

**LAND AT MOUNT AVENUE,
CHALDON, CR3 5BB**

STATEMENT OF COMMON GROUND

**APPLICATION REF. TA/2025/771
APPEAL REF. 6006497**

JULY 2026

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1.0 Introduction

- 1.1 This Statement of Common Ground (SoCG) has been agreed between Montagu Evans LLP on behalf of Sigma Homes (“the Appellant”) and Tandridge District Council (“the Council”). There are no other parties to this SoCG.
- 1.2 This SoCG relates to an appeal against the non-determination of planning application ref. 2025/771 in relation to Land at Mount Avenue, Chaldon, CR3 5BB (“the Site”). The purpose of this document is to identify the matters which have been agreed with the Council for the purposes of the appeal and the areas of dispute.
- 1.3 The application was for outline planning permission and the description of development for the application comprises:

“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)”.
- 1.4 The development proposal was validated on 06 August 2025 and had a statutory determination deadline of 05 November 2025 as set out in the Validation Letter.
- 1.5 The statutory consultation period concluded on 21 September 2025. The application received 8no. comments from statutory consultees. The application received 207 public comments, which are also summarised in the Consultation Tracker. It is common ground that this is the correct figure, rather than 373 comments as set out in the Committee Report (CD1.30)

2.0 The Council's Determination of the Application

- 2.1 All matters listed under Section 2.0 are agreed between the parties.

The Appeal Site and the Surrounding Area

- 2.2 The appeal site and the surrounding area is described in detail within Section 2.0 of the Planning Statement prepared by Montagu Evans LLP (CD1.3)).

Planning History

- 2.3 There is no relevant planning history on the Site.

The Appeal Scheme

- 2.4 The proposed development is explained in Section 4.0 of the Planning Statement prepared by Montagu Evans LLP.
- 2.5 The application drawings and other supporting documents submitted with the application also provide information related to the appeal scheme.

The Council's Consideration of the Application

- 2.6 The application was initially submitted in outline with all matters reserved except for access. A request for additional information required for validation was issued by the Council on 17 July 2025. This stated that the LPA wished to formally consider scale and layout. Updated plans and a revision to the proposed description of development were issued to conform with this request.
- 2.7 The application was validated on 06 August 2025 and the statutory determination deadline confirmed as 05 November 2025.
- 2.8 At the time of the Appeal submission, the Council were yet to issue the Policy team consultee response, despite the application being live for 32 weeks. The Policy team consultee response was not seen by the Appellant until 30 June 2026 (nearly 47 weeks after validation).

Application Plans and Documents

- 2.9 The plans and supporting documents that comprise the application subject to this appeal are as per the Schedule of Application Documentation and Schedule of Application Drawings (CD1.5 and CD1.6).

3.0 Planning Policy, Guidance and Legislation

3.1 All matters listed under Section 3.0 are agreed between the parties.

The Statutory Basis for the Determination of Planning Applications

3.2 Section 70 (2) of the Town and Country Planning Act 1990 and Section 38 (6) of the Planning and Compulsory Purchase Act 2004 confirm that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

3.3 Material considerations in this context include national planning policy, national planning guidance and supplementary planning guidance. The weight to be given to each is a matter for the decision maker.

The Development Plan

3.4 The statutory development plan for the Appeal Site comprises the following:

- The Core Strategy (2008);
- The Local Plan Part 2 – Detailed Policies (2014); and
- The Caterham, Chaldon and Whyteleafe Neighbourhood Plan (2026).

3.5 It is common ground that the housing policies of the adopted Local Plan is out-of-date given the Council's failure to demonstrate a five-year housing land supply and poor score in the Housing Delivery Test ("HDT").

3.6 Since the submission of the application, TDC have commenced the early stages of Local Plan preparation and have undertaken consultation on the Regulation 18: Early Engagement Consultation document. The Appellant has been committed to engaging positively with the local plan making process and submitted formal representations this end. A further period of Regulation 18 consultation is to commence on 06 July 2026.

Development Plan Compliance

3.7 It is agreed between parties that there is no conflict with the following policies:

- The Core Strategy (2008)
 - Policy CSP 2 – Housing Provision
 - Policy CSP 3 – Managing the delivery of housing
 - Policy CSP 4 – Affordable Housing
 - Policy CSP 7 – Housing Balance
 - Policy CSP 11 – Infrastructure and Services
 - Policy CSP 12 – Managing Travel Demand
 - Policy CSP 13 – Community, Sport and Recreation Facilities and Services
 - Policy CSP 14 – Sustainable Construction
 - Policy CSP 15 – Environmental Quality
 - Policy CSP 17 – Biodiversity
 - Policy CSP 18 – Character and Design
 - Policy CSP 19 – Density
 - Policy CSP 21 – Landscape and Countryside
- The Local Plan Part 2 (2014)
 - DP1: Sustainable Development

- DP5: Highway Safety & Design (with the exception of A.4).
- DP7: General Policy for New Development
- DP19: Biodiversity, Geological Conservation & Green Infrastructure
- DP21: Sustainable Water Management
- DP22: Minimising Contamination, Hazards & Pollution
- The Neighbourhood Plan (2026)
 - Policy CCW1: Supporting sustainable development
 - Policy CCW2: Meeting local housing needs
 - Policy CCW4: Character and design of development
 - Policy CCW5: Climate change and design
 - Policy CCW7: Flooding and drainage
 - Policy CCW8: Sewerage and wastewater
 - Policy CCW11: A welcoming public realm
 - Policy CCW13: Wildlife corridors and supporting biodiversity
 - Policy CCW14: Landscape and environment
 - Policy CCW15: Amenity space within residential development
 - Policy CCW16: Protection of locally significant views
 - Policy CCW23: Health services
 - Policy CCW24: Education provision
 - Policy CCW25: Improving walking, wheeling, cycling and equestrian opportunities

Other Material Considerations – Policy & Guidance

3.8 The following policy and guidance are relevant to the Appeal Scheme as material considerations:

- National Planning Policy Framework (2024); and
- National Planning Practice Guidance (various).
 - Green Belt: Advice on the role of the Green Belt in the Planning System (2025)

3.9 Since the submission of the Appeal Scheme, the Ministry of Housing, Communities and Local Government have opened consultation on the 'National Planning Policy Framework: proposed reforms and other changes to the planning system'. The consultation commenced on 16 December 2025 and culminated on 10 March 2026. Evidence may need to be updated in the event that the new NPPF is published during the course of the Inquiry.

4.0 Matters of Agreement

- 4.1 All matters listed under Section 4.0 are agreed between the parties.

Statutory Consultation

- 4.2 It is agreed that there have been no objections by statutory consultees, including Surrey County Council Highways Authority. Therefore, the acceptability of the development from a technical perspective is agreed.
- 4.3 A consultee response was received from the Council's policy team. However, this was only made available to the Appellant on 30 June 2026.

Green Belt / Grey Belt

- 4.4 It is agreed that the Site is located within the Metropolitan Green Belt.
- 4.5 It is agreed that the Site is "within the village of Chaldon" (as per 11.5 of the LPA's Statement of Case (CD3.5)).
- 4.6 It is agreed that the Site is adjacent to the category 1 settlement as defined in Policy CSP1 of the Tandridge Core Strategy (2008), on the northern boundary (Mount Avenue) and the eastern boundary (Chaldon Common Road).

Grey belt

Definition

- 4.7 The definition of grey belt as per the NPPF is:
- *For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.*
- 4.8 In the context of purpose A ('to check the unrestricted sprawl of large built up areas'), the PPG confirms that "villages should not be considered to be large built up areas".
- 4.9 In the context of purpose B ('to prevent neighbouring towns merging into one another'), the PPG confirms that "this purpose relates to the merging of towns, not villages".
- 4.10 In the context of purpose D ('to preserve the setting and special character of historic towns'), the PPG confirms that "this purpose relates to historic towns, not villages".
- 4.11 The Appellant's position is that the Site is located within the village of Chaldon. It is the Appellant's position that the Site does not strongly contribute to any of purposes A, B or D in paragraph 143.
- 4.12 It is agreed that no conflict arises with Purposes B or D. Therefore, the extent of conflict between parties is limited to Purpose A.

- 4.13 It is agreed that there are no areas or assets in footnote 7 that would provide a strong reason for refusing or restricting development.
- 4.14 Were the Inspector to agree that there is no conflict with Purpose A, the Appeal scheme would comply with NPPF paragraph 143.

Paragraph 155 requirements

- 4.15 155(a): it is agreed that the development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
- 4.16 155(b): It is agreed that there is a demonstrable unmet housing need in Tandridge. This is the case in terms of housing land supply and delivery. In the Housing Delivery Test (HDT) 2023 measurements, TDC scored 42%. This was based on the delivery of 716 homes against a requirement of 1,716 homes.
- 4.17 It is agreed that the range of the housing supply need is between 1.22 and 1.97 years. It is agreed that housing need in Tandridge is acute.
- 4.18 155(d): It is agreed that, subject to the execution of a planning obligation, the application would meet the Golden Rules set out within Paragraphs 156-157 as the development proposes 50% (15 units) affordable housing; necessary infrastructure improvements will be made to facilitate the development and will be secured through CIL, S106 and S278; and the proposal includes the provision of a significant area of woodland open space that will be accessible to the public via a permeable footpath.
- 4.19 It is agreed that a development which complies with the Golden Rules should be given significant weight in favour of the grant of permission.

Grey belt conclusion

- 4.20 Were the Inspector to agree that the Site is grey belt and meets the requirements of paragraphs 155 and 156, the Proposed Development is appropriate development.

Very Special Circumstances (VSC)

- 4.21 Paragraph 153 of the NPPF states:
- 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 openness⁵⁵. 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.*
- 4.22 Were the Inspector to find that the Appeal Scheme represents inappropriate development, it will be necessary for the Appellant to demonstrate that VSC exist.

Landscape Impacts

- 4.23 It is agreed that the Site is not within an environmentally sensitive location.

- 4.24 It is agreed that the development would not result in any adverse impacts to the visual or landscape baseline once the mitigation measures are implemented. It is therefore agreed that the development is acceptable from a landscape character and visual effects perspective.

Scale and Layout of the Site

- 4.25 The scale and layout of the development is agreed as being acceptable.

Ecology

Ecological Impacts

- 4.26 It is agreed that the proposal is acceptable with respect of ecology and would not result in any adverse impacts. The development will promote nature conservation and management, maximise opportunities for geological conservation and protects access to green infrastructure.
- 4.27 The Appellant agrees to the pre-commencement conditions proposed by the Surrey Wildlife Trust that ensures appropriate geological surveys and mitigation measures are implemented.

Biodiversity Net Gain ("BNG")

- 4.28 It is agreed that the proposal meets the BNG requirements, with anticipated gains of 13.52% in respect of habitats units and 23.23% in terms of hedgerow units. It is therefore agreed that the development is respectable in respect of BNG.

Arboriculture

- 4.29 It is agreed that the impact on trees arising from the development is acceptable and that the trees to be removed are young or poor quality and have very limited landscape or amenity value. The new tree planting proposed is considered a benefit of the scheme, especially in the context of the publicly accessible woodland area.

Energy and Sustainability

- 4.30 It is agreed that the energy and sustainability measures promoted as part of the development are acceptable.

Impacts on the Historic Environment

- 4.31 It is agreed that the development would have no direct physical impacts on any designated heritage assets at the Site or within its proximity. The development is therefore acceptable when considering heritage matters, which is agreed.
- 4.32 In respect of archaeology, it is agreed that there will be no adverse impacts subject to the implementation of planning conditions and therefore acceptable. The Appellant agrees to the condition proposed by SCC Archaeology securing a programme of archaeological work.

Highways and Access

- 4.33 In terms of vehicular access, the creation of vehicular access that extends the existing Mount Avenue street to the north of the Site is agreed to be safe and suitable. It is agreed that the existing section of Mount Avenue will be retained as existing, with the continuation of the footways

into the Site with a minimum width of 2m on each side of the carriageway. The access to the Site is agreed as being acceptable.

- 4.34 The creation of a new pedestrian access at the south of the Site of Birchwood Lane is agreed as acceptable, therefore providing a permeable path for use by walking and cycling.
- 4.35 The proposed access arrangements into the Site are agreed as acceptable through the provision of a turning point and suitable widths to ensure refuse vehicles can access and egress the Site without excessive reversing or manoeuvring.
- 4.36 In considering the reasoning and conclusions within the submitted Transport Statement and taking account of the SCC Highways consultation response, it is agreed that the impacts from the proposed development upon the highway network will not be severe and will be acceptable subject to the imposition of conditions, that are agreed.
- 4.37 It is agreed that the Proposed Development is acceptable from a highways and access (except sustainable location matters which is in relation to the Council's case), perspective with the conditions recommended by SCC Highways.

Residential Amenities

- 4.38 It is agreed that the provision of private amenity space, through the provision of individual gardens for each property, contributes to a high-quality residential scheme that renders the development acceptable.
- 4.39 It is agreed that the proposal would not have an unacceptable impact on the residential amenity of existing properties.

Open Space

- 4.40 The development will provide substantial open space through the retention and enhancement to the existing woodland area at the Site's western boundary. This will be accessible by both residents and the public and creates a permeable route linking the Site to the pedestrian access at Mount Avenue through to Birchwood Lane. The provision of publicly accessible open space is agreed to be a benefit of the scheme.

Flood Risk and Drainage

Flood Risk Across the Site

- 4.41 It is agreed that the Site is wholly within Flood Zone 1 and is at little risk from flooding. It is agreed that the Site is not at risk from surface water flooding. The Site is demonstrably at low risk and information has been submitted that corroborates this position.
- 4.42 The Lead Local Flood Authority ("LLFA") have not raised an objection to the proposal.
- 4.43 The Environment Agency have not raised an objection to the proposal.
- 4.44 It is agreed that the proposed development is demonstrably safe from flood risk and meets all relevant policy requirements.

Surface Water Drainage

- 4.45 It is agreed that an adequate drainage system can be implemented, ensuring that the development itself will not be at risk of flooding whilst also ensuring there will not be any resultant increase in flood risk downstream. This is set out in the Flood Risk Assessment and the conclusions are accepted.
- 4.46 In accordance with the LLFA response, a condition is agreed which confirms the final design of the surface water drainage scheme.

Foul Drainage

- 4.47 The FRA sets out that there are no known capacity issues within the local sewerage network and following a pre-application enquiry with Thames Water confirmation was provided that there is capacity within the local foul water sewerage network to serve the foul water from the development. a new foul sewerage network will be constructed, with this network discharging into the existing adopted sewer in the main site access road. It is agreed that there is no overriding evidence to indicate that an appropriate foul drainage scheme cannot be provided.
- 4.48 The consultation response from Thames Water confirms that there is no objection to the development in respect of the wastewater network and sewage treatment works.
- 4.49 It is therefore agreed that the development is acceptable in respect of flood risk and drainage.

Planning Conditions / Legal Obligations

Conditions

- 4.50 The parties are continuing to work on the list of planning conditions.

Legal Agreement

- 4.51 The parties are continuing to work on the Legal Agreement.

5.0 Matter in Dispute

Green Belt / Grey Belt

Grey belt

- 5.1 The conflict between parties is limited to Purpose A ('to check the unrestricted sprawl of large-built up areas'). The Council's position is that the Site makes a strong contribution to this purpose. It is the Appellant's position that the Site does not make a strong contribution to Purpose A.
- 5.2 155(c): It is not agreed that the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. The Council's position is that the Site is not in a sustainable location. It is the Appellant's position that the development would be in a sustainable location and that the proposed conditions from SCC will further enhance this.
- 5.3 The Council consider that the distances to everyday facilities and the route to these facilities would be beyond the maximum recommended walking distances and the topography of the walk, up hill in some instances the likelihood is that people would rely on private motor vehicles to carry out these tasks. The Appellant does not agree.

Very Special Circumstances

- 5.4 It is the Appellant's position that if the decision-maker were to reach an alternative view in relation to the Site's classification as grey belt and the decision-maker requires VSC to be demonstrated, these exist as 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. The Council does not agree with this position.
- 5.5 The Council and Appellant disagree over the weight to afford to material considerations and this will be confirmed in Proofs of Evidence.
- 5.6 The Council and Appellant disagree over the level of harm to openness and purposes of the Green Belt.

Principle of Development

- 5.7 The principle of development is not agreed.

Statement of Agreement

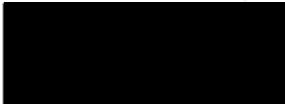
The contents of this SoCG have been agreed by the following parties:

On behalf of the Appellant:

Name: Tom Cole

Position: Partner

Signed:



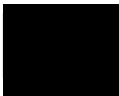
Date: 21/07/2026

On behalf of the Council

Name: Mr. Amit Patel

Position: Principal Planning Officer

Signed:



Date: 22 July 2026