Local Plan Part 2: Detailed Policies 2014-2029 (July 2014); and
- Tandridge District Planning Policy Map (2018).

#### **Other Material Considerations**

4.5 The following are also important material planning considerations:

- National Planning Policy Framework 2024 ('NPPF');
- National Planning Practice Guidance 2019 ('PPG');
- National Planning Practice Guidance (2019) ("PPG") on Green Belt (updated February 2025);
- Tandridge Housing Strategy (2019);
- Tandridge Parking Standards Supplementary Planning Document (2012); and
- Our Local Plan Trees and Soft Landscaping Supplementary Planning Document (2017).

#### **Relevant Policies**

4.6 All policies relevant to the development of this site and considered as part of the draft SoCG.

## 5.0 THE APPELLANT'S CASE

- 5.1 This Section of the SoC seeks to provide full disclosure of the details of the Appellant's case. As the Appeal progresses, the Appellant reserves the right to provide further detail of the points raised within this SoC during the proceeding stages of this Appeal and respond to any further matters by TDC, if raised.
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out a requirement that planning applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise. This represents the S.38(6) 'balance'. The Appellant's case set out in this Statement provides a compelling demonstration of the Appeal Proposal complying with the Development Plan and other material planning considerations.

### Reason for Refusal 1

- 5.3 This reason for refusal comprises 3 key elements, which are assessed in turn:

- Grey Belt, Inappropriate Development in the Green Belt and harm to openness;
- Locational Sustainability; and
- The Paragraph 153 Test.

#### Inappropriate Development in the Green Belt and Harm to Openness

- 5.4 The officer's report confirms that the Appeal Scheme is not considered to fall within any of the categories of development specified as exceptions to the general presumption against inappropriate development in the Green Belt detailed in paragraph 154 of the NPPF. TDC's assessment therefore considers the proposal in relation to grey belt and against the requirements of paragraph 155. This is consistent with the Appellant's Planning Statement Addendum, which was submitted following the December 2024 update to the NPPF and the introduction of the identification of 'grey belt' and the 'Golden Rules'. Both of which are highly relevant to the Appeal Scheme.
- 5.5 Under the updated NPPF, the position, whereby development in the Green Belt is considered to be inappropriate development, has now reversed and it is the Appellant's case that the Appeal Scheme is now considered to constitute not inappropriate development in the Green Belt (paragraph 155 of the NPPF).
- 5.6 For completeness, paragraph 155 states that:

*"155. The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:*

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*

*d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.”*

*Paragraph 155 (a) - grey belt*

5.7 Annex 2 “Glossary” defines grey belt as:

*Grey belt: For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not **strongly contribute** to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development. [Appellant’s emphasis]*

5.8 As stated above, Green Belt purposes (a), (b) and (d) in NPPF paragraph 143 are relevant to determine the grey belt status of the Site, which are emboldened below for reference.

*143: Green Belt serves five purposes:*

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

5.9 The first point of clarification is to state that to be defined as grey belt, Green Belt sites comprising previously developed land and/or any other land must not “**strongly contribute**” towards purposes (a), (b) and (d) of the Green Belt. TDC’s assessment of the site against purposes (a), (b) and (d) (as outlined between paragraphs 12.19-12.22 of the officer’s report) is provided in table 1 below:

Green Belt Purpose	TDC’s assessment of contribution to purpose
<b>(a) to check the unrestricted sprawl of large built-up areas</b>	Moderate
<b>(b) to prevent neighbouring towns merging into one another</b>	Weak or None
<b>(d) to preserve the setting and special character of historic towns</b>	Weak or None

*Table 1: TDC’s Assessment of Contribution against Purposes a, b and d*

5.10 Whilst the Appellant's case, as set out by the FPCR updated LVA & Green Belt Assessment (see table 2 below), comes to an alternative assessment, both parties conclude that the Appeal Site does not "strongly contribute" to any of these three purposes. Further, Nutfield is a village. The guidance clearly states that purpose (a) and purpose (b) does not apply to villages (Paragraph: 005 Reference ID: 64-005-20250225), thereby reinforcing the assessment of the 'low' contribution of the land to Green Belt purposes in the context of being defined as grey belt.

Green Belt Purpose	Contribution to purpose
(a) to check the unrestricted sprawl of large built-up areas	No contribution
(b) to prevent neighbouring towns merging into one another	Weak / no contribution
(d) to preserve the setting and special character of historic towns	No contribution

Table 2: Summary of Grey Belt Purposes (based upon FPCR LVA & Green Belt Addendum, March 2025

5.11 For the proposed development to be not inappropriate development in the Green Belt the paragraph 155 NPPF test also needs to meet. The first limb of paragraph 155 (a) of the NPPF requires that the development would utilise grey belt land and "...would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan".

5.12 The FPCR LVA & Green Belt Addendum confirmed that the role of the Appeal Site against Green Belt purposes (a), (b) and (d) makes a "weak" or "no contribution" to these purposes. The proposed development only takes up part of the wider site (only 7ha of 58.8ha), and is largely contained by existing woodland, so the harms to purposes (a), (b) and (d) arising from the proposed development are even more limited.

5.13 In terms of Green Belt purpose (c), encroachment on the countryside, the site forms part of an area of disturbed but regenerating land. It is not open farmland / countryside. The development would have a very limited effect on encroaching on the countryside. Apart from the direct changes to the site itself, the changes would be barely perceptible across the wider Green Belt within the plan area.

5.14 As such, given the above and applying paragraph 64-008-20250225 of the PPG (i.e. which states that in reaching this judgment that it should be considered whether the release or development of the Site would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way), it is plain that the proposed development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.

5.15 As set out in the original Planning Statement, and subsequently confirmed in the statutory consultation responses and Planning Statement Addendum, in the context of the PPG, which sets out the considerations to inform the judgement whether a site is grey belt in relation to Green Belt purposes (a), (b) and (d), it has been demonstrated that there are no “strong reasons” on the basis of policies which protect areas or assets of importance (grey belt definition - excluding Green Belt) to refuse or resist the proposed development in accordance with NPPF Paragraph 11(d)(i) and Footnote 7.

5.16 Accordingly, and for the reasons set out above, the Appeal Site meets the grey belt definition, as it does not “strongly contribute” to any of the Green Belt purposes (a), (b) and (d) and there is no footnote 7 bar. It also meets the test in NPPF Paragraph 155(a) as it is plain that its development would not fundamentally undermine all of the purposes (taken together) of the remaining Green Belt across the area of the plan.

***Paragraph 155 (b) - Unmet Need***

5.17 The originally submitted Planning Statement set out the chronic unmet need for housing in Tandridge. At the time of submission, the housing land supply was just 1.57 years and there has been a persistent under delivery of new homes.

5.18 The Council’s latest 5YHLS position sets out in the Annual Monitoring Report 2023/24 (May 2024). The Council claims that the deliverable supply at 1 April 2024 was 1,464 dwellings. Based upon the previous Standard Method of 634 dwellings per annum plus 20% buffer (as HDT was below 75% (see para. 5.20 below)), the equates to 1.92 years of deliverable supply.

5.19 In support of the Planning Statement Addendum, an updated 5YHLS briefing note has been prepared by Emery Planning (Appendix 2 of the Planning Statement Addendum). The note assessed the Council’s claimed deliverable supply of housing sites and concludes that some of the included sites are not deliverable and that the accurate deliverable supply is only 909 dwellings, which equates to **0.9 years supply**.

5.20 The Government’s Housing Delivery Test (HDT) reinforces this position by clearly outlining the recent shortfall in delivery. In the latest HDT 2023 figures, published on 12<sup>th</sup> December 2024 alongside the new NPPF, Tandridge has delivered just 42% of its housing need over the last three years.

5.21 In respect to older persons need, in response to a comment dated 21 August 2025 from SCC’s Senior Commissioning Manager (made public on 5 September 2025), the Appellant’s consultant, Tetlow King, provided a response to clarify the calculation of the need and supply of extra care and nursing beds within TDC. This response, despite being submitted and uploaded on the Council’s portal two weeks prior to the decision being issued is not referenced in the officer’s report nor its content shared with SCC Commissioning Officer as no response has been received. In the absence of any assessment / clarification of the Tetlow King response by SCC, the officer’s assessment and conclusion of the lack of need for Older Persons accommodation, in the context of the paragraph 155(b) ‘unmet need’ limb of the paragraph 155 test is therefore flawed and thus leading to the inaccurate conclusions on grey belt and determination of the application that flowed from this.

5.22 At the time of the application submission, the provision of care home beds in Tandridge amounts to 978 beds, split as 325 for personal care and 653 for nursing care. There is a future need up to 2035 for a further 463 beds for personal care, with a reduction of 99 beds for nursing care over that same period. However, these figures are based solely on a quantitative assessment and have no regard for whether the current care home provision meets the modern qualitative requirements to deliver single occupancy rooms with en-suite provision. Paragraph 13.11 of the officer's report further acknowledged that there is a shortfall in provision of care beds through to the year 2035.

5.23 As set out above, the '*demonstrable unmet need*' for housing in Paragraph 155 (b) can be proven by reference to one of the criteria in footnote 56, either the lack of a 5YHLS including buffer (as applicable in this case) or lack of housing delivery below 75%. The severe housing situation in Tandridge is highlighted in this case by both of these footnote 56 criteria being met - a lack of housing supply and a lack of housing delivery. The same situation has also been presented in terms of Older Persons Housing need (extra care and care home beds). On this basis, limb paragraph 155 (b) of the paragraph 155 test is clearly and demonstrably met.

5.24 Paragraph 155 limb (c) and limb (d) are dealt with below.

#### Locational Sustainability

##### *Paragraph 155 (c) - Sustainable Location*

5.25 The officer's report expresses the notion that the development would be isolated from the settlement of Nutfield in functional terms, given the lack of day-to-day facilities within the village, referring to the Tier 4 status of Nutfield (as defined by the 2018 Settlement Hierarchy to inform the now withdrawn Local Plan). It further claims that the proposed development would add significant pressure on the limited services and road networks that exist, concluding that "...*the application site is not in a sustainable location; and there can be no disagreement over this baseline position*" (paragraph 12.34 of officer's report).

5.26 This is disputed by the Appellant, as outlined throughout this SoC. Both the NPPF, at paragraph 110, and the PPG (at paragraph 64-011-20250225) are very clear on this point that when considering compliance with this criterion that what is relevant is whether the Appeal Site is *or can be made* sustainable (emphasis added).

5.27 As set out in the Planning Statement Addendum, the Appellant's team have set out a clear case to justify that the Appeal Site is in a sustainable location and suitable for the proposed housing use. Through investment in highway and junction improvements and sustainable transport measures proposed (noted below), whilst also contributing to the proposed healthcare and community facilities and S.106 contributions, the Appeal Site can be made even more sustainable for housing development, in accordance with the advice in the PPG and NPPF paragraphs 110 and 115 which paragraph 155(c) gives express reference to. Further, the proposals improve pedestrian and cycle access to the village and Redhill via substantial improvements adding to the community facilities.

5.28 In this context, NPPF paragraph 110, highlights that development should be focused in locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes through a vision-led approach. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making (NPPF, paragraph 115).

5.29 Extensive consultation has been undertaken with Surrey County Council (SCC) Highways prior to submission of the planning application and during the determination period. In response to comments by SCC, the Appellant team responded by proposing additional transport measures to further improve the Appeal Site's sustainable location. The sustainability measures are outlined within the application submission and in summary below, which are intended to individually and collectively provide residents of the Appeal Site, and the wider local community, with enhanced accessibility to the current provision (for the existing community) and a wide-ranging choice of low-cost, non-car, sustainable transport modes and networks all of which are enabled and facilitated by the Appeal Scheme.

5.30 The sustainable transport and highway safety/capacity enhancement proposals are as follows:

5.31 Bus Service Enhancements: A £4M financial contribution to fund the SCC's Digital Demand Responsive Transport (DDRT) services and mainstream bus services in the area.

5.32 Bus Stop Enhancement: Enhancement to existing bus stops along the A25 such as vegetation clearance, shelter improvements and Real Time Information boards.

5.33 Electric Bikes: A pool of 20 electric bikes will be provided at secure, covered locations within the Appeal Site. Residents will have free access for the first year, with a usage charge thereafter to cover maintenance and renewal costs.

5.34 Cycle Route Enhancement: Enhancements to the SUSTRANS National Cycle Network (NCN 21) Route 21 between the Appeal Site and Redhill Station (avoiding the A25). This involves addressing surface water issues and upgrading the existing surfacing to provide a safe, traffic-free or lightly trafficked route. The improved route would enable a cycle journey to Redhill Station in approximately 15 minutes. The upgraded route will support use by on-site cyclists and e-bike users, while also offering an alternative pedestrian connection to Redhill. It represents a significant safety and accessibility improvement, benefiting both new and existing residents, with strong positive support from SUSTRANS.

5.35 Other Walking and Safety Improvements: The other walking and safety enhancements offered by the scheme are summarised below:

- A new signal-controlled pedestrian crossing to the east of Mid Street/A25 junction;
- A new signal-controlled pedestrian crossing west of the Church Hill/A25 junction;
- A pedestrian crossing across the A25 to the west of the site to facilitate access to the westbound bus stop.
- Extension of 30MPH speed limit to the west of the site access - thus reducing speeds as vehicles enter the village from the west.
- Enhanced walking routes on site including improvements to FP616 and 192.

5.36 Highway Capacity Improvements: Alterations to the A25/Mid Street junction to provide improved capacity on the Mid Street arm.

5.37 Travel Plan: A Travel Plan including measures to encourage the use of sustainable transport modes.

5.38 Taken together this is an extensive package of measures that will significantly enhance the transport sustainability of the site and allow residents to access other areas within Nutfield and South Nutfield as well as the main service centre at Redhill by walking, cycling and frequent bus services. These enhancements will be available to existing as well as new residents.

5.39 SCC, in their consultation response received on 14 March 2025 (Response\_TA-23-1281), gave the following reasons for the need for the S106 Contributions and conditions outlined above:

*“The above conditions 1,3,4,6 and 7 are required to ensure that the proposed development would not result in unacceptable impacts on the safe operation of the public highway” and*

*“The above contributions and conditions 2,3,4,5, and 6 are required in order that the development provides appropriate facilities to enable and encourage sustainable modes of transport, gives priority to pedestrian and cycle movements, facilitates access to high quality public transport and addressed the needs of people with disabilities and reduced mobility in relation to all modes of transport”*

5.40 The Appellant's case is, therefore, that with the above measures and contributions the Appeal Site will be a sustainable location in compliance with paragraphs 155(c), 110 and 115 of the NPPF and the relevant PPG guidance.

5.41 Paragraph 12.36 of the officer's report claims that no other aspects of sustainability have been considered as part of the Appeal Scheme. This fails to acknowledge the on-site provision of flexible Class E(e) and F2 floorspace. This floorspace is proposed as flexible to allow the end user to be defined at a detailed design stage to ensure its form aligns with the community's needs. For example, this floorspace is able to accommodate a convenience store, meeting a possible identified need for the local area that was raised during the public consultation event.

5.42 The proposed floorspace would also be able to accommodate, for example, several medical consulting rooms for visiting practitioners, including but not limited to, a GP surgery, pharmacy, dentist, physiotherapists, MRI screening, health and well-being consultations rooms and mobile screening to target a specific local need, serving the immediate local area, but also the wider area of Tandridge.

5.43 The officer's assessment further fails to acknowledge the NHS contribution sought by NHS Integrated Care Board (“ICB”) of £215,466 towards funding local infrastructure. Similarly, in line with TDC's guidance, the Appellant anticipates further contributions towards education (early years, primary and secondary as necessary). At a detailed design stage, the creation of additional floorspace will attract CIL.

5.44 The Appellant maintains that the Appeal Site is in a sustainable location in accordance with paragraph 110 and 115 and the vision-led approach and the range of highways and local infrastructure improvements the Appeal Site's locational sustainability would be further enhanced. Accordingly, the Appeal Site is in a sustainable location and complies with NPPF paragraph 155 limb (c) and the PPG.

#### **Paragraph 155 (d) - Golden Rules**

5.45 The final requirement, limb (d) of paragraph 155, to support not inappropriate development in the Green Belt relates to the need to comply with the '*Golden Rules*' requirement for major housing development, as set out in paragraphs 156-157 of the NPPF.

5.46 Paragraph 156 sets out the Golden Rules for the development to meet as follows:

*156. Where major development involving the provision of housing is proposed on land released from the Green Belt through plan preparation or review, or on sites in the Green Belt subject to a planning application, the following contributions ('Golden Rules') should be made:*

- a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;*
- b. necessary improvements to local or national infrastructure; and*
- c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.*

5.47 Paragraph 157 then states as follows:

*157. Before development plan policies for affordable housing are updated in line with paragraphs 67-68 of this Framework, the affordable housing contribution required to satisfy the Golden Rules is 15 percentage points above the highest existing affordable housing requirement which would otherwise apply to the development, subject to a cap of 50%. In the absence of a pre-existing requirement for affordable housing, a 50% affordable housing contribution should apply by default. The use of site-specific viability assessment for land within or released from the Green Belt should be subject to the approach set out in national planning practice guidance on viability.*

#### **Paragraph 156 (a) - Affordable Housing**

5.48 In response to the revised NPPF and its Golden Rules for Green Belt housing, the Appellant updated the affordable housing offer. Under paragraph 157 of the NPPF and in the absence of an up-to-date policy, paragraphs 67-68 of the Framework require the affordable housing contribution to be 15 percentage points above the highest existing policy, capped at 50%. For Tandridge, this equates to 49% (34% + 15%).

5.49 The proposals increase affordable housing from 36% at application stage to the 50% cap, across 166 dwellings (Class C3) and 41 later living units (Class C2), providing 103 affordable homes with a policy-compliant tenure split. There is no policy requirement to provide affordable units in relation to the care home use.

5.50 The 50% affordable housing provision will be secured through a S.106 Agreement. This enhanced provision meets paragraph 156(a) of the NPPF, as is acknowledged by TDC in the officer's report.

*Paragraph 156 (b) - Local and National Infrastructure*

5.51 The proposed development contributes to local and national infrastructure through CIL payments (estimated at £2 million), an NHS Integrated Care Board (ICB) contribution of approximately £215,466, and other education-related contributions (quantum TBA). It also includes up to 1,500 sqm of flexible Class E(e)/F2 floorspace for health and community uses, alongside up to 70 care home beds and 41 extra care units (both Class C2).

5.52 The proposed flexible floorspace is located within the Integrated Retirement Community (IRC) alongside the care provision but is designed to operate independently of the C2 uses. It is not ancillary to the care element but positioned to complement it, also serving residents of the C3 housing and the wider community.

5.53 The floorspace will have no operational restrictions and will support a range of community and healthcare uses. Potential occupiers could include a convenience store, medical screening / MRI, pharmacy, dentist, physiotherapist, or other health and wellbeing services, meeting both local and wider Tandridge needs.

5.54 Should a GP surgery be included, it would help alleviate local demand for healthcare, particularly in light of the specialist care provision for older residents relocating within the area. The flexible design enables adaptation to specific local healthcare needs. The NHS Surrey Heartlands ICB confirmed support (in their response dated 23 January 2025), subject to a S.106 contribution, and expressed interest in exploring detailed design opportunities for this space.

5.55 A Social Infrastructure Assessment (Turley Economics) accompanied the application submission, assessing both the scheme's impact on existing infrastructure and its role in meeting identified local needs.

5.56 The assessment identifies a significant need for additional personal and nursing care beds. The proposed care home provision will deliver a substantial benefit to Nutfield, Tandridge, and Surrey, contributing positively to national infrastructure requirements more widely.

5.57 The proposed healthcare, community facilities, and S.106 contributions clearly demonstrate that the development will deliver local infrastructure for both new residents and the existing settled community in compliance with paragraph 156(b) of the NPPF Golden Rules.

*Paragraph 156 (c) - Public Access to Green Space*

5.58 The Appeal Proposals deliver significant investment in green infrastructure, with 51.8 hectares (88% of the Appeal Site) dedicated to publicly accessible open space. Of this, approximately 2 hectares are integrated within and around the developable areas, with the remaining 50 hectares forming an extensive green network to the north of the Appeal Site.

5.59 Addressing the first element of paragraph 156(c), the Appeal Scheme provides substantial new and enhanced open space within an area that is currently privately owned and largely inaccessible save for existing footpaths. The Appeal Scheme is set within a landscape-led masterplan that integrates woodland, meadow, and waterbody enhancements in accordance with paragraph 159 of the NPPF and Local Plan Policy DP7.

5.60 The proposals provide a unique opportunity to restore and enhance the Appeal Site's natural environment, replacing its former industrial use with a landscape rich in biodiversity. The development secures a measurable Biodiversity Net Gain of +22%, that will be maintained for 30 years through the S.106 Agreement.

5.61 In relation to the second element of paragraph 156(c), the Appeal Scheme ensures residents (both future and existing communities) enjoy convenient public access to open space. Existing footpaths and cycle routes will be retained and improved, alongside new pedestrian and cycle connections that link homes to green spaces and connect the development with Nutfield and South Nutfield.

5.62 This provision of extensive open space meets paragraph 156(c) of the NPPF, as acknowledged by TDC.

5.63 Accordingly, the proposed development, which complies with the NPPF's Golden Rules, engages paragraph 158 of the NPPF in that the Appeal scheme should be afforded **significant weight** in favour of granting planning permission (which applies whether or not the Appeal Site is grey belt).

***Grey Belt - not inappropriate development***

5.64 As demonstrated above, the Appellant's case is that the Appeal Site is grey belt on the basis of the Appeal Site's definitional compliance and the scheme's clear compliance with the paragraph 155 tests and 156 Golden Rules criteria. The Appeal scheme is therefore not inappropriate development in the Green Belt.

5.65 The PPG and NPPF 2024 footnote 55 states "*if development is considered to be not inappropriate development on previously developed land or grey belt, then this is excluded from the policy requirement to give substantial weight to any harm to the Green Belt, including its openness.*" Consequently, as the Appeal Site is considered to be grey belt and complies with the criteria in paragraph 155 of the Framework and the 'Golden Rules' then paragraph 153 is not engaged meaning that the proposals should not be regarded as harmful either to openness of the Green Belt or to the purposes of including land in the Green Belt<sup>1</sup>. Indeed, in the recent case of Mole Valley BC v SSHCLG [2025] EWHC 2127, the High Court reaffirmed that if a scheme is not inappropriate green belt development, then there is no Green Belt harm at all (definitional or actual) to be weighed in the overall planning balance.

5.66 Consequently, paragraph 11(d)(ii) of the NPPF is engaged as TDC are unable to demonstrate a 5 YHLS. Consequently, the policies which are most important for determining the appeal are out of date pursuant to footnote 8. Accordingly, the tilted balance applies in this case meaning that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The Appellant's case is that any disbenefits of the proposals do not remotely come close to outweighing the substantial benefits let alone significantly and demonstrably outweighing them such that permission should plainly be granted for this grey belt not inappropriate development without delay.

**The Paragraph 153 Balance**

5.67 However, if (contrary to the Appellant's primary case) it is considered that the proposals are not grey belt not inappropriate development, then in the alternative it is the Applicant's secondary case that the paragraph 153 NPPF planning balance is clearly satisfied in that the harm to the green belt by reason of inappropriateness and any other harm (including harm to openness) is clearly outweighed by the very substantial benefits of the proposals.

<sup>1</sup> The PPG Guidance reflects the position established in case law by the Court of Appeal in Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404

5.68 The combination of the housing, sustainability and transportation benefits (as outlined in Appendix 1 of this SoC) of the proposals, together with the failure of the proposed draft 2033 Local Plan (unsound / now withdrawn) and the plan-making process, combined with the acute deficiency in the five-year housing land supply and extremely poor performing results in the 2023 housing delivery test, and now the Appeal Proposals' compliance with the 'Golden Rules' as considered above, in combination clearly and demonstrably outweigh the harm to the Green Belt by reason of inappropriateness and other limited harm resulting from the Appeal Proposals such that planning permission should also be granted on appeal under the paragraph 153 planning balance.

5.69 It is acknowledged that should the Inspector consider the scheme to be inappropriate development in the green belt, then a consideration of the effect of the proposals on the openness of the Green Belt would be required to be undertaken. Paragraph 64-013-20250225 of the PPG notes that openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant, as could its volume, and that the duration of the development and its reversibility are factors to consider along with the degree of activity, such as traffic generation.

5.70 In terms of spatial openness, the developed part of the Appeal Site would be approximately 7 ha. The proposed housing, in accordance with the development parameters, would be no more than two and a half storey, and a maximum height of 10.5 m to ridge within a small section of the Appeal Site. The care village would be set lower than existing ground levels so reaching 13m above the existing ground, as indicated on the parameters plans, limiting the spatial effect on the Green Belt.

5.71 The assessment of "Visual Openness" draws on the landscape and visual appraisal. This has demonstrated the limited extent from which the proposed development would be visible due to the surrounding built form and intervening vegetation. Generally, there are very few locations beyond the immediate context of the Appeal Site where there would be any notable views of the proposals.

5.72 As such, it is the Appellant's case that the effects on visual openness arising from the scheme would be very limited. The extensive areas of existing woodland to the north-east and west, and settlement mainly to the south provide visual containment and additional planting within and around the scheme would further reduce any effects on visual openness over time.

5.73 The compliance with the new 'Golden Rules' at paragraph 156 of the Framework is an additional planning benefit that is required to be included in the paragraph 153 balance, which pursuant to paragraph 158 of the NPPF should be given significant weight in the balance (regardless of whether the Appeal Site is considered to be grey belt).

5.74 Section 7 of the Planning Statement **clearly** demonstrates that such 'other considerations' exist which deliver extensive and wide-ranging benefits that clearly outweigh the identified harm to the Green Belt by reason of inappropriateness, and other harm(s) resulting from the proposals such that the paragraph 153 test is satisfied.

5.75 The assessment of benefits is further substantiated by a range of technical evidence submitted following the original application. This includes the Highways Response Technical Notes prepared by Vectos/SLR (April 2024), the SUSTRANS Restoration Appraisal produced by Land & Water(April 2024) and both provided to the Council in April 2024, together with an updated viability assessment. The latter incorporates, amongst other considerations, the provision of 50% affordable housing (equating to 103 units) and a £4M highways contribution. The benefits and weighting table for the proposals is provided at Appendix 2 of this SoC for ease of reference.

#### Summary of Reason for Refusal 1

5.76 The Appellant has set out a clear primary case to demonstrate that the Appeal Site is ‘grey belt’ under the NPPF (2024) definition, as it does not “strongly contribute” to Green Belt purposes (a), (b) or (d) nor subject to any Footnote 7 designations and it also fully accords with paragraph 155 and 156 of the NPPF..

5.77 The Appeal Site comprises previously worked and disturbed land, and is heavily screened by mature, self-set trees and woodland. As such, whilst there is some degree of encroachment on the countryside the Appeal Proposals would therefore not fundamentally undermine the remaining Green Belt purposes and should be regarded as not inappropriate development under paragraph 155.

5.78 Tandridge continues to face an acute and chronic housing shortfall, with less than two years’ of deliverable housing land supply and a Housing Delivery Test result of only 42%. TDC also faces a severe lack of extra care and nursing accommodation for older people. These deficiencies clearly satisfy paragraph 155(b) applying footnote 56 of the NPPF, demonstrating a clear and unmet need for both market and specialist housing.

5.79 The Appeal Site is in a sustainable location, which can be made more sustainable through significant investment in public transport and active travel measures to be delivered by the Appeal Proposals. The package of sustainable measures includes a significant £4M contribution towards the expansion of the SCC’s existing ‘Surrey Connect’ DDRT network to service the residents of Nutfield Green Park, e-bike facilities, cycle route upgrades, and new pedestrian crossings. As such, the Appeal Proposals fully comply with paragraphs 110, 115 and 155(c) of the NPPF and paragraph 64-011-20250225 of the PPG.

5.80 Moreover, the proposals satisfy the ‘Golden Rules’ in paragraph 156 of the NPPF in that (in summary):

- Affordable Housing: 50% provision (exceeding local policy), secured by S.106.
- Infrastructure: Financial contributions (secured by S.106) and on-site delivery of community and healthcare floorspace, meeting identified local need and supported by the NHS ICB.
- Green Space: 51.8ha (88% of the Appeal Site) of publicly accessible open space and ecological enhancement, achieving +22% Biodiversity Net Gain.

5.81 Even if the Appeal Site were not (contrary to the Appellant’s primary case) considered as grey belt not inappropriate development, applying the paragraph 153 NPPF planning balance the combination of benefits, including substantial housing delivery, affordable homes, sustainable transport investment, major environmental gains, and compliance with the Golden Rules clearly and demonstrably outweighs any limited harm (as clearly set out at Appendix 2 of this SoC) arising from inappropriateness and any other harm. As such, and pursuant to the Appellant’s secondary case the paragraph 153 test has also been satisfied.

5.82 The result is that under either the grey belt not inappropriate planning balance (i.e. tilted balance pursuant to paragraph 11(d)(ii) NPPF) or the paragraph 153 NPPF planning balance (i.e. harm by reason of inappropriateness and any other harm clearly outweighed by other considerations) the outcome should be the same. The appeal should be allowed and planning permission granted for the proposals.

#### **Reason for Refusal 2**

5.83 The Appeal Site is not located within or adjacent to a Conservation Area. No listed buildings are located within or immediately adjacent to the Appeal Site. Four Grade II and one Grade II\* listed buildings are located within the built up area of Nutfield Village, including 40-44 High Street (Grade II), The Queens Head Public House (Grade II), Folly Tower In Grounds of Redwood (Grade II), and Church of St Peter and St Paul (Grade II\*).

5.84 Of these assets, the Church of St Peter and St Paul is predicted to have views from the tower filtered by woodland (both existing and proposed) at 100m north east of the proposed development. However, there are no views anticipated from ground level from the Church itself. Filtered views may be possible from its curtilage. Overall, the effect is assessed to be negligible and of [a low degree of] less than substantial harm in NPPF terms applying paragraph 215 of the NPPF.

5.85 The Folly Tower is a mid-19th century Grade II stone tower set amongst later development, 90m south of the development area of the Appeal Proposals, particularly the IRC. The Folly Tower is located to the rear of Redwood together with associated outbuildings and a swimming pool of residential properties on High Street and Church Hill. The tree line within the red line boundary of the Appeal Site between the IRC and the Folly Tower is largely retained (save for the loss of a small tree group G7 (category C)), thereby retaining the screening as existing. The effect is predicted to be of negligible magnitude and is of less than substantial harm.

5.86 The Historic Building Officer at SCC confirmed: “*there will be a low degree of less than substantial harm under paragraph 202 [now 215] of the NPPF to The Folly Tower and to St Peter and St Paul’s Church owing to the reduction of their rural and landscape setting which informs the significance of each building. Great weight must be applied to this harm in line with paragraph 199 [now 212] of the NPPF and even greater weight as the church is Grade II\* listed*”. [Appellant emphasis]

5.87 In considering the impact on The Folly Tower, whilst the views are important to the Folly Tower’s function, the SCC officer confirms 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.*”

5.88 This is consistent with paragraph 12.23 of the officer’s report, which states “*the proposal will have an impact on heritage assets, but this would not be considered to be a ‘strong’ reason for refusing planning permission under the terms of Footnote 7*”.

5.89 Notwithstanding these clear conclusions, the officer's report then proceeds to outline heritage as a reason for refusal on the basis that no heritage or public benefits of the Appeal Proposals outweigh the "*low degree of less than substantial harm*". The extensive list of benefits associated with the Appeal Scheme, as clearly set out at Appendix 2 and as outlined above, amount to clear public benefits of the scheme that demonstrably outweigh the low degree of less than substantial harm in accordance with paragraph 215 of the NPPF such that the outcome of the paragraph 215 NPPF mini heritage balance whereby the heritage harm is weighed against the public benefits of the proposals is plainly satisfied in the present case.

#### Summary of Reason for Refusal 2

5.90 The proposed development would have only limited visual interaction with the Church of St Peter and St Paul and the Folly Tower, where filtered or distant views are possible, but limited at ground floor level. Both Surrey County Council's Historic Building Officer and the Appellant's Heritage consultant's assessment confirm that the impacts amount to a low level of less than substantial harm in NPPF terms under paragraph 215 of the NPPF.

5.91 The officer's report acknowledges this low level of less than substantial harm and accepts that it does not amount to a strong reason for refusal under Footnote 7 of the NPPF. Similarly, the Surrey County Council's Historic Building Officer's concluding paragraph states:

*"There will be a low degree of less than substantial harm under paragraph 202 of the NPPF to The Folly Tower and to St Peter and St Paul's Church owing to the reduction of their rural and landscape setting which informs the significance of each building."*

5.92 Paragraph 18a-020-20199723 of the PPG is clear that the scope of what is meant by the term public benefits in paragraph 215 of the NPPF is broad and could be anything that delivers economic, social or environmental objectives as described in the NPPF and which flows from the proposed development.

5.93 Applying this PPG guidance, this SoC clearly demonstrates the very significant public benefits arising from the Appeal Scheme, including (in summary) housing delivery, affordable housing, sustainable transport, and extensive environmental enhancements, which individually and collectively amount to 'public benefits' that clearly outweighs this very limited harm such that the heritage mini balance in paragraph 215 of the NPPF is plainly satisfied. As such, it is the Applicant's case that there are no tenable grounds to justify refusal of the proposals on heritage grounds.

#### **Other Planning Considerations**

5.94 In addition to the above 2 reasons for refusal, the officer's report also makes a number of points the Appellant wishes to address initially as part of this SoC:

5.95 SCC Highways: Section 10 of the officer's report states that SCC Highways recommend the refusal of the application on sustainability and highways capacity impact grounds. This is factually inaccurate.

5.96 As detailed above, further to extensive consultation during the determination of the application, SCC Highways confirmed on 14 March 2025 (Response\_TA-23-1281) and via email on 24 April 2025 that they have removed their previous objection on highway sustainability and capacity grounds and support the application, subject to a number of highways related planning conditions. This is based on a financial contribution secured by S.106 Agreement towards DDRT and existing public transport mainline bus services, along with the other highway improvements outlined within the earlier parts of this SoC.

5.97 Older Person's Need Assessment: The officer's report outlines the concerns raised by Senior Commissioning Manager at Surrey County Council Adult Social Care, however, fails to acknowledge the response issued by the Appellant's Older Persons consultant, Tetlow King, which was submitted to the Council on 22 September which addressed and provided a detailed response to all comments raised. This response was published on the Council's website on 23 September, two weeks prior to the determination of the application. Not addressing this response in the context of the Officer's comments on the lack of evidence to support Older Persons housing need is another significant omission of the Council. The Appellant contends and will demonstrate at appeal that this evidence and clarification would have reinforced the acceptability and acute extra care and care bed need in Tandridge which the Appeal proposals seek to meet and provide for in support of the benefits of the Appeal scheme.

5.98 The Masterplan: Owing to no known statutory objection to the Appeal Proposals throughout the determination of the application, no changes have been made to the principal elements of the proposed residential-led development, namely the number and type of uses and provision of the flexible health and commercial floorspace. As such all submitted documentation, the illustrative masterplan and parameter plans remain relevant to the determination of this Appeal.

5.99 The main area of discussion and amendment post submission has been in relation to highways matters in response to SCC Highways Authority representations. This has included further junction capacity modelling, the e-bus DDRT funding, amendments to the type of pedestrian crossing, and the SUSTRANS NCN21 cycle route enhancement and restoration works as part of the package of improvements in active travel and sustainable modes of travel now proposed as part of the scheme and to be secured by condition and S.106 Agreement.

## 6.0 CONCLUSION

- 6.1 This Statement of Case has addressed the two reasons for refusal in full. It demonstrates that the Appeal Proposals accord with the NPPF (2024) and the relevant policies of the Tandridge Local Plan (Part 2), when read as a whole. The scheme would deliver significant social, economic, and environmental benefits that clearly outweigh the limited harms identified by the Council.
- 6.2 The Council's own evidence and the Surrey County Council Historic Buildings Officer confirm that the proposal would result in a low level of less than substantial harm to the setting of St Peter and St Paul's Church (Grade II\*) and the Folly Tower (Grade II) in NPPF terms which is required to be given considerable importance and weight in the heritage mini balance and overall planning balance.
- 6.3 Applying paragraph 215 of the NPPF, this SoC clearly demonstrates the very significant public benefits arising from the Appeal Scheme, including (in summary) housing delivery, affordable housing, sustainable transport, and extensive environmental enhancements, which individually and collectively amount to 'public benefits' that clearly outweighs this very limited harm such that the heritage mini balance in paragraph 215 of the NPPF is plainly satisfied. As such, these public benefits clearly outweigh the limited heritage harm that has been identified such that the mini heritage balance in paragraph 215 of the NPPF is clearly satisfied.
- 6.4 Turning to the overall planning balance, the Appeal Site lies within the Green Belt but as robustly demonstrated above, it meets the relevant tests to be confirmed as 'grey belt' not inappropriate development pursuant to paragraphs 155 and 156 of the NPPF such that the tilted balance in paragraph 11(d)(ii) of the NPPF is engaged pursuant to footnote 8 meaning permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits of the proposals. It is the Appellant's case that any disbenefits of the proposals do not remotely come close to outweighing the substantial benefits let alone significantly and demonstrably outweigh them.
- 6.5 Indeed, the Appeal Proposals have been carefully designed to enhance landscape character, delivering a comprehensive public open space network that integrates 51.8ha (88% of the Appeal Site) of publicly accessible open space and ecological enhancement, achieving +22% BNG.
- 6.6 The Appeal Site is also locationally sustainable, with safe pedestrian and cycle access, public transport links, both existing and proposed. Substantial investment will be secured via the S.106 Agreement to enhance local infrastructure, including healthcare provision, education, transport, and community facilities. These measures ensure the scheme fully satisfies the "Golden Rules" of paragraph 156(a)-(c) of the NPPF such that paragraph 158 of the NPPF is engaged and significant weight should be given in favour of the grant of permission (whether or not the Appeal Site is grey belt).
- 6.7 In the alternative, if the Appellant's primary case for grey belt not inappropriate development is not accepted, it is the Appellant's secondary case that the Appeal Scheme delivers very significant public benefits, including new housing, affordable housing, care accommodation, community infrastructure, the "Golden Rules" and biodiversity net gain, which clearly outweigh the Green Belt harm (definitional and actual) and any other disbenefits of the proposals such that the paragraph 153 planning balance is clearly satisfied in the present case.

- 6.8 The result is that under either the grey belt not inappropriate planning balance (i.e. tilted balance pursuant to paragraph 11(d)(ii) NPPF) or the paragraph 153 NPPF planning balance (i.e. harm by reason of inappropriateness and any other harm clearly outweighed by other considerations) the outcome should be the same. The appeal should be allowed and planning permission granted for the proposals
- 6.9 Accordingly, the Appellant respectfully requests that the Planning Inspector allows this appeal and grants planning permission, subject to the agreed planning conditions and S.106 obligations.

## **Appendix 1: Notice of Intention to Appeal**



Ellie Fowler &lt;efowler@hghconsulting.com&gt;

## NOTICE OF INTENTION TO SUBMIT AN APPEAL: Nutfield Green Park, The Former Laporte Works, Nutfield Road, Nutfield

1 message

**Ellie Fowler** <efowler@hghconsulting.com>

7 October 2025 at 11:17

To: inquiryappeals@planninginspectorate.gov.uk, Peter Lee &lt;plee@tandridge.gov.uk&gt;

Cc: Thomas James &lt;tjames@tandridge.gov.uk&gt;, Richard Henley &lt;rhenley@hghconsulting.com&gt;, Rose Adams &lt;radams@hghconsulting.com&gt;

Dear Sir / Madam,

On behalf of the appellant, Nutfield Park Developments Limited, we attach a Notice of intention to submit an appeal for proposed development at Nutfield Green Park, The Former Laporte Works, Nutfield Road, Nutfield (Ref: 2023/1281) under the provisions of Recommendation 3 of the Rosewell Review into inquiry appeals.

We would be grateful for acknowledgement of receipt of the Notice by the Planning Inspectorate and Tandridge District Council.

If you have any further queries please contact my colleagues Richard Henley, Rose Adams (cc'd) or myself.

Regards

Ellie

--

**Ellie Fowler**  
Associate



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# **TOWN AND COUNTRY PLANNING ACT 1990**

## **APPEAL UNDER SECTION 78**

Notification of intention to submit an appeal

Under the provisions of Recommendation 3 of the Rosewell Review into inquiry appeals, this notification is to give the Local Planning Authority and the Planning Inspectorate not less than 10 working days' notice of an intention to submit a planning appeal where the appellant will request the inquiry procedure.

The appeal will be against **TANDRIDGE DISTRICT COUNCIL**

For **THE REFUSAL OF OUTLINE PLANNING PERMISSION**

Appellant(s) name: **NUTFIELD PARK DEVELOPMENTS LIMITED**

Site address: **NUTFIELD GREEN PARK, THE FORMER LAPORTE WORKS,  
NUTFIELD ROAD, NUTFIELD**

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).**

Planning application number: **2023/1281**

Likely submission date of appeal: **ON OR SOON AFTER 21 OCTOBER 2025**

Proposed duration of inquiry in days: **8 DAYS**

### **Next steps:**

1. Complete the above fields
2. Save this document
3. Attach to an email and send to the Local Planning Authority and also the Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk))
4. Submit your appeal via the [Appeals Casework Portal](#) not less than 10 working days after sending this notification

## Appendix 2: Table of Benefits and Attributed Weight

Benefit	Short Description	Weight Attributed
<b>Social Benefits</b>		
<b>Market Housing</b>	<p>There is a chronic shortfall in housing land supply (at just 1.92 years according to TDC's own evidence (AMR 2023/34) and now updated to 1.45 years based on the latest Standard Method or 0.9 years according to Emery Planning Note - Appendix 2) and there has been consistent under delivery of new homes. The Government's Housing Delivery Test (HDT) reinforces this position with relevant data showing that TDC delivered just 42% of its housing need over the last 3 years.</p> <p>The proposals will deliver up to 75 new homes (excluding self-build - see below), directly contributing towards this substantial need.</p>	<b>Very substantial</b>
<b>Affordable Housing</b>	<p>Monitoring data shows the delivery of affordable housing in recent years has been significantly below the housing requirement of affordable homes per year.</p> <p>The application originally proposed the delivery of an on-site provision of up to 36% affordable homes, which is in excess the adopted affordable housing policy requirement of 34% (policy CSP4). To meet the new NPPF "Golden Rules" set out in paragraph 156 and 157 a provision of 50% affordable homes is now proposed.</p> <p>This represents a provision of up to 83 affordable homes on site with a proposed tenure split of 75% affordable rented and 25% shared ownership in accordance with policy requirements.</p> <p>The Nutfield proposals are supported by the local registered provider, Raven Housing Trust.</p>	<b>Very substantial</b>

	<p>The current provision of care home beds in Tandridge amounts to 978 beds, split as 325 for personal care and 653 for nursing care. There is a future need up to 2035 for a further 463 beds for personal care, with a reduction of 99 beds for nursing care over that same period.</p> <p><b>Care Provision</b></p> <p>There is an evidenced acute need for the provision of later living and nursing care beds within TDC that this development can directly contribute towards.</p> <p>The proposed Illustrative Masterplan identifies a 70 bed care home within an Integrated Retirement Community (IRC), with 41 extra care units in the eastern part of the Appeal Site.</p>	Very substantial
<p><b>Self-build Housing</b></p>	<p>At a national level, the Self Build and Custom Housebuilding Act (2015) placed a legal duty on authorities to keep a register of groups who want to acquire serviced plots. Locally however, there are no policies relating to the provision of self-build and custom housebuilding.</p> <p>The applicant's evidence suggests that there are 1,421 people interested in building their own home in Tandridge. Substantial unmet demand exists for self-build and custom build plots.</p> <p>The Illustrative Masterplan includes the provision of 8 serviced plots for self-build and custom housebuilding. This would address 22% of the shortfall that has accrued between 2016-2020.</p>	Substantial
<p><b>Golden Rules</b></p>	<p>The latest proposal, as set out in this Addendum, meets the new 'Golden Rules' set out in Paragraph 156 of the NPPF:</p> <ul style="list-style-type: none"> <li>- 50% affordable housing</li> <li>- improvements to local infrastructure (health and well-being centre / floorspace and highways and transportation measures e.g. DDRT, mainline bus service improvements, e- bikes, junction upgrades, improved cycle and pedestrian routes)</li> <li>- improved access and enhanced quality of open green spaces within the development and open land to the north for existing Nutfield residents within a short walk of their homes and new residents, enhanced landscaping and biodiversity net gain (+22%) supporting nature recovery</li> </ul>	<p><b>Significant</b> (in accordance with para. 158 of the NPPF)</p>

	<p>The construction phase will generate an average of 60 direct and indirect additional full-time employment (FTE) opportunities.</p>	
<b>Employment</b>	<p>The operation phase is anticipated to generate a further 125 direct and indirect additional jobs generated by the IRC in a range of roles and skill types.</p> <p>A further 45 jobs are anticipated to be supported within the local retail and leisure industry because of future resident expenditure.</p>	<b>Significant</b>
<b>Flexible floorspace</b>	<p>The proposals include up to 1,500 sqm of flexible use floorspace, proposed as health care and/or community floorspace. The health care provision would include space for consulting rooms to aid accessibility to screening, health checks and diagnostics. This has been supported by Prostate Cancer UK and Professor Langley of Urology and Surrey &amp; Sussex Cancer NHS Alliance.</p>	<b>Moderate</b>
<b>Environmental Benefits</b>		
<b>Biodiversity Net Gain</b>	<p>The proposals will deliver a significant on-site BNG of +22% with over 50ha for open space, biodiversity, and wildlife enhancement inc. ponds, wetlands, wildflower meadows, new scrub and woodland planting.</p> <p>This is significantly above the mandatory requirement to create a 10% gain.</p>	<b>Significant</b>

The proposals include the retention of a significant number of the trees, groups, and woodlands protecting their contribution to nature conservation and biodiversity. All the existing woodland areas on site will be managed and improved as part of the proposals enhancing the habitats already present.

**Tree Retention & Planting**

The proposals include significant new areas of woodland, feature planting (including trees and hedgerows), and transitional scrub planting.

**Moderate**

All tree removals are internal to the site with the site boundary tree cover being maintained and managed to improve biodiversity and to mitigate any perceived visual impact of the development. In light of the retained mosaic and density of landscaping, visual containment of the proposed development and new replacement tree planting, there will be no significant adverse effects to public amenity as a result of the proposals and tree removals.

The proposals will deliver low carbon homes through passive design measures, fabric first approach, exploring the potential of Local Energy Resources and District Heat Networks and the use of efficient building services. The proposal will also seek to maximise renewable energy opportunities, considering solar PVs and heat pumps to achieve an all-electric development. This embedded sustainable approach, at outline stage, sets the clear intention and parameters of the sustainability credentials of the scheme and detailed design at reserved matters stage.

**Sustainability**

The proposals further encourage active travel, including walking and cycling and promotes the use of sustainable transport to assist in a shift in attitude towards car dependency and creates greater connectivity within the site, between the site and surrounding Nutfield and South Nutfield villages as well as Redhill.

**Moderate**

Improvement of all existing footpaths, upgrading of footpaths 192 & 616 and improving the NCNR21 (SUSTRANS) route, to allow for cycle use. The proposals will include the provision of two electric buses and drivers and electric vehicle charging point provided to each home.

Given the site's history as a restored, former minerals and processing site, extensive ground investigations have been undertaken.

The investigations did not identify any significant contamination in the area of the proposed development that cannot be remediated as part of the development.

**Extensive  
Ground  
Investigations**

Subject to further detailed investigations to be undertaken at a detailed design stage and secured by condition, the proposals and layout of the residential parcels will not cause any harm in regard to ground conditions on site and for future living conditions.

**Moderate**

Both TDC and EPG reviewed the ground investigation and mitigation reports prior to the submission of the application, raising no objection. The EA and the Council's pollution control officer have also raised no objection, subject to the inclusion of conditions on the approval of the application.

**Drainage and  
Water  
Management**

The proposed development area will be actively drained by the proposed drainage network, which will ensure the development is safe from surface water flooding over its lifetime. Any existing flow routes through the site will be maintained.

The outline drainage strategy has been developed to mitigate potential impacts on the local ecology. The collected rainwater will be released at a controlled (greenfield) rate and flows from each of the residential parcels will be conveyed through to a network of detention basins and ponds to the recreation ponds at the north of the site before connecting into the Redhill Brook via the existing outflow connection.

**Moderate**

The collection of rainwater and use of the detention basins, particular the pond proposed just to the north of the IRC, provides the unique and innovative opportunity to incorporate water source heat recovery to serve the care provision with an on-site renewable energy source.

The EA, LLFA and Southern Water have raised no objection to the proposals.

## Economic Benefits<sup>2</sup>

The construction phase will contribute £25.5 million GVA to the cost of Coast to Capital Local Enterprise Partnership (LEP) area's economic output during the construction period, of which £20 million will be concentrated in Tandridge.

<b>Construction &amp; Operational Revenue</b>	The operational phase is anticipated to generate £7.4 million GVA to the LEP area's economy each year of operation, inclusive of £5.2 million concentrated in Tandridge.	<b>Moderate</b>
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The future residents are estimated to increase the annual spending power by £6.9 million within the local economy, with circa £5.7 million estimated to be spent on retail and leisure goods and services by the future residents.

<b>Council Tax &amp; Business Rates</b>	The operational phase of the development is anticipated to generate approximately £510,000 in Council Tax that will be collected annually by TDC. A further £30,000 in business rates is estimated to be collected annually by TDC.	<b>Moderate</b>
	Both sums will contribute to maintaining and enhancing the delivery of local public services and infrastructure.	

<b>Community Infrastructure Levy</b>	Whilst a matter for detailed design and Reserved Matters application(s), an initial estimate of the Community Infrastructure Levy (CIL) receipt to be approx. £2M. This is subject to future indexation and detailed floor areas at the Reserved Matters stage.	<b>Moderate</b>
	The CIL monies will fund local infrastructure which is needed to support the growth of the district, including schools, healthcare and transport improvements.	

<sup>2</sup> All figures expressed within this Economic Benefits section are estimations. Accurate figures will be confirmed at detailed design stage and to be agreed with TDC

In line with the SCC Developer Contribution Guide (2020), the proposals are likely to be required to make financial contribution towards education (**subject to discussion with officers**) and towards the ICB. These are estimated as:

**Other Financial Contributions**

Early Years: approximately £805,526

**Moderate**

Primary School: approximately £749,909

Secondary School: approximately £157,346

NHS Integrated Care Board (“ICB”): £215,466



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