

LAND AT MOUNT AVENUE, CHALDON
APPEAL REF: 6006497

PROOF OF EVIDENCE OF TOM COLE MRTPI
APPELLANT, TOWN PLANNING

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1.0 Qualifications and Experience

- 1.1 My name is Tom Cole. I am a Master of Science in Town Planning of the University of Reading, having studied at the Henley Business School. I am a Member of the Royal Town Planning Institute.
- 1.2 I am a Partner with the firm Montagu Evans LLP, Chartered Surveyors and Town Planning Consultants, with offices in London, Manchester and Edinburgh. I have been a Partner at Montagu Evans since 2024 and employed by the firm since 2018. I co-lead the Housing and Land Team of 30 Town Planners, in a Department of 110 Town Planners.
- 1.3 Before Montagu Evans I worked for White Young Green (now Tetra Tech) and before then AECOM, in their London offices. In total I have accumulated 13 years of experience within the town planning profession.
- 1.4 My experience in advising on town planning matters of all kinds has covered much of England and has included a wide range of residential developments. At Montagu Evans LLP I am the lead Chartered Town Planner for the strategic land sector. In my role I advise developers, investors, landowners and promoters and this encompasses site appraisals, public consultation, land promotion, planning applications, planning appeals and supporting land transactions.
- 1.5 From this I have extensive experience dealing with large and complex proposals and for this reason I was asked to represent the Appellant and lead this inquiry in March 2026.
- 1.6 The evidence which I have prepared and present in this Proof of Evidence is true and has been prepared and is given in accordance with the guidance of the Royal Town Planning Institute, my professional institution. For the avoidance of doubt, no artificial intelligence has been used in preparing my evidence.
- 1.7 I confirm that the opinions expressed are my true and professional opinions.

2.0 Introduction

- 2.1 I am instructed by Sigma Homes (the Appellant) to give town planning evidence in relation to appeal ref. 6006497 (the Appeal) which relates to land at Mount Avenue, Chaldon (the Appeal Site).
- 2.2 The Appeal follows the failure of Tandridge District Council (TDC / the Council) to determine planning application ref: TA/2025/771 which had the following description of development (the Appeal Scheme):

“Erection of 30 dwellings (50% affordable) with associated works including provision of vehicular and pedestrian access, landscaping, drainage, and other associated infrastructure (Outline application with all matters reserved except access, layout and scale)”.

- 2.3 Following the submission of the Appeal, the Council resolved that it would have refused planning permission for the Appeal Scheme for two reasons. The Council’s Statement of Case lists these as follows:
1. *“The proposal represents inappropriate development in the Green Belt that would result in significant harm to openness both spatially and visually. The proposal would not comply with the requirements of paragraphs 143, 154 and 156 of the NPPF 2024. The site has also been considered against para 155, however the proposal would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. It would fail to check the sprawl of the large built-up area and would fail to safeguard the open countryside from encroachment. Very special circumstances do not exist to override the very substantial weight that must be afforded to the harm to the Green Belt, character of the area and less than substantial harm to a heritage asset. Accordingly, no very special circumstances exist, either individually or cumulatively, to clearly outweigh the harm by reasons of inappropriateness and other identified harm. As such, the proposal is contrary to the provisions of Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies and the provisions of the National Planning Policy Framework (2024) as a whole”.*
 2. *“The site is located in an unsustainable location with limited active travel opportunities, and where the only realistic means of transport to everyday amenities would be the private car. This is contrary to the aims of the National Planning Policy Framework 2024 (NPPF), in particular paragraph 117, the Surrey Local Transport Plan 4 (LTP4) and the Tandridge Local Plan Policy DP5 A.4”.*
- 2.4 Montagu Evans has been engaged to advise on this site since 2023. In addition to preparing the planning application that is the subject of this Appeal, we have prepared comprehensive representations to promote the allocation of this Site as part of the Council’s local plan review, a matter that I will discuss later in my evidence.

Issues Identified by the Inspector

- 2.5 Following the Case Management Conference (CMC) on 22nd June 2026, the Inspector set out the main issues to be considered at the inquiry. These are:
- 1) Whether or not the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies with particular reference to whether the appeal site represents Grey Belt land and meets the Golden Rules;
 - 2) The effect of the proposed development on openness and on the purposes of including land within the Green Belt;

- 3) Whether or not the site is in an appropriate location for the proposed use having regard to whether it represents sustainable development and promotes access by public transport, foot and bicycle to nearby residential, commercial retail, educational, leisure and recreational areas; and
- 4) Whether or not the harm by reason of the proposal being inappropriate development within the Green Belt, and any other harm would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

2.6 During the CMC, the Council confirmed that it will not seek to present evidence alleging the Appeal Scheme results in conflict with relevant policies on local character nor on designated heritage assets. Instead, the Council accepted that these particular references were made in error in the Committee Report and subsequently its Statement of Case during the CMC. For this reason I do not need to address these points in evidence, so I make no further reference to these matters in relation to the Council's case.

Scope of My Evidence and Relationship with the Appellant's Other Evidence

2.7 My evidence addresses town planning matters in relation to each of the main issues identified above, as well as the benefits associated with the development and the application of the planning balance. My evidence also covers any relevant matters raised by interested parties in respect of the Appeal Scheme. My evidence pursues two principal arguments, which are the Primary Case and the Secondary Case. These are summarised below to assist the Inspector:

- The Primary Case: the Appeal Site is grey belt land and the Appeal Scheme comprises appropriate development in the Green Belt as Per Paragraph 155 of the NPPF; and
- The Secondary Case: if the Inspector disagrees with the Appellant's Primary Case, the NPPF Paragraph 153 test has been passed, as I identify material planning benefits that amount to very special circumstances.

2.8 My proof of evidence should be read in conjunction with the Appellant's Statement of Case (SoC, CD 3.4) and the Statement of Common Ground (SoCG, CD 3.6). I will not repeat in my evidence the information provided within the SoCG.

2.9 I will, however, draw on the conclusions of other experts who have been instructed to provide evidence in relation to this case, specifically:

Table 2.1 – The Appellant's Other Witnesses

Witness	Organisation	Topic
Richard Allman	Motion	Transport Matters (CD 3.9)
John-Paul Friend	LVIA Ltd	Green Belt Matters (CD 3.10)

2.10 My proof contains the following information, prepared by the Appellant, to assist the Inspector:

- Appendix One: Housing Land Supply Statement, prepared by Mr Cameron Austin-Fell who is an expert in relation to matters of five year housing land supply;
- Appendix Two: the Appellant's Response to Third Party Comments, which I have prepared to respond to the various matters raised by third parties in relation to the Appeal Scheme; and
- Appendix Three: TDC Policy Team Comments, dated 30th June 2026.

3.0 The Appeal Scheme

The Appeal Site

- 3.1 The Appeal Site measures 1.45 hectares. It comprises currently undeveloped grazing and agricultural land. It is located in the village of Chaldon.
- 3.2 The Site is bound by and accessed from Mount Avenue to the north. To the west and east of the Site are residential properties of up to 2-storeys in height and naturally buffered through existing trees. To the south of the Site is Birchwood Lane, which is buffered by tree canopy running along the extent of the southern boundary. The existing vegetation results in there being limited views into the Site.
- 3.3 The Site is located within Flood Zone 1 and is at low risk for reservoir, artificial drainage systems and coastal flooding. It has no history of flooding and is not at risk of surface water flooding.
- 3.4 There are no designated heritage assets on the Site and it is not within a Conservation Area. There are no listed buildings nearby and the closest is the Grade II Listed 'Barn 15 Yards North of Roof Farm House', located approximately 420m away.
- 3.5 The Site is subject to tree coverage, and this is largely on the boundaries, notably in the northwest corner. A total of 118 individual trees, 11 tree groups and 3 hedgerows are present at the Site.
- 3.6 Further description of the Appeal Site is contained in Section 2 of the Planning Statement (CD 1.3). I completed a site visit in June 2026 to establish my understanding of the Site's condition and features which remain as described by the Appellant.

Site Surroundings

- 3.7 The Site will be accessed from Mount Avenue which connects with Rook Lane. Rook Lane provides a vehicular pedestrian and cycle route to Caterham. It is approximately 2.3 kilometres west of Central Caterham which includes a rail station and extensive facilities and services, which represents a 32-minute walk or an 11-minute cycle journey.
- 3.8 Importantly, there is a bus stop on Rook Lane (200 metres from the Site) which stops at the railway station and town centre in Caterham, as well as Reigate, Redhill, Warlingham, Oxted and Whyteleafe.
- 3.9 It is also approximately 1.7km (23-minute walk or 6-minute cycle) southwest of the High Street at Caterham-on-the-Hill which provides a convenience store and pharmacy. Additional local facilities include the shops at Westway, which are approximately 1.5km from the Site (21-minute walk or 6-minute cycle) and includes a convenience store and a public house, and the facilities at Guards Avenue, which is approximately 1.8km away (25-minute walk or 6-minute cycle) and includes a medical practice, pharmacy and Tesco superstore. Mr Allman's evidence (CD 3.9) provides further information on existing services and facilities in proximity to the Site and I will return to this in Section 5 of my evidence.

The Appeal Scheme

- 3.10 The Appellant is seeking planning permission to provide 30 new homes, including 15 affordable homes (50%). I summarise the key elements of the Appeal Scheme below:

- 30 residential dwellings (Use Class C3), including 15 affordable homes;
- Vehicular access from Mount Avenue;
- A pedestrian link through the Site connecting Mount Avenue and Birchwood Lane pedestrian access from Birchwood Lane;
- Car parking to serve each dwelling;
- Building heights of up to two storeys;
- Provision of open space with public access, in addition to private gardens and shared amenity space;
- Delivery of a surface water attenuation basin; and
- Delivery of biodiversity net gain (BNG) of 13.52% in habitat units and 123.23% in hedgerow units.

3.11 Approval is sought for access, layout and scale with details of landscaping and appearance reserved for future consideration.

3.12 A full description of the Appeal Scheme is set out within the SoCG (CD 3.6).

Application Background

3.13 Since the Application was validated by the Council on 6th August 2025, the Appellant has worked tirelessly to respond to comments from statutory consultees and provided supplementary information to respond to feedback provided. At the point of submitting the non-determination appeal in March 2026, the Appellant had successfully resolved all technical matters relating to the Site, such that there are no technical objections raised by any statutory consultees (CD 2.1-2.9).

3.14 Despite sustained efforts to make submissions to the Council on the NPPF 2024 (CD 4.1) and grey belt case for the Site, the Council did not provide any comments from its Planning Policy Team. The Appellant gave notice to the Council on 23rd February 2026 that a planning appeal was to be submitted and the Appeal was then submitted on 16th March 2026. At the time of making the Appeal, the Appellant was not made aware what the Council's view was on the Site's status as grey belt.

3.15 Subsequently, comments were provided by the Council on 30th June 2026 (see Appendix 3) which claim to have been provided to Mr Patel on 17th April 2026, albeit the Appellant did not receive the comments. I will return to the Policy Team comments in Section 5 of my evidence.

4.0 The Development Plan

- 4.1 As per Section 38 (6) (*Development Plan*) of the Planning and Compulsory Purchase Act (PCPA) 2004 (CD 4.3):

“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

- 4.2 Section 70 (2) (*Determination of applications: general considerations*) of the Town and Country Planning Act 1990 (CD 4.4) makes similar provisions but also expressly includes reference to neighbourhood development plans and local finance considerations:

“In dealing with an application for planning permission or permission in principle the [decision-maker] shall have regard to—

(a) the provisions of the development plan, so far as material to the application,

(aza) a post-examination draft neighbourhood development plan, so far as material to the application,

(aa) any considerations relating to the use of the Welsh language, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations”.

Adopted Development Plan

- 4.3 The Council's adopted Local Plan comprises:

- The Core Strategy which was adopted by the Council in October 2008 (CD 5.1);
- The Tandridge Local Plan Part 2: Detailed Policies (2014-2029) which was adopted by the Council in July 2014 (CD 5.2);
- The Policies Map (2014) (CD 5.13); and
- The Caterham, Chaldon and Whyteleafe Neighbourhood Plan which was adopted in 2021, then subsequently amended and adopted via referendum on 7th May 2026 (CD 5.3 and 5.4 respectively).

- 4.4 These form part of the statutory development plan along with the Surrey Waste Local Plan (adopted December 2020) and Surrey Minerals Plan (2011) which I will not discuss in evidence because they are not relevant to this case.

Is the Local Plan Up-to-date?

- 4.5 Whether a development plan document is out-of-date is not a matter of law but one of planning judgement. The Core Strategy provides a strategic vision for the Borough between 2008 and 2026, which at the time of production, was prepared in line with the South East Plan (CD 5.9), which was then subsequently abolished in 2013. The Core Strategy identifies an annual housing requirement of 125 homes per year, which was determined based on ONS population projections from 2001 and CLG household projections from 2003, approximately 23 years ago.
- 4.6 On this basis, the Core Strategy was prepared and adopted with no requirement to consider Green Belt release. At 6.1 of the Core Strategy the Council states that: *“The strategy therefore acknowledges the importance of the Green Belt as a way of keeping land open and preventing the outward spread of London and existing built up areas from coalescing. No changes are currently proposed to the boundaries of the Green Belt”.*

- 4.7 The Core Strategy relied upon a housing need that pre-dated the 2012 NPPF which introduced objectively assessed needs methodology and the Local Plan Part 2 made no attempt to review the spatial strategy or the housing requirement from the Core Strategy. On this basis, in my opinion the Local Plan is substantially out of date.
- 4.8 Since the adoption of Local Plan Part 2, the Council has failed to successfully adopt a new Local Plan. Interestingly, TDC has already accepted the extent of unmet housing needs constitutes exceptional circumstances to justify Green Belt release. In its Green Belt Assessment, Part 3 (2018) (CD 7.3), the Council even made recommendations on sites that could be removed from the Green Belt through adoption in Local Plan 2033.
- 4.9 This was predicated on the emerging Local Plan 2033 strategy planning for a housing requirement for 6,056 homes over the Plan period of 2013 to 2033 (equivalent to 303 dwellings per annum).
- 4.10 Putting aside the fact that the Inspector dismissed the Council's attempt to establish the housing requirement based on supply evidence that was unreliable in the Inspector's Report on Local Plan 2033 (CD 9.6), the Council was only planning to meet approximately 64% of its objectively assessed need¹ at that time.
- 4.11 The Green Belt covers 94% of the District and so has the effect of representing a substantial constraint on meeting housing needs. In addition, the District also includes land falling within two National Landscapes (Surrey Hills and High Weald), Sites of Special Scientific Interest, Areas of High Landscape Value and areas of flood risk.
- 4.12 Consequently, both housing delivery and supply has continued to deteriorate to the point where TDC is a "presumption" authority. The Council agrees with this position, noting in the Committee Report for the Appeal Scheme (CD 1.30) that:
- "In the absence of a five year supply of housing, it is necessary to apply the presumption in favour of development as set out in Paragraph 11 of the NPPF".*
- 4.13 Therefore, the policies which are most important for determining the Appeal Application are out-of-date.

Planning Policies of Relevance to the Appeal

- 4.14 As I noted at paragraph 2.3 of my evidence, the Council's reason for refusal cited a number of Development Plan policies it considers that the Appeal Scheme does not comply with. These are listed below.
- 4.15 The Officer's Report refers to various other development plan policies which are not cited in the reasons for refusal and therefore which one must assume the Appeal Scheme complies with. Notably, the Council makes no reference to any conflict with the Core Strategy nor the adopted Neighbourhood Plan.

Tandridge Local Plan Part 2: Detailed Policies

- 4.16 Policy DP5 (Part A.4) – Highways Safety and Design: explains that development will be permitted subject to meeting the requirement of all other appropriate Development Plan policies and where the proposal provides safe and suitable access to the site which is achievable by all and promotes access by public transport, foot and bicycle to nearby residential, commercial, retail, educational, leisure and recreational areas where appropriate. It is common ground that the Appeal Scheme complies with all other limbs of Policy DP5.

¹ The annual requirement was 470 dwellings per year based on 2014 based household projections, equivalent to a housing requirement of 9,400 homes over the Plan period of 2013 to 2033.

- 4.17 Policy DP10 – Green Belt: explains that planning permission for inappropriate development will only be permitted where very special circumstances exist, to the extent that other considerations clearly outweigh any potential harm to the Green Belt by reason of inappropriateness and any other harm.
- 4.18 Policy DP13 – Buildings in the Green Belt: this policy outlines several Green Belt exceptions that would represent appropriate development in the Green Belt.
- 4.19 I will discuss the above policies, including the weight to be attached to them (bearing in mind the Council's acceptance that the policies which are most important to this application are out-of-date) below. I will also return to them in Section 6 where I will set out my opinion on the overall planning balance.

National Planning Policy

- 4.20 The other principal policy material consideration is the National Planning Policy Framework ('NPPF') which was published in December 2024. The following paragraphs of the NPPF are referred to by the Council in its SoC:
- Paragraph 117 – in respect of promoting sustainable transport, applications for development should:
 - a) Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
 - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
 - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient location
 - Paragraph 143 – explains that the 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.
 - Paragraph 154 – explains that development in Green Belt is inappropriate unless it meets one of the defined exceptions. The Appellant accepts that the Appeal Scheme does not represent any of the exceptions listed.
 - Paragraph 155 – states that the development of homes should also not be regarded as inappropriate where all of 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 proposed²;
 - 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.
- Paragraph 156 – lists the 'Golden Rules' that should be made where major development involving the provision of housing is proposed on sites in the Green Belt subject to a planning application, which are:
 - a) affordable housing, in the case of this Appeal, at 50%;
 - 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.

4.21 I will refer to these policies and other relevant policies contained in the NPPF in Section 5 and Section 6 of my evidence. This will include:

- Paragraph 11 – plans and decisions should apply a presumption in favour of sustainable development. For decision-taking, where the policies most important for determining a planning application are out of date, granting permission unless:
 - I. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- Paragraph 14 – in situations where the presumption (at Paragraph 11d) applies to applications involving housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, where the neighbourhood plan contains policies and allocations to meet its identified housing requirement.
- Paragraph 49 – decision makers may give weight to relevant policies in emerging Plans according to:
 - a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- Paragraph 61 – to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that the

² Which, in the case of applications involving the provision of housing, means the lack of a five year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Tests was below 75% of the housing requirement over the previous three years

needs of groups with specific housing requirements are addressed. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.

- Paragraph 63 – the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing, families with children and older people.
- Paragraph 78 – local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer of 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.
- Paragraph 85 – planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development.
- Paragraph 103 – access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and wellbeing of communities and can deliver wider benefits for nature and support efforts to address climate change.
- Paragraph 110 – the planning system should actively manage patterns of growth. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. 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.
- Paragraph 125 – planning decisions should encourage multiple benefits from rural land, including taking opportunities to achieve net environmental gains, such as developments that would enable new habitat creation or improve public access to the countryside.
- Paragraph 153 – when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness, other than on grey belt land where development is not inappropriate. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Other Relevant Considerations

- 4.22 The Council also alleges that the Appeal Scheme conflicts with the objectives contained in the Surrey Local Transport Plan (LTP4), though cites no specific part of LTP4 that the scheme is in conflict with. Simply put, I do not agree that there is any such conflict and agree with Mr Allman's analysis of LTP4 in his proof, which is that the author of LTP4, the County Council, has not objected to the proposals.

Emerging Planning Policy

- 4.23 The Council is undertaking Regulation 18 consultation on the Tandridge District Local Plan 2024-2044 (CD 6.2) until 17th August 2026. The consultation does not contain any specific policies nor does it attempt to propose sites to be allocated for development.
- 4.24 On this basis the Appellant affords no weight to the emerging Plan, reflecting NPPF Paragraph 49, and so I make no further reference to it in my evidence.
- 4.25 I do note, however, that the Council identifies in its Regulation 18 Plan (page 7, CD 6.2) that the prevailing housing requirement under the standard method is 819 homes per annum, equating to a total requirement of 12,285 homes over a 15-year Plan period. However, for sustained past under delivery, the Council is obliged to add a 20% buffer to the annual requirement when calculating its five-year supply, which means the current annual requirement is 983 homes a year.
- 4.26 I will deal with the implications of this when reaching a conclusion on the weight that should be afforded to housing (and affordable housing) delivery resulting from the Appeal Scheme.

Compliance with the Development Plan

- 4.27 Below I comment on whether, in my judgement, the Appeal Scheme complies with the policies referred to in the Council's SoC.

Spatial Strategy

- 4.28 The Appeal Site is located in the Green Belt and it is not located within a settlement as defined by the adopted Policies Map. In addition, the Appeal Site is not allocated for housing development. As such, the Appeal Scheme is contrary to Policy CSP1, despite it not being referred to in the Council's SoC as a reason for refusal.
- 4.29 However, the adopted Local Plan is predicated on a spatial strategy from 2008 that was prepared to meet a substantially outdated housing requirement that was calculated from historic demographic and household projects that bear no resemblance to the prevailing housing needs in the District. On this basis, Policy CSP1 is inconsistent with the NPPF and so in accordance with Paragraph 232 of the NPPF, I attach limited weight to this policy conflict.

Transport Matters

- 4.30 Policy DP5 of the Local Plan is titled Highway Safety and Design and Part A.4 explains that development will be permitted where it "provides safe and suitable access to the Site which is achievable by all and promotes access by public transport, foot and bicycle" to nearby residential, commercial, retail, educational, leisure and recreational areas where appropriate.
- 4.31 The supportive text of the policy is instructive, where Paragraph 5.3 of Local Plan Part 2 (CD 5.2) provides justification for Part of the policy:

"New development should also make provision for more sustainable modes of travel by providing, for example, footpaths, cycleways, or bridleways linking the new development to existing networks. This will not only increase accessibility and connectivity, but will also encourage people to use alternative forms of transport".

- 4.32 My interpretation of Policy DP5, Part 4, is that it does not provide any quantitative metrics for demonstrating compliance through an individual planning application specifically. In any case, in my opinion the Appeal Scheme complies with the policy, by virtue of the fact that the Site is provided with a safe and suitable access (this is not disputed by the County Council) and through delivery of a package of measures, the Appeal Scheme will promote access by public transport, foot and bicycle to services and amenities. On this basis, no conflict arises. I will address this in more detail in Section 5 of my evidence under the Main Issues.
- 4.33 I do note that Annex 3 to the Local Plan Part 2 (page 77, CD 5.2) provides a monitoring framework to review the effectiveness of its policies. For Policy DP5, the Council targets zero applications being approved contrary to advice of the Highway Authority. The reality is the inverse, in that the Council is refusing planning applications contrary to the advice of the Highway Authority.
- 4.34 Notably, Policy DP5 significantly pre-dates the NPPF 2024 and the mandate it provides a for vision-led approach to be followed. Crucially, Policy DP5, Part A.4, fails to take into account the direction provided by Paragraph 110 of the NPPF which recognises that 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.
- 4.35 It is common ground that the Appeal Scheme complies with all other limbs of Policy DP5.

Green Belt

- 4.36 Policy DP10 (Part B) of the Local Plan Part 2 seeks to protect the Green Belt from inappropriate development. My judgement is that the Appeal Scheme does not constitute inappropriate development, but in the circumstances that the Appeal Scheme is found to be inappropriate development, my alternative case confirms in the context of Policy DP10(b) that very special circumstances exist under Paragraph 153 of the NPPF. On this basis, there is no conflict with Policy DP10.
- 4.37 Likewise, Policy DP13 lists a series of Green Belt exceptions and whilst the Appeal Scheme does not meet the exceptions listed by this policy, it is inconsistent with the 2024 NPPF for the following reasons:
- 1) The policy states that unless very special circumstances can be clearly demonstrated, development in the Green Belt is inappropriate. This is inconsistent with Paragraph 153, which states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. My evidence demonstrates that the Appeal Scheme complies with NPPF Paragraph 153 and so I attach limited weight to this conflict as a result of the clear inconsistency between Policy DP13 and the NPPF.
 - 2) Policy DP13 also fails to accord with the 2024 NPPF and its introduction of grey belt as a form of appropriate development in the Green Belt. Paragraph 158 states that where the 'Golden Rules' are met significant weight should be attributed in favour of the development and granting planning permission. On this basis, any perceived conflict with Policy DP13 can only be afforded limited weight.
- 4.38 Notably, of course given the Local Plan Part 2 fails to mention the introduction of grey belt as it pre-dates the NPPF by 10 years, it does not acknowledge that grey belt represents an exception to Green Belt policy. This is a significant omission and I will deal with this further in evidence.

Summary

- 4.39 Overall, I conclude that the Appeal Scheme does not fully accord with the Development Plan when read as a whole. This reflects the fact that I have identified conflicts with Policy CSP1 and Policy DP13, albeit I attach limited

weight to these conflicts. In this case however, in the context of Section 38(6) of the PCPA 2004, other material considerations justify granting planning permissions which I discuss further in Section 5 of my evidence.

- 4.40 This is consistent with the Chapel Road appeal decision (ref: 3355743) (CD 9.1) from June 2025, which I consider to be highly relevant to this appeal. At Paragraph 91 of the appeal decision, the Inspector states that *“although the proposal would accord with a number of policies, it would conflict with policies on Green Belt and landscape and countryside. As these policies relate to the spatial strategy of the plan, I conclude that the proposal is contrary to the development plan as a whole. That said, I attach limited weight to the conflicts with policies DP10, DP13 and CSP 21 because these policies are not consistent with the Framework for the reasons given above”* (my emphasis).
- 4.41 I raise this as an important material consideration for two reasons. The first is to recognise the importance of consistency in the planning system. The second is that the appeal relates to another site in Tandridge, in the same circumstances as the Appeal Scheme. It is grey belt land, it is appropriate development, the Local Plan was found out of date and so any Development Plan conflicts were only of limited weight because of a lack of consistency with the NPPF.

5.0 The Case for the Appellant

- 5.1 In this section of my evidence, I will explain why I consider that the Appeal Scheme represents sustainable development through outlining material considerations that contribute to the planning balance and ultimately justify the grant of planning permission.

The Main Planning Policy Issues

- 5.2 My evidence will concentrate on the planning policy issues raised in the Council's SoC. The main strands of the Council's case on these matters can be summarised as follows:

Reason for Refusal 1

- a) The Appeal Scheme is inappropriate development in the Green Belt.
- b) Therefore, the Appeal Scheme will result in significant harm to openness (both spatially and visually).
- c) As a result, the Appeal Scheme does not comply with Paragraphs 143, 154 and 156 of the NPPF 2024.
- d) The Appeal Scheme will also fundamentally undermine the purposes (taken together) of the remaining Green Belt across Tandridge.
- e) The Appeal Scheme would fail to check the sprawl of the large built up area (in this case, Caterham).
- f) It would fail to safeguard the open countryside from encroachment.
- g) There are no very special circumstances to override the harm to the Green Belt and any other identified harms.
- h) Consequently, the Appeal Scheme is contrary to Policy DP10, DP13 and the NPPF.

Reason for Refusal 2

- i) The Appeal Site is located in an unsustainable location with limited active travel opportunities.
- j) As a result, the only realistic means of transport to everyday amenities is the private car.
- k) The Appeal Scheme is contrary to Paragraph 117 of the NPPF, LTP4 and Policy DP5(A.4) of the Local Plan.

- 5.3 To assist the Inspector's consideration of my evidence, I have structured the remainder of my proof against the Main Issues identified. I will deal with each of the Main Issues in my evidence and I have broken down my proof for Main Issues 1-3 using the following structure for each issue:

- 1) The policy framework – I list the relevant policy and explain how I interpret it. I explain the weight that should be given to the Development Plan policies referred to in the Council's SoC;

- 2) Evidence – I explain where I am reliant on the evidence of others; and
- 3) Overall compliance – I reach a conclusion on whether the Appeal Scheme is compliant with the relevant policy framework or not. Where conflict is identified, I reach a judgement on the weight to be given to the conflict.

Main Issue 1: Whether or not the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development policies with particular reference to whether the appeal site represents Grey Belt land and meets the Golden Rules

The Policy Framework

- 5.4 Paragraph 155 of the NPPF introduced the concept of grey belt land in 2024, which accepts that development of homes in the Green Belt is appropriate if the relevant criteria are met. This represents the Appellant's Primary Case. The NPPF defines grey belt as land that does not contribute strongly to purposes (a), (b), or (d) of Paragraph 143 of the NPPF.
- 5.5 I have already explained in Section 4 that the Local Plan policies on Green Belt are inconsistent with the NPPF as they do not consider the concept of grey belt. As such, the NPPF is determinative in respect of Main Issue 1.

Evidence

- 5.6 It is common ground with the Council that the Appeal Scheme does not contribute to purpose (b) or (d) (Paragraph 4.12, CD 3.6) such that the only matter for the Inspector is whether the Site makes a strong contribution to Green Belt purpose (a) which is to "check the unrestricted sprawl of large built up areas".
- 5.7 Here I am reliant on the evidence of Mr Friend, who makes the following points in relation to the Appeal Site, purpose (a) and whether development of the Site would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the District:
 - The Site falls within a 'pocket' formed by a combination of woodland, residential curtilage and Birchwood Lane to the South;
 - When combining the scale of the Site, its containment and relationship with the existing built development boundary, this will help ensure that the development will not result in urban sprawl. Given these facts, the Appeal Site has no function when assessed against Purpose (a); and
 - Overall, the Appeal Site comprises a low or weakly functioning part of the Green Belt when assessed against the five purposes in the NPPF and so its development would not fundamentally undermine the Green Belt as a whole.

Overall Policy Compliance

Analysis of NPPF Paragraph 143, Purpose (a)

- 5.8 Putting aside the fact that the Council has not published a Green Belt Assessment reflecting the 2024 NPPF, in my opinion the Council has failed to properly give regard to national policy and its supplementary PPG, as well as its own Development Plan and published settlement hierarchy. Firstly, the PPG is unequivocal that Purpose (a) explicitly excludes villages³ and so Purpose (a) is not engaged in this appeal.
- 5.9 The Site is in Chaldon which is a village. It is confirmed in the adopted Neighbourhood Plan that Chaldon is a village. When discussing Chaldon, it is noted that "the village straddles Rook Lane" (my emphasis). Chaldon

³ NPPG Paragraph: 005 Reference ID: 64-005-20250225

Village Council's website provides further confirmation setting out that "Chaldon Village Council serves the village of Chaldon".

- 5.10 In considering whether Chaldon is a village, it is also instructive to look at the Chapel Road appeal (CD 9.1), where when assessing whether Smallfield was a large built up area the Inspector notes that when making the judgement, it is relevant to have regard to the Development Plan. The Neighbourhood Plan alone therefore confirms that it is a village.
- 5.11 The Council's Green Belt Assessment provides further proof by assessing Chaldon as its own settlement, by referring to it as a "smaller settlement" (page 63, CD 7.3) and therefore by definition, Chaldon is not a large built up area. Even the Council has referred to the Site as being "within the village of Chaldon" (Paragraph 11.5 of SoC, CD 3.5).
- 5.12 Nonetheless, Mr Friend has also concluded that the Appeal Site provides no function when assessed against Purpose A such that, even if the Inspector took the view that Purpose A was engaged, the Appeal Site does not strongly contribute to Purpose.
- 5.13 The Council's only expert opinion provided by the Policy Team in support of this Appeal is included as Appendix 3, which only states that "*there remain concerns with 155a but at this stage the bigger issue is C and D*". This hardly represents an evidenced or unequivocal position on the matter. The Council's own SoC (paragraph 11.37, CD 3.5) also accepts that the Site could "be considered to constitute grey belt land". I agree with that conclusion.
- 5.14 On this basis, the Site does not make a strong contribution to purposes (a), (b) or (d) in relation to grey belt.
- 5.15 It is also common ground that there are no footnote 7 considerations that would provide a strong reason for refusing or restricting development of the Site (Paragraph 4.13 of the SoCG, CD 3.6). Therefore, by definition, the Site is grey belt.

Analysis of Paragraph 155a Test – Undermining Green Belt Purposes

- 5.16 As set out at in the Council's Statement of Case, TDC claims that the development does not satisfy Paragraph 155 (a) as the development would, in their opinion, fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
- 5.17 An update to the PPG on the Green Belt was published on 27 February 2025 setting out guidance on the role of the Green Belt in the planning system in light of the new NPPF for both Local Authorities undertaking a review of Green Belt boundaries and the assessment of grey belt land.
- 5.18 The PPG provides guidance on the assessment of the contribution that a site makes to the Green Belt purposes in the assessment of grey belt. Further to the Mead case⁴, the PPG has the same legal status as the NPPF in the determination of the Appeal Scheme.
- 5.19 Mr Friend's evidence (CD 3.10) concludes that the Appeal Site makes a "weak" or "none" contribution to Green Belt purposes (a)-(e) as listed by Paragraph 143 of the NPPF. The Appeal Scheme only measures 1.45 hectares and as Mr Friend has explained, the Site is largely contained by existing woodland and residential dwellings.

⁴ Mead Realisations Ltd v Secretary of State for Housing, Communities and Local Government [2025] EWCA Civ 32

- 5.20 Mr Friend explains that the Appeal Site performs as a Weak/None functioning part of the Green Belt and its development would not fundamentally undermine the Green Belt as a whole. This is chiefly because the Site is enclosed by strongly defensible physical barriers.
- 5.21 I have applied this evidence to the planning judgement on whether the development would “fundamentally undermine” the purposes (taken together) of the remaining Green Belt across the area of the plan, to feed into this planning judgement.
- 5.22 I stress that this wording is rightfully drafted by the NPPF so it is a high bar to reach, as it the introduction of Paragraph 155a as an additional exception to national Green Belt policy is intended to support additional (appropriate) development on Green Belt land to meet housing needs.
- 5.23 This high bar is confirmed by the PPG⁵ which states, with reference to Paragraph 155(a) criterion, that:
- “In reaching this judgement, authorities should consider whether, or the extent to which, the release or development of Green Belt Land 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”* (my emphasis).
- 5.24 Mr Friend in his evidence explains the Appeal Scheme concerns development of a small and enclosed pocket site defined by residential curtilages to the west, north and east. The Appeal Scheme would only involve built development in the eastern part of the Site (as shown by Proposed Site Plan, CD 1.26) and it is contained by existing woodland and built development.
- 5.25 Furthermore, it is important to reflect on the relatively modest scale and extent of built development proposed by the Appellant in respect of the Appeal Site. Tandridge is 94% Green Belt, which represents 23,299 hectares of the total District area of 24,813 hectares. Development of the Site would represent a loss of 0.006% of the total Green Belt area in the District. The actual loss would be further reduced, given the fact that only part of the Site will be developed. This loss cannot reasonably be determined to “fundamentally” undermine the ability of all of the remaining Green Belt across the District from serving all five of the Green Belt purposes in a meaningful way.
- 5.26 The Council refers to potential encroachment into the open countryside (purpose c) and the impact of the development on openness as justification for concluding Paragraph 155(a) is not complied with (we say the concept of openness is not relevant if the Site is appropriate development). However, the test at paragraph 155(a) of the NPPF is not about an assessment of the contribution the Appeal Site makes to green belt purpose (c), nor openness, but whether the Appeal Scheme would “fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan”. We deal with the effect of the Appeal Scheme on openness and Green Belt purposes under Main Issue 2 below.
- 5.27 Returning to the PPG, the very high bar I have mentioned is not reached in the case of the Appeal Scheme. As concluded by Mr Friend, other than the perceptible changes to the Appeal Site through its development, the development would not be detectable across the wider Green Belt within the plan area, which would continue to remain in effect reflecting the contribution of the relevant land areas to the Green Belt purposes.
- 5.28 Overall, I agree with Mr Friend’s assessment and my firm conclusion is that the Appeal Scheme would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, such that the NPPF Paragraph 155(a) criterion is satisfied.

⁵ Paragraph 64-008-20250225

Analysis of Paragraph 155(b) Test – Unmet Need

- 5.29 It is common ground that there is a substantial shortfall in the delivery of housing, including for affordable housing, such that there is a 'demonstrable unmet need' for housing. This is clearly demonstrated by the Council failing to sustain a five year housing land supply (5YHLS), and failing the Housing Delivery Test (HDT), which are the two relevant criteria in footnote 56 of the NPPF. I will expand on this in my response to the Inspector's Main Issue 4. On this basis, Paragraph 155b is clearly complied with and this is even accepted by the Council (Paragraph 11.38 of the SoC, CD 3.5).

Analysis of Paragraph 155(c) Test – Sustainable Location

- 5.30 TDC's SoC implies that the Appeal Scheme does not comply with Paragraph 155(c). This appears to primarily be due to reservations about the deliverability of the public transport measures proposed by the Applicant. The Council's position is not corroborated by any evidence. We highlight that the extent of mitigation suggested by Surrey County Council as highway authority is agreed and this will be secured either via planning conditions or the S106 agreement.
- 5.31 I strongly disagree with the Council's position which has failed to give due consideration to the lack of objection from Surrey County Council (as highway authority), national planning policy, nor associated guidance. Similarly, I am concerned by the Council's lack of consistency in decision making upon review of other applications local to the Site.
- 5.32 Importantly, the SCC Highways response of 9th March 2026 (CD 2.8) confirmed that SCC did not object to the development subject to securing further details through planning conditions (or obligations), which the Appellant is agreeable to. The consultee response states:

"The above conditions are required in order to ensure that the proposed development would not result in unacceptable detriments to the safe operation of the public highway and in order that suitable provision is made for sustainable modes of transport, in accordance with the requirements of the National Planning Policy Framework (NPPF) 2024, including paragraphs 115, 116 and 117, Policy DP5 of the Tandridge Local Plan and the objectives of the Surrey Local Transport Plan 4 (LTP4)" (my emphasis).

- 5.33 The Council's Statement of Case (Paragraph 11.44, CD 3.5) also acknowledges that there are facilities in walking distance of the Site and reasonable prospects of accessing these facilities by public transport. It is not for the Council to dispute the mitigation proposed by the Appellant which it has done in a cynical way. It goes on to state at Paragraph 22.5 (CD 3.5) that the sustainable transport and road safety improvements being secured could be considered acceptable in the context of the NPPF, Tandridge Local Plan and LTP4.
- 5.34 I highlight that the NPPF, at paragraph 110, and the PPG⁶ are explicit that when considering development proposals and compliance with Paragraph 155(c), the principal consideration is whether the Appeal Site is, or can, be made sustainable which the Appellant says is achieved by the Appeal Scheme.
- 5.35 Focusing on other comparable sites to the Appeal Site, we also highlight the following relevant applications:

⁶ Paragraph 42-006-20140306

- 15 Mount Avenue (ref: 2025/947): the Council, with Mr Patel acting as Planning Officer, granted planning permission under delegated powers for a development of 8 dwellings on land adjacent to the Appeal Site. The Officer Report acknowledged consultee feedback which claimed that Chaldon is an unsustainable location, noted that these comments had been considered, but were not “considered sufficient to change the recommendation”. The Appellant is confused that Mr Patel now appears to find Chaldon to be unsustainable, on a neighbouring site, where both rely on Mount Avenue for access.
- Chaldon Common Road (ref: 2025/730): again, the County Council accepted through use of planning conditions, the Site would be provided with suitable opportunities for travel by sustainable modes and would accord with the NPPF. Despite this, planning permission was refused by Tandridge, including on transport grounds, on 29th June 2026.

5.36 Therefore, Chaldon has been consistently regarded as a sustainable location by Surrey County Council. The Council has also accepted that the Site adjoining the Appeal Site as a sustainable location.

5.37 It is also important to highlight that the Council's Regulation 18 Plan (January 2026) (CD 6.1) defines the characteristics of Tandridge as a District with high levels of commuting by car, reflecting commuter patterns to London and Gatwick airport, as well as a local economy based on small and medium enterprises, professional and rural industries. The stated vision in the Spatial Development Strategy (June 2026) continues this theme and targets the following objectives (page 21, CD 6.2):

- Focusing development in locations most appropriate for growth, taking account of accessibility and the availability of services and facilities, and the need to secure infrastructure delivery in step with development;
- To provide homes to reflect local needs, to ensure inclusive and well connected communities with access to services;
- To support a resilient economy, rural enterprise and digital connectivity, to support access to jobs and services.

5.38 Existing residents of Chaldon utilise the local road and public transport networks to commute to larger employment hubs and to access services. On this basis the Appeal Scheme will have the benefit of seeking to change and improve the travel patterns for both existing residents of Chaldon and the future occupants of the development.

5.39 Mr Allman's evidence explores this in more detail and concludes that for most destinations that future residents will target, these can be accessed by sustainable modes.

5.40 The Appeal Scheme will deliver investment in highways improvements and sustainable transport measures in order to justify that the Site complies with NPPF Paragraphs 110 and 115 and it is suitable for the Appeal Scheme.

5.41 Below is a summary of the package of improvement and measures to be delivered by the Appellant:

- Provision of speed reduction to 20mph, along with any necessary traffic calming measures, between the development and Caterham on the Hill High Street, extending the existing upcoming 20mph limit on Rook Lane. This includes Rook Lane and Chaldon Road;
- To fund and carry out a Traffic Regulation Order consultation in relation to the measures;
- Improvement of existing bus stops located on Rook Lane to include shelters, enhanced waiting areas and real time passenger information;
- Provision of a continuous pedestrian crossing at the Rook Lane junction with Mount Avenue;
- Pedestrian crossing improvement on Rook Lane to provide access to westbound bus services; and

- A welcome pack to residents regarding the availability of and whereabouts of local public transport, walking routes and cycling routes.

5.42 Collectively the package of improvements to support the Appeal Scheme must be accepted as complying with the PPG and NPPF Paragraphs 115 and 117 (CD 4.1). Consequently, locational sustainability of the development, as referenced in paragraph 155(c) of the NPPF will be met.

Other Aspects of Sustainability

5.43 Finally, the Council's Statement of Case (Paragraph 11.43) refers to other aspects of sustainability that should be considered under Paragraph 155(c) but does not actually complete any assessment of such factors.

5.44 For the avoidance of doubt, in its planning powers the Council has the authority to request and secure financial contributions to offset the impact of development to make it acceptable in planning terms. No such requests were made to fund local infrastructure or services. At detailed design stage, the creation of additional floorspace will attract Community Infrastructure Levy.

5.45 I therefore maintain (for the reasons above) that the Appeal Site is in a sustainable location, in regard to both transport and other aspects of sustainability, in accordance with Paragraph 110 and 115 of the NPPF. A vision-led approach is supported by the range of highways and local infrastructure improvements proposed such that the Appeal Site's locational sustainability would be further enhanced.

5.46 Accordingly, my evidence, and that of Mr Allman, is clear that the Appeal Site is in a sustainable location and complies with NPPF paragraphs 110, 115 and 155 (c) and the PPG.

Analysis of Paragraph 155(d) Test – Golden Rules

5.47 The final criterion of Paragraph 155 is part (d) which requires that the Appeal Scheme meets the 'Golden Rules' requirements set out in Paragraph 156 and 157. It is common ground with the Council (see Paragraph 4.17, CD 3.6) that, subject to the execution of the S106 agreement, the Appeal Scheme would meet the Golden Rules.

Main Issue 1: My Conclusion

5.48 Taking account of the evidence I have presented and rely on, my conclusion is that the Appeal Scheme is grey belt, given the Appeal Scheme is entirely compliant with the definition presented in the NPPF. It complies with all elements of NPPF Paragraph 155 and the Golden Rules criteria. On this basis, the Appeal Scheme represents appropriate development in the Green Belt and so footnote 55 of the NPPF is engaged. This 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."

5.49 As the Appeal Site is considered to be grey belt in definitional terms, it complies with footnote 7 of the NPPF and the criteria in paragraph 155 of the Framework, as well as the 'Golden Rules' the Development is considered not to be inappropriate development, as an exception to Green Belt policy.

5.50 Given the adopted Local Plan is out of date in accordance with footnote 8 of the NPPF, this triggers the presumption in favour of sustainable development and the tilted balance is engaged under Paragraph 11(d) for the Primary Case. I complete my balancing exercise in Section 6.

Main Issue 2: The effect of the proposed development on openness and the purposes of including land within the Green Belt

The Policy Framework

- 5.51 NPPF Paragraph 142 explains the fundamental aim of Green Belt policy is to prevent urban sprawl and the essential characteristics of Green Belts include their openness. NPPF Paragraph 143 lists the purposes of the Green Belt which I have already summarised. NPPF Paragraph 153 explains that substantial weight is given to any harm to the Green Belt, including harm to its openness⁷.
- 5.52 Policy DP10 also identifies that proposals need to weigh up any potential harm to the Green Belt by reason of inappropriateness and any other harm. Again, I take this to include harms to Green Belt purposes and openness. Policy DP13 lists Green Belt exceptions which the Site does not fall to be considered against, though I have already said this should only be afforded limited weight given its inconsistency with the NPPF, especially its provisions in respect of grey belt discussed under Main Issue 1. Again, I say that NPPF is determinative for Main Issue 2.

Evidence

- 5.53 I am again reliant on the evidence of Mr Friend, who makes the following points in relation to the Appeal Site and the effect of the Appeal Scheme on openness and the purposes of including land (excluding purpose A which is set out under Main Issue 1) within the Green Belt:
- The Site does not extend the settlement edge beyond existing built form in any direction and it does not project into open countryside or comprise a “finger” of development;
 - Development of the Site would not result in any merging of settlements and has no function when assessed against Purpose (b);
 - Whilst accepting development of the Site will cause an element of encroachment, the contained nature of the Site means there will only be limited impact and the Site has a weak function when assessed against Purpose (c);
 - Purpose (d) and Purpose (e) are not relevant to the Appeal Scheme;
 - The scheme is not expected to result in a perceptible reduction in visual openness due to the enclosed nature of the landscape;
 - Spatial impacts on openness are restricted to the Site only; and
 - Overall, the Appeal Site will result in a limited impact on openness.

Overall Policy Compliance

- 5.54 The Appellant’s Primary Case is that Paragraph 153 of the NPPF 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. This position was reaffirmed in the recent High Court case of *Mole Valley BC v SSHCLG* [2025] EWHC 2127 (CD 9.7), which held that if a scheme is not inappropriate development in the green belt, then there is no Green Belt harm at all (definitional or actual) to be weighed in the overall planning balance.
- 5.55 Notwithstanding below I have assessed the contribution of the Site to the Green Belt and completed an assessment of harms, if the Inspector disagreed with my Primary Case.

⁷ Footnote 55 excludes grey belt land, where development is not inappropriate

Green Belt Purposes

- 5.56 A site specific Green Belt Assessment (CD 1.7) was prepared by Mr Friend in support of the planning application. I have summarised its findings above in relation to Green Belt purposes, which I agree with.
- 5.57 Bearing these conclusions in mind I agree that the contribution of the Appeal Site to Green Belt purposes is weak.

Assessment of Openness and Harms

- 5.58 Focusing on considerations in respect of Green Belt openness, the NPPG provides advice on the determination of the likely effects of a development on the openness of the Green Belt, suggesting the need to consider both physical and visual aspects of openness in determining likely effect on and harm to the openness of the Green Belt; the role of site visibility in influencing judgements on the effects of development on openness, and the treatment of the principle of 'wider harm'.
- 5.59 Mr Friend's analysis acknowledges that the Appeal Scheme would result in some harm to openness. In relation to spatial openness, Mr Friend acknowledges that the Appeal Scheme would reduce spatial openness on the Site, but the change is localised and limited due to the existing residential context surrounding the Site.
- 5.60 In respect of visual openness considerations, Mr Friend explains that the geographic extent of the surrounding area from where visual change would be discernible is very limited due to the abundance of residential development surrounding the site, as well as vegetation. As a result, the visual aspect of the Green Belt will be affected in a very limited way, with any change localised and limited as a result.

Main Issue 2: My Conclusion

- 5.61 Taking account of the evidence put forward by the Appellant via Mr Friend, I submit the following conclusions to the Inspector:
- 1) The Primary Case: given the Appeal Scheme is not inappropriate development in the green belt, then there is no Green Belt harm at all (definitional or actual) to be weighed in the overall planning balance; or
 - 2) The Secondary Case: the potential harms resulting from the Appeal Scheme on Green Belt purposes and openness are limited only, and these will be factored into my conclusions on the Paragraph 153 test in relation to demonstration of very special circumstances.

Main Issue 3: Whether or not the site is in an appropriate location for the proposed use having regard to whether it represents sustainable development and promotes access by public transport, foot and bicycle to nearby residential, commercial, retail, educational, leisure and recreational areas

The Policy Framework

- 5.62 In responding to Main Issue 3, the starting point for determination on this issue is what is the Council's stated reason for refusal and to then undertake my own assessment of those policies.
- 5.63 The Council's SoC alleges that the Appeal Scheme conflicts with Policy DP5 (specifically Part A.4). I have summarised Part A.4 of the policy in Section 4 above and noted it is common ground that all other limbs are complied with by the Appeal Scheme. I accept that full weight should be given to this particular policy.
- 5.64 Also relevant is Paragraph 117 of the NPPF, which explains that applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Evidence

5.65 Main Issue 3 is explored in detail in Mr Allman's evidence where he presents a thorough analysis of the sustainability of the Appeal Site, in transport terms, and the efforts made by the Appellant to promote access to services and facilities by sustainable means. His evidence explains the following matters:

- The Appeal Site is within the highest relative accessibility band in the Borough and also Surrey;
- Chaldon, and the Appeal Site, fall within the top 10% nationally when compared to other rural-urban classifications in terms of relative accessibility;
- Within walking distance of the Site is a broad spectrum of amenities including stores, a supermarket, pre-school, primary school, high school, leisure, recreational facilities and employment;
- Within cycling distance of the Site are all of the amenities of Caterham-on-the-Hill and Caterham;
- Through delivery of the proposed sustainability enhancement measures, Rook Lane between Chaldon Village and Caterham-on-the-Hill High Street would be a 20mph zone with traffic calming measures to improve the cycling environment;
- Whyteleafe South, Whyteleafe and Mertsam stations are all within a 5km cycle too;
- The A411 Metrobus offers 2-hourly bus trips towards Reigate and Selsdon, with regular stops to other settlements, which cater for multiple journey purposes including personal business, medical appointments, shopping and leisure trips during the day;
- Additional services are available on Metrobus 657, Metrobus 658 and Metrobus 611; and
- New bus shelters, passenger information and crossing points will also make the bus service more accessible and attractive to use.

5.66 Mr Allman concludes that the Appeal Site is in a suitably sustainable location and provides appropriate enhancements to further promote travel by active modes and public transport. I completely agree.

Overall Policy Compliance

5.67 Beginning with Policy DP5(A.4) of the Local Plan, I say that self evidently the Appeal is entirely compliant with its requirements. There are two strands to the policy, which I take in turn below.

1) Does the proposal provide safe and suitable access to the site which is achievable by all

5.68 Yes, in my judgement the Appeal Scheme provides safe and suitable access to the Site which is achievable by all. I have already explained that the highway authority has endorsed the Appeal Scheme which includes the proposed access which is sought in full.

- 5.69 We presume the Council will not attempt to dispute this during the appeal, given its acceptance at Paragraph 5.4 of its Local Plan Part 2 that *“it is the responsibility of the relevant Highways Authority (Surrey County Council) to provide technical advice and comments on planning applications specifically involving highways safety and design issues”*.
- 2) Does the Appeal Scheme promote access by public transport, foot and bicycle to residential, commercial, retail, educational, leisure and recreational areas where appropriate
- 5.70 Under this criterion, I firmly conclude that the Appeal Scheme does promote access by public transport, foot and bicycle to the services and facilities listed by Policy DP5. Mr Allman has provided extensive analysis of the options that would be available to future residents and how people can access them by public transport, foot and bicycle.
- 5.71 The Site already benefits from sustainable transport choices and will result in improvements which falls squarely within the requirements of Policy DP5. The County Council has satisfied itself that the improvements are acceptable and can be secured by S106 agreement. However, the Council has overlooked this conclusion.
- 5.72 I note at Paragraph 11.44 of the Council’s SoC (CD 3.5) the Council incorrectly summarises the County Council’s position on this matter. There are two glaring omissions which undermine the Council’s position. The first is that the Council makes no mention of the most important statement from the County Council’s feedback, specifically that the Appeal Scheme *“is acceptable in highways planning terms”* (page 5 of CD 2.8).
- 5.73 The second is that through application of the recommend planning conditions, which the Appellant accepts, that the development *“could be considered acceptable in the context of the 2024 NPPF requirements under paragraphs 115 and 117, as well as the Tandridge Local Plan Policy DP5 and the objectives of the LTP4”*.
- 5.74 I completely endorse the County Council’s position in this Appeal and find it surprising that the Council has largely ignored these findings.
- 5.75 Moving on to NPPF Paragraph 117, through my explanation of the Appeal Scheme I am satisfied that all parts of Paragraph 117 are complied with.
- 5.76 In this context, NPPF paragraph 110, highlights that 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. Evidently I interpret this as meaning that such solutions are relative to the particular circumstances of a development site.
- 5.77 In my opinion, and that of the County Council, the Appeal Scheme will encourage sustainable transport modes and the Appellant has ensured all measures are secured either through planning condition or S106 obligation. I afford moderate positive weight to these measures in the planning balance.

Main Issue 3: My Conclusion

- 5.78 In my opinion, the Site is in an appropriate location for the proposed use, it represents sustainable development, and promotes access by public transport, foot and cycle to services and facilities for residents to benefit from.
- 5.79 Overall, I conclude that the Appeal Scheme complies with Policy DP5 and the broader transport-related objectives of the NPPF. I also therefore reject TDC’s characterisation of the Site as being unsustainable from a transport perspective.

Main Issue 4: Whether or not the harm by reason of the proposal being inappropriate development within the Green Belt, and any other harm would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal

- 5.80 Main Issue 4 concerns the Appellant's Secondary Case, which is that if the Inspector disagrees with our Primary Case, the NPPF Paragraph 153 test has been passed as we identify material planning benefits that amount to very special circumstances.

Policy Material Considerations

Draft National Planning Policy Framework

- 5.81 The Government published a draft NPPF for consultation in December 2025 with a corresponding Written Ministerial Statement (WMS), which explains that:

"England remains in the grip of a housing crisis that is both acute and entrenched. The detrimental consequences of this disastrous state of affairs are now all pervasive: a generation locked out of homeownership; 1.3 million people languishing on social housing waiting lists; millions of low-income households forced into unaffordable private rented housing; and more than 170,000 homeless children living in temporary accommodation".

- 5.82 In the context of the Cala Homes case (EWCA Civ 639) (CD 9.8) in 2011, in my opinion the WMS represents a material consideration relevant to this Appeal. At Paragraph 25 of their decision, Sullivan J. held that the "prospect of a change in planning policy is capable of being a material consideration".
- 5.83 The NPPF remains in draft following the conclusion of the consultation in February 2026. It is important to highlight however given the clear direction of travel from Government on the urgency of addressing the national housing crisis and the importance this is being given by Government. The sheer scale of the necessary housebuilding programme cannot be overlooked, especially when twinned with the local housing crisis in Tandridge. Also relevant to this appeal is continued support for the development of sites for housing in the Green Belt, including on the grey belt such as the Appeal Site.
- 5.84 At the time of writing, I conclude that the draft NPPF should be afforded positive weight in this Appeal, though reflecting that the NPPF remains in draft this would be limited weight.

National Planning Policy Framework (2024)

- 5.85 Were the Inspector of the opinion that the Site does not represent appropriate development, my Secondary Case is that the Paragraph 153 test is met, whereby other considerations of the Appeal Scheme clearly outweigh the harm to the Green Belt and other harms identified. I discuss these tests in the remainder of this section and then provide a conclusion with my own planning balance exercise at Section 6 of my evidence.
- 5.86 The key material considerations that underpin my evidence and concluding planning balance includes the following matters:
- 1) Housing Land Supply
 - 2) Affordable Housing
 - 3) Green Belt

Key Material Considerations

Housing Land Supply

- 5.87 Section 4 above outlines my analysis as to the conflicts with the Development Plan, namely, with policies CSP1 and DP13. However, this must be appreciated in the context of the Council's acute housing shortfall and the inability to demonstrate a five-year housing land supply of deliverable housing land, such that the most important policies for determining the Appeal Scheme are out of date.
- 5.88 As a result of the Council's persistent under-delivery of housing in recent years, a 20% buffer has been applied to the standard method figure, resulting in an annual requirement of 983 dwellings, and a five-year requirement amounting to 4,964 dwellings.
- 5.89 It is common ground between parties that the Council are only able to demonstrate, at most, 1.97 years of housing land supply (Paragraph 4.16, CD 3.6). This represents a very significant shortfall of 3,004 new homes. It is my position, which reflects the analysis completed by RPS on behalf of the Applicant, that the Council is only able to demonstrate a 1.22 years supply of deliverable housing land, representing a shortfall of 3,754 dwellings. In my opinion this represents a very significant undersupply of market and affordable housing.
- 5.90 The Government's HDT results (CD 4.5) reinforces this position with relevant data showing that TDC delivered only 42% of its housing need over the last 3 years. This ranks TDC as the 13th worst performing Council in the whole of England. The table below identifies the Council's performance on housing delivery based on the Government's published HDT data:

Table 5.1 – Tandridge HDT Performance

Year	Total Required	Total Delivery	Percentage	Measure
2019 (16/17 – 18/19)	1,541	776	50%	Buffer
2020 (17/18 – 19/20)	1,706	849	50%	Presumption
2021 (18/19 – 20/21)	1,672	634	38%	Presumption
2022 (19/20 – 21/22)	1,667	631	38%	Presumption
2023 (20/21 – 22/23)	1,716	716	42%	Presumption
TOTAL	8,302	3,606	-	-

- 5.91 The Council has failed the HDT every year in which it has been measured. When adding together the accumulated housing delivery shortfall between 2019 and 2023, there is a shortfall of 4,696 homes. As a reaction to this performance, the Council published its Interim Policy Statement for Housing Delivery in 2022 (CD 5.5). Self-evidently it has had no material positive effect in improving housing delivery.
- 5.92 I have reflected on the conclusions of the 5YHLS Report (Appendix 1) which shows the persistent under provision in the District, and the severe national housing shortage set out in the 12th December 2024 Written Ministerial Statement. From this evidence I conclude that the housing land supply position is so acute and extensive, with site allocations and a spatial strategy that has failed to meet the historic, partially assessed and unmet need, and

in the absence of an up to date Local Plan, which is at least two years away from being adopted based on the Council's own Local Development Scheme (CD 6.4), that the **delivery of housing** proposed by the Appeal Scheme should be attributed **very substantial** weight in the determination of this Appeal Scheme.

- 5.93 This would be consistent with the weight given by the Inspector in the Former Laporte Works decision (CD 9.9) which I agree with.

Affordable Housing

- 5.94 As a result of the identified substantial shortfall in housing delivery there is likewise a significant shortage of affordable housing in Tandridge. Policy CSP4 of the Core Strategy (CD 4.1) sets a requirement of 34% affordable housing on sites of 10 or more homes within rural area.
- 5.95 Paragraph 61 of the NPPF sets out the Government's objective of seeking to significantly boost the supply of homes, in locations where it is needed and ensure a sufficient supply of housing land to meet the needs of groups with specific housing requirements. NPPF Paragraph 67 requires at least 50% of the housing to be affordable as part of the Golden Rules for Green Belt development on grey belt land, which is a matter I address later in my evidence.
- 5.96 The Council has published several assessments of affordable housing need since the adoption of the Core Strategy in 2008, including a Strategic Housing Market Assessment (SMHA) (CD 5.10) and three iterations of its Affordable Housing Needs Assessment (AHNA) (2015 and 2018 versions are CD 5.11 and 5.12). Each assessment highlights that there is a substantial affordable housing need, but plainly the Council has not come even remotely close to addressing the need. Table 5.2 below summaries the various reports produced and the affordable housing need identified each time.

Table 5.2 – Tandridge Affordable Housing Needs

Document	Base Date	End Date	Annual AH Need
2008 SHMA	2008/9	2012/13	720 homes
2015 AHNA	2015/16	2019/20	456 homes
2018 AHNA	2015/16	2019/20	391 dwellings
2018 AHNA	2023/24	2038/29	310 dwellings

- 5.97 Against this significant extent of need, I highlight that the Council's performance in providing affordable housing has been at best, ineffective.
- 5.98 In the Former Laporte Works appeal, the Council agreed, in a SoCG with the Appellant (CD 9.9), that the Council has delivered just 1,111 affordable homes (net of Right to Buy and acquisitions) in the 19-year period of Annual Monitoring Report (AMR) data, since the start of the Core Strategy period in 2008/09 and the Council agreed that there is "an acute unmet need for affordable housing locally and within Tandridge".
- 5.99 Notwithstanding the fact that the Core Strategy is reliant on housing need figures from a previous generation that does not resemble the prevailing need, this represents only 24% of overall net housing delivery and equates to just 58 affordable dwellings per annum, which is far below the minimum requirement of Policy CSP4 (34% of homes).

- 5.100 When focusing on the Council's performance against the 2018 AHNA, between 2018 and 2025, the Council was required to deliver 2,575 homes (on a blended annual requirement of 368 homes). In the same SoCG the Council accepts that it only achieved 381 additions to the affordable housing stock, at a rate of 54 homes per year, which represents a significant shortfall of 2,194 affordable homes over the seven year period.
- 5.101 In my opinion, the sheer extent of affordable housing need in Tandridge, considered against the persistent and obvious lack of delivery, means that affordable housing is a serious and pressing issue with no sign of it being resolved adequately by the Council. The result of this in Tandridge is those on lower quartile incomes need nearly 15 times their annual income to buy a home, one of the highest figures in the country. The Laporte Works decision explained that to address the affordable housing shortfall in the next 5 years would require 749 affordable homes a year, in contrast to the currently delivery of 117 homes a year (Paragraph 59, CD 9.9).
- 5.102 The Appeal Scheme proposes on-site provision of 50% affordable housing in order to comply with Paragraphs 67, 155, 156 and 157 of the NPPF ('Golden Rules').
- 5.103 In the context of the Appeal Scheme this amounts to 15 affordable homes across the proposed 30 homes and so the Appeal Scheme clearly represents an opportunity to make a tangible and meaningful contribution to meeting the demonstrable and acute need for affordable housing in Tandridge. There is no evidence before me to suggest that the Council is capable of achieving the delivery of affordable housing to meet the annual needs, notwithstanding the historic shortfalls.
- 5.104 For this reason, suitable and sustainable sites such as the Appeal Site, should be granted planning permission now in order to boost the supply of affordable housing. The **provision of 50% affordable homes** as part of the Appeal Scheme provides a benefit that should be afforded **very substantial weight** as a material consideration weighing heavily in favour of the Appeal Scheme.

Other Considerations

- 5.105 Further to the material considerations listed above, below I also set out and attribute weight to other considerations that are relevant to my planning balance exercise in Section 6:
- **Biodiversity Net Gain**: the Appeal Scheme will deliver a BNG of 12.52% in terms of habitat units and 123.23% for hedgerow units (CD 1.11). On this basis the Appeal Scheme accords with and exceeds the requirements set out within the Environment Act that targets 10% BNG on developments. This should be afforded **significant weight** in the determination of this Appeal.
 - **Economic Benefits**: as set out in the Planning Statement (CD 1.3), the Appeal Scheme will provide direct and indirect economic outputs related to the construction process. Once occupied, the residents will support increased spending and support for nearby services. We estimate that the Appeal Scheme will support the employment of 104 people, increase open space, community sport and leisure spending by £27,000 and generate £800,000 in tax revenue. We give these benefits **moderate weight** in favour of the Appeal Scheme.

Paragraph 153 Test

- 5.106 Were the Inspector to disagree with my analysis and be of the opinion that the Appeal Scheme is inappropriate development, my judgement is that permission should be granted in any event under Paragraph 153 of the NPPF. In this case, 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 package of planning benefits resulting from the Appeal Scheme.

Green Belt Harms

- 5.107 If Paragraph 153 is engaged, then I accept substantial weight is required to be afforded to any harm to the Green Belt, whether definitional harm or any other Green Belt harm, including both spatial and visual openness.
- 5.108 As I have explained above, Mr Friend's evidence shows that the developed part of the Appeal Site would be approximately 1.45 hectares of land from a District that covers 24,831ha, with 23,299 hectares of Green Belt amounting to less than 0.006% of the total Green Belt area. Notwithstanding, the limits imposed by the Proposed Heights Plan at two storeys, would limit significant impacts on spatial openness which is screened by retained woodland at the Site's edge and surrounding residential development.
- 5.109 The assessment of visual openness relies on the landscape and visual appraisal undertaken by Mr Friend which has been unchallenged by the Council. This shows that the Site is not visible beyond the immediate context of the Site such that there are no notable views of the proposals.
- 5.110 As such, Mr Friend concludes that the effects on visual openness arising from the scheme would be very limited in regard to Green Belt harm. The extensive areas of existing woodland and existing built development provide visual containment. Additional planting as part of the public open space on the western part of the Site would help reduce any effects on visual openness over time.

Other Harms

- 5.111 If (contrary to my analysis), the Paragraph 153 balance applies, only other harms to be weighed in the balance are conflicts with the Development Plan. I have explained this in detail earlier in my evidence where I concluded that only limited weight should be attached to these conflicts.

6.0 The Planning Balance and Conclusions

- 6.1 Further to my analysis in Section 5 where I assessed the evidence relevant to this Appeal and the weightings that should be given to the material considerations, both harms and benefits, below I have prepared two summary tables to clearly outline the Appellant's position.
- 6.2 In my analysis of the Council's decision and its balancing exercise, a key issue stands out. Setting aside disagreements about the amount of weight that should be attributed to each material consideration, the Council has not always given credit where credit is due and, particularly in respect of some of the positive aspects of the scheme, it is apparent that insufficient weight has been given to these.
- 6.3 The Council has attempted to discount weight to benefits where they are required by policy which is an incorrect approach. It is in the context of these principles that I will undertake my planning balance exercise.

Table 6.1 – Summary of the Case: Harms

Harms	Total Required	Justification
Green Belt (only applicable if compliance Paragraph 153 is required)	Substantial	NPPF 2024
Conflict with the Development Plan	Limited	The Development Plan is substantially out of date

Table 6.2 – Summary of the Case: Benefits

Benefits	Total Required	Justification
Market Housing	Very substantial	Insufficient land supply, no prospect of sufficient land being brought forward
Affordable Housing	Very substantial	Severe shortage and supply issues
Golden Rules	Significant	NPPF 2024
BNG	Significant	NPPF 2024
Employment	Moderate	Delivery of economic growth and prosperity
Sustainable Transport Improvements	Moderate	Active travel objectives and encouraging sustainable travel options

The Appellant's Primary Case

- 6.4 In my judgment, for the reasons set out, the Appeal Site is grey belt and the proposed Appeal Scheme, which complies with all Paragraph 155 criteria of the NPPF is not inappropriate development. As the policies which provide the basis for determining the Appeal Scheme are out of date, as the Council cannot demonstrate a 5 YHLS and the HDT indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years, pursuant to footnote 8 of the NPPF the tilted balance is triggered in paragraph 11(d)(ii) of the NPPF. Permission should therefore be granted unless the adverse impacts significantly and demonstrably outweigh the benefits of the proposals.

- 6.5 I have set out a clear case that the Appeal Site is 'grey belt' under the NPPF (2024) definition in the Annex 2 Glossary, as it does not "strongly contribute" to Green Belt purposes (a), (b) or (d) nor is subject to any footnote 7 designations (this is agreed by the Council). Furthermore, it is evident that the Appeal Scheme also complies with Paragraph 155 criteria and the "Golden Rules" in Paragraph 156 of the NPPF and is, therefore, not inappropriate development.
- 6.6 In the absence of an up-to-date development plan, excessively out of date housing need figures and related spatial strategy and clearly evidenced lack of a five-year housing land supply, the tilted balance set out in paragraph 11(d)(ii) is engaged.
- 6.7 As demonstrated and summarised in Tables 6.1 and 6.2, the adverse impacts of the Appeal Scheme bluntly do not significantly and demonstrably outweigh the many weighty planning benefits of the Appeal Scheme such that applying the tilted balance planning permission should be granted for the proposals without delay. The Appeal Scheme would not fundamentally undermine the remaining Green Belt purposes across the District, nor when applying the PPG (paragraph 64-008-20250225), would it 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. The Appeal Scheme should therefore be regarded as not inappropriate development under paragraph 155(a).

The Appellant's Secondary Case

- 6.8 If, contrary to my analysis it is considered that the Appeal Site is not grey belt and the proposed scheme does not meet the NPPF Paragraph 155 test and is therefore considered to be inappropriate development in the Green Belt, consideration of my alternative case, as set out in Section 5, the NPPF Paragraph 153 test (planning balance) should be undertaken.
- 6.9 As set out in Section 5 and based upon the summary of benefits and weights set out in Table 6.2 above, I contend that I have clearly demonstrated that 'other considerations' exist, which individually and collectively will deliver extensive and wide-ranging benefits. These benefits clearly outweigh the identified harm to the Green Belt by reason of inappropriateness, and the other harm(s) as identified by the Council and commented on in Section 5, resulting from the development. In my alternative case, the Paragraph 153 test is conclusively satisfied.
- 6.10 Consequently, the outcome of the planning balance under either scenario set out is in my view the same. Either as grey belt, being not inappropriate development (and the tilted balance pursuant to paragraph 11(d)(ii) NPPF engaged) or the paragraph 153 NPPF planning balance (i.e. harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations) the appeal should be allowed and planning permission granted for the appeal proposals.

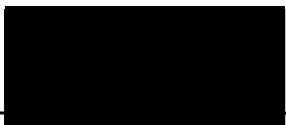
Overall Conclusion

- 6.11 Section 38(6) of the PCPA 2004 sets out a requirement for planning applications to be determined in accordance with the development plan unless other material considerations indicate otherwise.
- 6.12 The Appeal Scheme would conflict with several policies within the Development Plan including policies CSP1 and DP13. However, I attach limited weight to the conflicts with these policies because for the reason I explained in Section 5, applying Paragraph 232 of the NPPF they are not consistent with the NPPF. I therefore conclude that the Appeal Scheme does not accord with the Development Plan when read as a whole. I attach limited weight to this conflict. In accordance with S38(6) PCPA 2004 (CD 4.3) other material considerations as set out in my evidence justify granting planning permission.

7.0 Declaration

- 7.1 I confirm that I have made clear which facts and matters referred to in my Proof of Evidence are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.
- 7.2 I confirm that my Proof of Evidence includes all facts which I regard as being relevant to the opinions which I have expressed and that attention has been drawn to any matter which would affect the validity of those opinions.
- 7.3 I have given full references to any external sources (i.e. sources other than my professional knowledge and opinion) that I have relied on in preparing this Proof of Evidence.
- 7.4 I confirm that my duty to the Inquiry as an expert witness overrides any duty to those instructing or paying me, that I have understood this duty and complied with it in giving my opinion impartially and objectively, and that I will continue to comply with that duty as required.
- 7.5 I confirm that I am neither instructed, nor paid, under any conditional fee arrangement.
- 7.6 I confirm that I have no conflicts of interest of any kind other than any already disclosed in my Proof of Evidence.
- 7.7 I confirm that my Proof of Evidence also complies with the requirements of the Royal Town Planning Institute and that I have acted in accordance with the Institute's Code of Conduct for Members.

Signed:



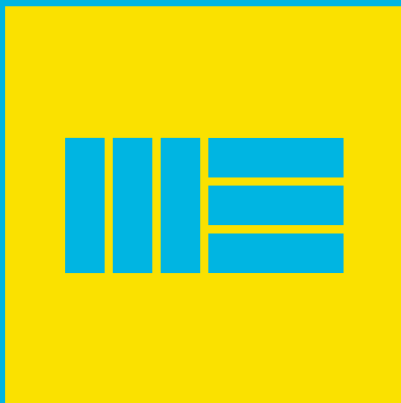
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