
PROOF OF EVIDENCE OF AMIT PATEL

Appeal Ref: 6006497

Site: Land at Mount Avenue, Chaldon, CR3 5BB

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1. Introduction

1.1 I am Mr. Amit Patel, a Principal Planning Officer at Tandridge District Council with professional experience in development management and policy application. I hold a Masters in Town Planning from Anglia Ruskin.

1.2 I have been a planning professional since 2006 and have worked at different local authorities dealing with different planning proposals. I have been dealing with strategic sites for the last two years, especially within the Green Belt.

1.3 I appear on behalf of Tandridge Local Planning Authority (LPA) in support of its decision to refuse planning permission for development at Land at Mount Avenue, Chaldon.

1.4 My evidence addresses:

- 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 Green Belt land and meets the Golden Rules;
- The effect of the proposed development on openness and on the purposes of including land within the Green Belt;
- 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
- 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. Inappropriate Development

- 2.1 The only basis on which it is said the site is appropriate development is that the tests at paragraph 155 NPPF are met. In my view, the site does not comply with paragraph 155 NPPF because (i) it would not use Grey Belt land and (ii) the site is not in a sustainable location.

Is the site Grey Belt?

- 2.2 In assessing the appeal site, regard must be had to its physical characteristics, relationship with the surrounding built form, and contribution to the purposes of the Green Belt identified within paragraph 143 of the NPPF.
- 2.3 In my view the site contributes strongly to purpose (a) of paragraph 143 NPPF. It therefore follows the site cannot be Grey Belt.
- 2.4 There is no dispute the site is located on the edge of Chaldon Village directly adjacent and abutting Caterham, which forms part of the large built up area relevant to Para143 Purpose (a).
- 2.5 The appeal site is bounded by the Green Belt to its west and southern side. To the west there is a tree belt and to the further west a scattering of bungalows, but I do not consider those to be physical features which would restrict and contain further westerly sprawl. Indeed, if the appeal site were to be developed, it would be harder to resist the development of the land to the west. To the south there is Birchwood Lane, which is small country lane with no footpath or street lighting and very limited urbanising features. I do not consider that Lane to be a physical feature which can restrict sprawl. Indeed, looking to the east, the Lane has failed to prevent southerly sprawl of residential development.
- 2.6 Below is an extract from the Council's Policies Map to show the relationship of the site to the wider Green Belt (the site is immediately to the south of Mount Avenue marked by the cross):



- 2.7 The Appellant says that the proposal would not constitute sprawl due to the containment of the site and presence of existing ribbon development. However, the application site would clearly constitute sprawl through the encroachment of development westward and southward from the defined boundary of Caterham which would in effect create a continuous frontage of development along Birchwood Lane. The existing form and character of the site is open and undeveloped land adjacent to the edge of a large built-up area and in my opinion the development would lead to unacceptable urban sprawl from the large built up area. The site's existing open form plays an important and strong role in containing the unrestricted sprawl from Caterham, which would be unacceptably lost if developed to the detriment of the overall purpose of Green Belt, which is to keep land permanently open around built up areas. I do not consider that there are physical features to the west or south that could restrict and contain development. I also consider the development would result in an incongruous feature by accentuating the existing westerly projection to the immediate north of the appeal site, formed by the development of houses on the west side of Mount Avenue.
- 2.8 My conclusions are supported by the Council's Green Belt Assessment 2018 CD ref 7.3, Within the Assessment, the forms part of the wider Green Belt parcel GBA 010, which concluded that: *'The northwestern section of this parcel sits adjacent to the built up area of Caterham. The Green Belt in this area, including the Golf Course, plays a strong role in preventing Caterham from expanding westward. The boundary between the urban area and the Green Belt is also generally well defined with a clear separation between town and country'* (Paragraph 11.9, Appendix D of the Green Belt Assessment Part 1, page 316).
- 2.9 Accordingly, I do not consider the site comprises Grey Belt because it performs strongly against purpose (a).

Is the site in a sustainable location?

- 2.10 In the event the Inspector considers the site does contribute Grey Belt, I have gone on to consider whether the other components of paragraph 155 NPPF are met.

- 2.11 I consider the scheme fails paragraph 155 NPPF because the site is not in a sustainable location.
- 2.12 The NPPF identifies sustainable development as the overarching objective of the planning system and seeks to ensure that development is directed to locations where the need to travel is minimised and where opportunities exist for sustainable transport modes to be maximised. Planning decisions should actively promote walking, cycling and public transport and should seek to reduce dependence on the private car.
- 2.13 The appeal site is located on the edge of Chaldon at the junction of Mount Avenue and Birchwood Lane. It is positioned on the periphery of the settlement and is separated from the principal service centres within the District, including Caterham and Whyteleafe, where the majority of higher-order facilities, employment opportunities, healthcare services, retail provision and public transport connections are located.
- 2.14 Chaldon is identified as a small rural village with limited services and facilities. To access GP services, supermarkets, secondary and further education and sources of employment future residents would need to travel elsewhere. It is not disputed that future residents would need to travel beyond Chaldon to access their day-to-day services and facilities.
- 2.15 I refer to the Appellant's Transport Assessment, which sets out the distances to those facilities in other settlements:

In terms of the opportunity to access significant existing amenities (from the site) by active and sustainable modes, the site is situated approximately 2.3 kilometres (32-minute walk or 11-minute cycle) west of central Caterham (which includes the rail station, Church Walk shopping centre and Morrisons and Lidl supermarkets) and approximately 1.7 kilometres (23-minute walk or 6-minute cycle) southwest of the High Street at Caterham-on-the-Hill (which includes a Co-op convenience store and pharmacy). It should be noted that the planned regeneration of these primary shopping areas will be guided by the Caterham Town Masterplan SPD as adopted in March 2018.

Additional local facilities include the shops at Westway, which is approximately 1.5 kilometres away (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 1.8 kilometres away (25-minute walk or 6-minute cycle) and includes a medical practice, pharmacy and Tesco superstore. St Peter and St Paul CoE Infant/Primary School and Chaldon Village Hall (including Chaldon Pre-School) are both located around 850 metres (12-minute walk) to the west. The local area enjoys good pedestrian permeability with numerous footpaths and off-road routes offering attractive short cuts to key trip attractors, over and above the local footway network.

Caterham railway station is around 2.3 kilometres (32-minute walk or 11-minute cycle) and offers train services towards London Bridge. The station is also accessible by bus from services stopping at the Mount Avenue stops.

- 2.16 Those distances are beyond the recommended maximum walking distances (800m) set out in the DfT publication, Manual for Streets. In addition, some walking routes are constrained by the semi-rural nature of the surrounding road network. Residents travelling beyond the immediate village environment would often be required to use routes characterised by varying gradients, restricted footway provision and road conditions that are less attractive for everyday pedestrian movements. I therefore consider that, whilst walking may be a realistic option for a limited number of local trips, it is unlikely to represent the principal means of transport for a substantial proportion of residents' day-to-day needs.
- 2.17 I have considered accessing Caterham by bicycle, but the route is unattractive for all but very determined cyclists. In particular, the route would take a user down Rook Lane, which is a busy road with no segregated cycle lanes and the journey back from Caterham would require users to have to navigate a steep hill back to Mount Avenue. The southern route along Birchwood Lane is narrow, unlit, with an uneven surface and this too would be unattractive. I therefore consider walking and cycling not to be realistic choices for the majority of future residents.
- 2.18 It is noted that there are bus stops at the end of Mount Avenue. The bus stops are roughly between 190m to 240m from the site. The buses serve Reigate and Redhill to the west and Warlingham, Whyteleafe, Selsdon/South Croydon and Oxted to the east. The buses run from around 7:50 am to 6pm and are infrequent with waiting times of 2 hours between services and more at other times. I therefore do not consider this to be a realistic means of accessing services or facilities.
- 2.19 Overall, I do not consider the site would be located in a sustainable location. Whilst the site adjoins the settlement of Chaldon, it is accepted that future residents would need to travel to the higher order settlement of Caterham to meet their day-to-day needs. Access to Caterham is unrealistic on foot, unattractive by bicycle and the bus options are too limited to make it a realistic choice for day-to-day use.
- 2.20 Accordingly, my view is that future occupiers would remain heavily reliant upon private car travel to meet a significant proportion of their day-to-day needs, associated with employment, education, retail provision, healthcare and leisure activities would continue to be undertaken by private vehicle, contrary to the objectives of the National Planning Policy Framework ("NPPF") to promote sustainable transport and reduce reliance upon the private motor vehicle. This pattern of movement is inconsistent with the NPPF objective of locating development where the need to travel is minimised and where sustainable modes can be maximised.

Overall

- 2.21 I do not consider paragraph 155 NPPF is available because (i) the site is not Grey Belt but, even if it is (ii) the site is not in a sustainable location.
- 2.22 I therefore consider the appeal scheme is inappropriate development, to which substantial weight must be attached.
- 2.23 I now turn to consider whether any other considerations clearly outweigh the harm to the Green Belt (including harm to openness and purposes) and any other harm (namely being

in an unsustainable location) so as to comprise very special circumstances justifying permission.

3. Impact on Openness and Purposes

Impact on Openness

- 3.1 The proposed development would introduce up to 30 dwellings together with estate roads, hardstanding, parking areas, domestic gardens, drainage features, lighting, boundary treatments and associated residential paraphernalia. These elements would permanently replace a currently open area of Green Belt with a substantial form of built development.
- 3.2 I consider that the proposal would give rise to significant spatial harm to openness. The existing absence of built form would be replaced by residential development extending across the site. The resulting built footprint, together with associated infrastructure, would materially reduce the amount of open land within the Green Belt.
- 3.3 In addition to the physical reduction in openness, the proposal would have a visual impact upon openness. The introduction of housing, access roads, parked vehicles, domestic activity and lighting would urbanise a currently undeveloped site and alter the perception of openness experienced from surrounding areas.
- 3.4 Whilst landscaping is proposed, such measures does not negate the loss of openness arising from permanent built development. New planting may soften visual effects over time but cannot restore the spatial openness which would be lost as a consequence of development.
- 3.5 The Council therefore concludes that the proposal would cause substantial harm to Green Belt openness, both spatially and visually. This harm should attract substantial weight.

Impact on the Purposes

(A) Checking the Unrestricted Sprawl of Large Built-Up Areas

- 3.6 The appeal site occupies land beyond the established built-up edge of Chaldon. One of the principal functions of the Green Belt in this location is to restrict outward westerly and southerly expansion of the settlement into surrounding open land.
- 3.7 Development of the site would extend residential development onto land that is presently open and undeveloped. Although the proposal may appear modest in scale, Green Belt policy seeks to guard against incremental erosion through successive releases of edge-of-settlement sites. The proposal would therefore conflict with the purpose of checking unrestricted sprawl.

(B) Preventing Neighbouring Towns from Merging

- 3.8 I accept that the site does not play a principal strategic role in maintaining separation between major neighbouring settlements. Consequently, I do not consider there is a conflict with this Green Belt purpose.

(C) Safeguarding the Countryside from Encroachment

- 3.9 The site is currently undeveloped Green Belt land and forms part of the countryside surrounding Chaldon. It is also in a countryside use for the grazing/keeping of horses. I therefore consider it comprises 'countryside' for the purposes of the NPPF.
- 3.10 The proposed housing development would introduce a distinctly urban form of development onto presently open land. The construction of dwellings, roads, domestic curtilages and associated infrastructure would represent classic encroachment into the countryside. I do not consider that the open space on the site would function as countryside, whilst it would be open, it would be a highly managed open space, in the immediate context of a housing scheme and have a sub-urban character.
- 3.11 I therefore consider that the proposal would significantly conflict with the purpose of safeguarding the countryside from encroachment.

(D) Preserving the Setting and Special Character of Historic Towns

- 3.12 I accept this purpose is not engaged.

(E) Assisting Urban Regeneration

- 3.13 Green Belt policy seeks to encourage the recycling of previously developed land by directing development away from open Green Belt sites. The appeal proposal involves the development of a greenfield Green Belt site rather than previously developed land. Approval of the proposal would therefore run contrary to this objective but no more than any other site.

Overall

- 3.14 The appeal site currently makes an important contribution to Green Belt openness through its undeveloped and open character. The proposal would permanently replace that openness with residential development and associated urbanising features. The proposed development comprises up to 30 dwellings, access roads, drainage infrastructure, public open space and associated works.
- 3.15 The introduction of residential development on a presently undeveloped Green Belt site would materially alter its character and result in a substantial reduction in openness, both spatially and visually.
- 3.16 I consider that the proposal would cause significant harm to Green Belt openness. It would also conflict with the Green Belt purposes of checking unrestricted sprawl and safeguarding the countryside from encroachment, with more limited conflict arising in relation to the remaining Green Belt purposes.
- 3.17 Taken together, the definitional harm arising from inappropriate development, the substantial loss of openness and the conflict with the fundamental purposes of Green Belt

designation weigh heavily against the proposal and should attract substantial weight in the overall planning balance

4. Very Special Circumstances

Whether 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

Introduction

- 4.1 This evidence considers whether the identified harms arising from the proposed development at Land at Mount Avenue, Chaldon, are clearly outweighed by other considerations such that Very Special Circumstances ("VSC") exist to justify the grant of planning permission within the Green Belt.
- 4.2 In my view, the Appellant has failed to demonstrate the existence of Very Special Circumstances.

Policy Context

- 4.3 Paragraph 153 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in Very Special Circumstances. Paragraph 154 provides that Very Special Circumstances will not exist unless the potential harm to the Green Belt, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 4.4 The test is intentionally stringent, the benefits must "clearly outweigh" all identified harms. This reflects the substantial importance attached by national policy to Green Belt protection.

Harm to the Green Belt

Inappropriate Development

- 4.5 As I have set out above, the scheme is inappropriate development. It therefore follows that it is harmful by definition.

Harm to Openness

- 4.6 Beyond definitional harm, the proposal would result in actual harm to Green Belt openness. The site is currently an undeveloped parcel of land. The proposed development would introduce up to 30 dwellings, estate roads, parking provision, domestic curtilages, drainage infrastructure and associated urbanising features.

- 4.7 The introduction of permanent residential development would reduce openness both spatially and visually. Whilst landscaping may soften views, it cannot mitigate the permanent loss of undeveloped land or restore the openness that would be lost.

I consider there would be **significant** harm to the spatial and visual aspects of the openness of the Green Belt.

Harm to Green Belt Purposes

- 4.8 I consider that the proposal would significantly conflict with the Green Belt purposes of (a) checking unrestricted sprawl and (c) safeguarding the countryside from encroachment. The site forms part of the open land at the edge of Chaldon and contributes to the transition between built development and the wider countryside.
- 4.9 The development would represent a clear encroachment of residential development onto presently open Green Belt land and would extend built form beyond the established settlement edge.
- 4.10 I consider the actual and definitional harm to the Green Belt carries **substantial** weight.

Other Harm

Unsustainable Location

- 4.11 Whilst the site adjoins the existing settlement, the Council does not consider it to be a highly sustainable location for the scale of development proposed. Residents would remain reliant upon private motor vehicles for access to many employment opportunities, retail destinations, healthcare services and higher-order facilities.
- 4.12 The proposal therefore conflicts, to a degree, with the NPPF objective of reducing reliance upon private car travel and promoting sustainable transport choices.
- 4.13 I attach **significant** weight to this harm.

Benefits of the Proposal

Housing Delivery

- 4.14 I accept that the proposal would provide up to 30 new dwellings. The delivery of additional housing attracts positive weight in the planning balance, particularly where housing need exists.
- 4.15 However, the scale of the proposal is relatively modest in the context of the District's overall housing needs and would make only a limited contribution towards addressing long-term housing requirements. I also bear in mind that the Council's existing and emerging housing

distribution strategy, consistent with national policy, is to accommodate growth only in sustainable locations, which this is not. The weight attached to this benefit should therefore be **moderate** rather than substantial.

Affordable Housing

- 4.16 The proposal includes provision for 50% affordable housing, equivalent to up to 15 affordable homes. The Council recognises that there is a need for affordable housing. However, this need in Chaldon, according to the Housing Team have confirmed that there are 2 people on the register for affordable housing, requiring 1 bed properties in the Parish of Chaldon. The proposal will deliver 4 one bed units out of the 15 proposed. Whilst the provision of affordable housing would meet a District-wide need, it would address a local need in Chaldon and, bearing in mind the lack of connectivity to higher order settlements where the need arises, I consider the weight of affordable housing in this instance should carry **moderate** weight.

Economic Benefits

- 4.17 Temporary economic benefits would arise during the construction phase through job creation and expenditure within the local economy. Future occupiers would also contribute to local spending. These benefits attract limited positive weight as they are common to almost all residential developments. In light of the scale of benefit, I therefore attach **moderate** weight to the economic contribution.

Biodiversity and Open Space

- 4.18 The proposal includes biodiversity enhancements, landscaping and areas of open space, including woodland open space. I accept that these elements attract some positive weight.
- 4.19 However, there is a statutory requirement for 10% and this scheme delivers only 3% over that mandatory baseline. Accordingly, in my view **limited** weight should be attached to this benefit.

Planning Balance

- 4.20 I summarise the harms and benefits as follows:

Harms	Weight
Harm to the Green Belt (definitional and harm to openness and purposes)	Substantial
Harm by reason of an unsustainable location	Significant

Benefits	Weight
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Market housing	Moderate
Affordable housing	Moderate
Economic benefits	Moderate
BNG and Open Space	Limited

- 4.21 When all benefits are considered cumulatively, they are insufficient to clearly outweigh the substantial Green Belt harm identified. Consequently, the very high policy threshold required by paragraphs 153 and 154 of the NPPF is not met.

Conclusion

- 4.22 The appeal proposal constitutes inappropriate development within the Green Belt and therefore causes harm by definition.
- 4.23 The scheme would also result in additional harm through the loss of openness and conflict with important Green Belt purposes, particularly the checking of sprawl and the safeguarding of the countryside from encroachment. Added to which is the harm arising from locating houses in an unsustainable location.
- 4.24 Whilst I recognise the benefits of the scheme, I do not consider those considerations clearly outweigh the identified Green Belt harm and other harm.
- 4.25 Accordingly, the I consider that Very Special Circumstances do not exist in this case and that the proposal fails to satisfy the requirements of paragraphs 153 and 154 of the NPPF.
- 4.26 I therefore consider the scheme conflicts with the development plan and that no material considerations (including the application of the policies in the NPPF) justify determining the scheme otherwise. It therefore follows that I consider the appeal should be dismissed.