Tandridge District Council Examination of ‘Our Local Plan:2033’

Statement in relation to Matter 6 Housing Allocations (HSG12)

August 2019
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1. **Matter 6 – HSG12: Land at the Old Cottage, Station Road, Lingfield**

1.1 These representations are made on behalf of Mr Andrew Telfer and relate to the unjustified allocation of HSG12: Land at the Old Cottage, Station Road, Lingfield (the site).

6.59 *Is the proposed Green Belt Boundary justified and consistent with national policy as set out in paragraph 85 of the Framework?*

1.2 The allocation of HSG12 has the significant propensity to reduce the openness of the Green belt and with that the separation between Lingfield and Dormansland. The proposed boundary is not consistent with paragraph 85 as there is significant ambiguity as to the extent of the southern part of the proposed allocation (notwithstanding the unsuitability of the allocation of the whole site) for a number of planning reasons, addressed later in this statement.

6.60 *What is the evidence that the potential effect on the significance of the heritage assets or their settings which may result from the proposed development has been assessed?*

1.3 The site was assessed in the Housing Employment Land Availability Assessment (HELAA) 2017-2018 [SAD7] as being unsuitable for development owing to the unacceptable impact that the proposed residential development would have upon the character and appearance of the Lingfield Conservation Area. The assessment noted that the character of the conservation area is undeveloped and that the proposed development would have a significant affect on the character of the area, and as such the site is not suitable for development.\(^1\)

1.4 In addition to the site being designated a Conservation Area and its allocation initially dismissed for this reason, the site boundary is shared with that of the curtilage of the Grade II* listed New Place of which HSG12 forms its setting. The site also forms the setting of several other listed buildings to the west; Church House, Star Inn Cottages (Grade II*), St Peter’s Church (Grade I), Pollard Cottage House (Grade I) and the Guest House (Grade II*).

1.5 Notwithstanding the Council’s original assessment of the site owing to its potential impact upon heritage assets and the clear and unchanged affect that a proposed allocation is likely to have on the heritage assets, there is no evidence of a Statement of Significance having been prepared to demonstrate that the proposed allocation will not harm the significance of the heritage asset. Paragraph 132 of the Framework, 2012 states:

*‘Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.’*

1.6 The promoter of the site has not submitted a Statement of Significance identifying the assets that are likely to be affected by the proposals. Neither has an assessment been made as to whether harm to the heritage assets would be substantial or less than substantial harm. The Council has failed in its obligation to identify and assess the significance of the heritage assets prior to proceeding with making a draft allocation for the site. This failure is even more marked given its previous, but very recent, assessment of the site regarding its propensity to harm heritage assets.

1.7 Paragraph 129 of the Framework, 2012 is clear in relation to the Council’s obligations in this regard:

*‘Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal’*

1.8 The Council has abjectly failed in its obligation to identify and assess the significance of any heritage asset that demonstrably will be affected by the proposed allocation and subsequent development. It

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\(^1\) P.10 HELAA 2016 Appendix 4
has certainly failed to take account of any evidence relating to the potential harm to heritage assets and has certainly declined to obtain or request any necessary expertise regarding the matter. As such no assessment exists to consider when assessing the impact of the allocation on the heritage assets. Nor has any assessment been made as to how the conservation of the heritage assets would occur with minimal conflict. The Council has disregarded the requirements of paragraph 129.

1.9 The proposed allocation will manifestly cause harm to the Lingfield Conservation Area and to the setting of several Grade I and Grade II* listed buildings. The Council has not provided any clear or convincing justification for the harm that the allocation will cause to the heritage assets as required by paragraph 132 of the Framework, 2012. The absence of any justification is of particular concern given the presence of alternative sites proximate to Lingfield’s centre that could accommodate a comparable amount of development needed, which would not result in any harm to the significance of heritage assets.

1.10 In its assessment of the proposed allocation the Council offers no commentary as to the public benefit that would justify the harm to the heritage assets as required by paragraphs 133 and 134 of the Framework, 2012.

1.11 There is no public benefit arising from the proposals that would justify the harm to the heritage assets. The delivery of 60 units is not sufficient public benefit to allow significant harm to the heritage assets, particularly given the availability of other suitable sites adjacent to the boundary of Lingfield that can deliver a comparable quantum of housing. In particular Lingfield Gardens, Lingfield (LIN 031) which has the potential of delivering 99 new homes and has previously been assessed one of two preferred alternative sites and enjoys support from many residents, the Neighbourhood Plan Steering Group and the Parish Council.

1.12 The reason for not allocating LIN 031 is set out in the HELAA (2017-2018) that the site is unconnected to the boundaries of a suitable settlement boundary and therefore not assessed as suitable. The site plan at Appendix I shows that the separation is a very narrow strip of 14 metres at its narrowest point and 30 metres at its widest. The irrational position adopted by the Council in relation to Green Belt release and the relationship of sites to the settlement boundary, is addressed in relation to Matter 4.

1.13 LIN 031 would have the significant opportunity to deliver a greater quantum of residential development than HSG12 without causing harm to any heritage assets.

1.14 There is no evidence whatsoever that the harm to the heritage assets has been assessed for HSG12 by either the promoter of the site or by the Council as required by the Framework, 2012. Furthermore, there has been no attempt to assess whether the proposals would result in substantial or less than substantial harm and what the public benefit might be to mitigate that harm.

1.15 The proposed allocation is therefore unjustified as it does not represent the most appropriate allocation for Lingfield when considered against the reasonable alternatives and is not based on proportionate evidence. For the reasons outlined, the allocation would not therefore be consistent with national policy in accordance with the Framework.

6.61 Would criterion IV. Landscape be effective in safeguarding the character and appearance of Lingfield?

1.16 The sensitivity of HSG12 (formerly referred to as LIN030) is evident from the Lingfield Analysis Plan (area 12) contained with the Landscape Capacity and Sensitivity Study (LCSS) October 2016 [LAN16] and replicated in subsequent landscape studies, including the LCSS Addendum 2017². The Analysis Plan shows the sites affected by its location within a conservation area, forming the setting of listed buildings, bound by woodland and containment to the north and affected by a sloping topography. The landscape sensitivity and designations are shown and acknowledged to be numerous in comparison to alternative sites, specifically, LIN031.

1.17 In addition to the designations identified in the LCSS, the site forms an important area of openness, together with giving a sense of separation between Lingfield and Dormansland. The site fulfils a

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² Page 72 of the LCSS Addendum, 2017
significant function of the Green Belt identified at paragraph 80 of the Framework, 2012.

1.18 Development in this location would therefore fail the fundamental purpose of the Green Belt. The residential development of the site would erode the defined boundaries between Lingfield and Dormansland to the south. The existing fields provide an important area of open space between the settlements creating a sense of openness between the settlements.

1.19 Given the importance of the site in maintaining the openness between Lingfield and Dormansland, it is not considered that there is any effective safeguarding of the character and appearance of Lingfield, should development take place in this location.

1.20 The Landscape Capacity and Sensitivity Study 2017 (Addendum) [LAN3] acknowledges the potential impact to the separation to Dormansland. The assessment specifically identifies the southern part of the site as unsuitable for development as it would weaken the sense of separation between the two settlements. The proposed allocation, however, shows the full extent of the site edged in red. It is acknowledged that criterion IV of the allocation refers to directing development to the existing built up area and to the north, but this is not effective in safeguarding the openness of the separation between Lingfield and Dormansland, and thus the character and appearance of Lingfield.

1.21 The requirement set out in criterion IV runs contrary to extent of the allocation shown at Policy HSG12 resulting in significant ambiguity as to the extent of the site is developable without causing harm identified in the LCSS and that is evident from the topography of the site and its relationship with Dormansland. The effectiveness of criterion IV is therefore further reduced when read in conjunction with the proposed extent of the allocation (the redline).

6.62 In terms of flood risk, is the proposed allocation of the site justified in respect of the sequential test? Would the allocation be effective in ensuring that inappropriate development in areas at risk of flooding are avoided?

1.22 The southern part of the site is located within Flood Zone 2. This part of the site has already been discounted as suitable for development because of the unacceptable affect that it would have upon openness and the visual separation between Lingfield and Dormansland.

1.23 The location of part of the site in Flood Zone 2 further highlights the sites unsuitability to be allocated in the development plan, particularly given the suitability, availability and deliverability of sequentially better located, less constrained sites with a greater capacity for development improving the opportunity to yield a greater number of residential units without the significant constraints of HSG12.

1.24 In addition to its partial location within Flood Zone 2, the south east ‘corner’ of the site is also as risk of ponding as a result of surface water run-off. The site also lies in close proximity to the flood risk zone of Bough Beech reservoir. The allocation further acknowledges that the site is a potential extension to the Flood Zones as a result of climate change.

1.25 There are sequentially significantly preferable sites in Lingfield that are not affected by a Flood Zone, ponding or proximate to any other source of flood risk. LIN031 is such a site that is not affected by any source of flood risk and lies entirely within Flood Zone 1. Furthermore given the site’s location away from any source of flood risk and ability to be fully attenuated to accommodate surface water run-off, it is not likely to be required for any future flood storage purposes and therefore its development will not compromise the future ability for Lingfield to be protected from flood events from a number of sources.

1.26 The flood risk potential of HSG12 further highlights its lack of suitability for residential allocation. Additionally, the allocation as it shown at HSG12 is entirely ineffective in ensuring that inappropriate development in area at risk of flooding are avoided. Criterion VII makes no reference to specific measures to mitigate flood risk, particularly regarding the capacity of the site to provide any future mitigation in the event of flood risk from any source.

6.63 What account has been taken of the emerging Lingfield Neighbourhood Plan?

1.27 The Statement from the Chair of the Steering Group dated 5 September 2018 regarding the Lingfield Neighbourhood Plan, makes clear that no account whatsoever has been taken of the emerging
Lingfield Neighbourhood Plan (LNP) in the allocation of HSG12. A copy of the statement is at Appendix II.

1.28 The statement expresses justifiable surprise at the intention to allocate HSG12 given it had been rejected by the Council itself in the HELAA [SAD7] and the subject of significant objection by residents. Its subsequent inclusion in the draft Local Plan was done so without reference to the LNP Steering Group, the responses they had gathered from residents or the Parish Council. Indeed, the surprise inclusion in the draft Local Plan was without reference to the Council’s own evidence base which had discounted the site on the grounds that it would harm a number of heritage assets. An assessment of which has not been undertaken to demonstrate the contrary, and thus the subsequent suitability of the site for residential development.

1.29 Through the development of the LNP two sites had been identified as potentially suitable including LIN031, regarding which the statement describes as being suitable subject to thoughtful design and layout could have delivered the aspirations for Lingfield in terms of development and infrastructure. This is evidence that the LNP Steering Group had positively considered development in conformity with the requirement for Neighbourhood Plans to identify suitable sites for development.

1.30 No account has been taken of this preferred option, which is not only preferred by many residents, but also significantly more suitable in planning terms than HSG12, for reasons outlined in this statement and Mr Telfer’s representations, September 2018 and Matter 4 statement. LIN031 also has a greater capacity for development than HSG12 with demonstrably less need for mitigation measures. It has been the subject of positive consultation with residents and other stakeholders, unlike HSG12, the allocation of which is a mystery given its unpopularity and manifest planning constraints.

1.31 Paragraph 183 of the Framework, 2012 states that the purpose of neighbourhood planning is to give communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. The Council has taken absolutely no notice of this important policy objective, which formed part of the Government’s planning reforms in order to make the planning process less ‘top-down’.

1.32 Entirely contrary to this policy requirement and without explanation the Council changed its mind overnight. And in the absence of any evidence base to justify its position, it allocated a site it had previously discounted and is, with good reason, unpopular with residents and other stakeholders. A site that is beset with planning constraints, the development of which has the propensity to cause significant harm to several heritage assets with no public benefit. This decision has been taken, inexplicably, at the expense of the allocation of a site that has the greater capacity for development, is better related to the settlement boundary, unfettered by any planning constraints and the preferred option of many residents and other stakeholders.

1.33 The allocation of HSG12 would represent utter disregard for the neighbourhood plan process. It has the propensity to cause significant harm to designated heritage assets, as well as increase flood risk and provide less public benefit and housing.

6.66 Are the proposed Modifications necessary for soundness?

1.34 Schedule of Proposed Main Modifications January 2019 does not propose any modifications for HSG12.

1.35 Mr Telfer’s statement regarding soundness of the Local Plan and its approach to allocations are submitted in relation to Matter 1 together with an opinion from Richard Moules QC.
APPENDIX II – STATEMENT FROM THE CHAIR OF THE LINGFIELD NEIGHBOURHOOD PLAN STEERING GROUP, SEPTEMBER 2018
This is an update for Lingfield residents and businesses about the current position of the Neighbourhood Plan and how it relates to the Draft Tandridge Local Plan which is in its final consultation stage.

Just to remind you, a Neighbourhood Plan can have planning policies which are very specific to its area and ours is the Lingfield Parish area. Once the Plan is ready for its own public consultation, it will be presented to you by the Parish Council. A huge majority of the work has been done by residents from the locality in their spare time. Through a range of household surveys and open days, the key issues for the parish have been identified and planning policies have been sketched out to try to address some of these issues. This has taken a while as we have had to fit it into our busy lives and many of the original volunteers have dropped by the way-side, making a bigger workload for the few of us who are left. Please get in touch via our website if you would like to come forward to help with the final push.

A Neighbourhood Plan must be positive about development and if things go our way, we should be able to direct where any new housing should go and specify what type of housing and the infrastructure that must go with it. Any proposals would be based on the results of the questionnaire surveys and public meetings where you have told us what you would like to see, mainly ensuring people with a local connection find the right houses and the infrastructure are the key priorities. The Council can allocate a housing target for the village and a Neighbourhood Plan can’t prevent all development but it should be able to specify housing types and sites. Unfortunately, despite the Steering Group keeping the council up to date with where they are in the process, the Star Fields was a very unexpected and unwelcome choice by the council.

We have brought in specialist Neighbourhood Planning consultants to help direct the work we are doing and have tried to keep this to the minimum as it can be expensive but the company we have used is very successful with this type of work. Key advice from them has been to ensure the Neighbourhood Plan is in conformity with the emerging Tandridge Local Plan and the new National Planning Policy Framework (2018) and not rush to finish before the Local Plan is published, so we can ensure it dovetails into the new Local Plan. Therefore, the delay in finalizing the plan, on the consultant’s advice, is so we won’t need to rewrite the policies, but have time to ensure they are fully compliant.

1 O’NeillHomer http://www.oneillhomer.co.uk/. The cost so far is £13,378, of which £6,300 was from government grant funding, the remainder in the amount of £7,078 was Parish Council funds. Any future spending is proposed to be covered largely from central government funding.
One of the pieces of work we have undertaken (November 2016) was to look at the Sites in the Tandridge Sites Consultation and try to work out if any would be suitable for Lingfield, bearing in mind the evidence we had collected regarding housing needs through household surveys and at previous public meetings.

![Lingfield Sites Consultation Nov - Dec 2016](image)

Using the sites put forward for the Tandridge Sites Consultation (November – December 2016) and comparing these to all the other sites which were not being considered (see HELAA 2016 map below) the Neighbourhood Plan Steering Group sifted the sites, ruling out those which would impact the key views out and into the village, which would impact the Conservation Area and the public open spaces, including the ecologically important Nature Reserve and were in the flood risk zone. These were all presented at the public open day on the 26th November 2016.
Supported by resident’s views, but mostly on planning evidence, the sites that would generate the least harm to Lingfield and that had the greatest potential to deliver infrastructure were in the broad zone from the west of the Godstone Road through to the east of the East Grinstead Road. This is indicated by the red dotted line on the concept map below.
Our Housing Needs Survey in 2016 found that there are families who would like to buy or rent privately but can’t afford the local house prices; Neighbourhood Plans are best placed to provide this sort of housing at less than the current 80% market value and are available at capped prices for people with a local connection forever. We are working proactively to see if this can be done.

The other aspect we are working on is ensuring that any new development blends into the village and causes minimal impact on the openness and the views. This can be done with carefully controlling building heights and spacings.

Coincidentally the Sites Consultation documents had this to say about the potential for new housing in Lingfield:

**Constraints to development**

*Lingfield is encircled by floodplain to the north, east and south. These landscapes are generally open in character and highly constrained by potential flooding such that they are unsuitable for new development.*

*Land to the west offers the only potential direction for growth, although development to the west would lead to a sprawling settlement pattern unrelated to the existing village centre.*

*The central area of small pastoral fields which sit between Lingfield and Lingfield Common have a dense and well used public footpath network that afford a high degree of landscape and visual amenity to the area. This would be significantly affected or lost by development in the central area. Loss of amenity and the potential loss of openness of the area are significant constraints to development in this area.*

*The landscape character of land to the west is more suited to accepting development, given a well-developed landscape structure area. However the landscape is a relatively uniform parcel of agricultural land where there are no obvious or significant features on which to base new and robust settlement boundaries.*

However, the one site identified by Tandridge for the new Local Plan is one of the sites that residents wanted to keep untouched, is the Star Fields (or sometimes called the Hop Gardens). More than 60% of the site is inside the Conservation Area and has a well-used public footpath between the station and the village.

What is even more surprising is this site was **ruled out by Tandridge as “unsuitable”** in the 2016 Sites Consultation because of its importance to the setting of the Conservation Area and the many Listed Buildings and structures within it.

The Neighbourhood Plan Steering Group immediately acted to try to get this site taken out of the Local Plan by meeting the Head of Strategic Planning in late June. They are now wholeheartedly supporting the Parish Council in opposing this site. Inconsistencies in how this site was ruled back into the plan make this appear to be

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2 Landscape and Visual Assessment Concept Areas (2016)
an irrational choice and in planning terms an “unsound” and not “legally compliant” allocation.

Undoubtedly the other sites are unpopular, especially LIN 005, 012 and 027, because of their value to residents. Two sites which could have been looked at more closely but were rejected arbitrarily and unsoundly are LIN 031 and 020. With thoughtful design and layout, they could provide the Neighbourhood Plan the opportunity to work with the owners and developers to ensure that the village gets what it wants and needs.

Our Housing Needs Survey in 2016 found that there are families who would like to buy or rent privately but can’t afford the local house prices; Neighbourhood Plans are best placed to provide this sort of housing at much less than the current 80% market value, in perpetuity for people with a local connection.

We urge you to find time to send in your comments to Tandridge if you agree with our concerns. There is a set of Guidelines on the Lingfield Parish Council and Lingfield Neighbourhood Plan websites which you can download and use as much or a little as you need.

Send your comments to localplan@tandridge.gov.uk or post/deliver to
Local Plan Council Offices Station Road East Oxted RH8 0BT

By 5pm on Monday 10th September

The Parish Council is holding a public meeting to encourage you to comment and there is a Star Fields Action Group (STAG) to help coordinate opposition. They will be there at the public meeting as well.

Public Meeting Wednesday 5 September at 7.30 pm Lingfield Church

The TDC website for the Our Local Plan 2033 documents

Lingfield Parish Council and Lingfield Neighbourhood Plan websites for the guidelines
http://www.lingfieldparishcouncil.gov.uk  www.lingfield.info

Star Fields Action Group has also been set up as an additional way to support the removal of Star Fields from the Local Plan and will be at the public meeting as well.

Star Fields Action Group (STAG) website www.starfields.info

Please do submit your comments, the number of comments shows you all care enough even if you only send in a short response.

It does make a difference if the Inspector sees that lots of people really do care about their communities.