

**Planning and Affordable Housing Statement**

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**Land North of Borers Arms Road, Copthorne**

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***Outline planning application with all matters reserved except for access for the demolition of an existing commercial building and the erection of up to 260 dwellings, up to 1,700sqm of employment floorspace E(c)(iii), E(g)(i)(ii)(iii), car parking, landscaping, open space, and associated development works, with access from Copthorne Bank and Borers Arms Road.***

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**Prepared by:**

**Woolf Bond Planning Ltd**

**On behalf of:**

**Fairfax Acquisitions Ltd**

*Fairfax*

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**November 2025**

**WBP Ref: 8467**



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# **1 INTRODUCTION AND EXECUTIVE SUMMARY**

## **The Application Scheme**

- 1.1. Our client, Fairfax Acquisitions Ltd is seeking outline planning permission for (with all matters reserved except for access) for the demolition of an existing commercial building and the erection of up to 260 dwellings, up to 1,700sqm of employment floorspace E(c)(iii), E(g)(i)(ii)(iii), car parking, landscaping, open space, and associated development works, with access from Copthorne Bank and Borers Arms Road
- 1.2. The Scheme secures 260 much-needed new homes (including 50% affordable homes, up to 130 dwellings) in a sustainable location, directly adjacent to the Built-Up Area boundary of Copthorne.
- 1.3. The Site benefits from a convenient access to a comprehensive range of employment, retail, health, education and leisure services and facilities located within Copthorne.
- 1.4. The Application Site is edged red on the accompanying Site Location Plan No. 2512-PL01 Rev D. It extends to approximately 13.2ha.
- 1.5. Details of the proposed development are provided in section 4 below, along with a summary of the relevant plans and supporting technical information. The package of information provided includes sufficient detail to evaluate and assess the planning and layout merits of the proposed development.
- 1.6. The Site abuts the Built-Up Area Boundary of Copthorne, a Category 2 Settlement (as defined in Mid Sussex District Plan Settlement Hierarchy) to the north east of Crawley.
- 1.7. The Application is submitted to both Mid Sussex and Tandridge District Councils as it extends across both Local Authority boundaries.
- 1.8. Only a small part of the Application Site falls within Mid Sussex, comprising the means of access from Borers Arm Road and the demolition of a vacant commercial building. The remainder (and majority) of the Site is within

Tandridge District.

- 1.9. The illustrative proposals for the Site propose the demolition of an existing, low-grade commercial unit extending to circa 244sqm and its replacement with 2 x commercial units extending to a total of 1,700sqm, a net increase of circa 1,456sqm of commercial floorspace.
- 1.10. That part of the Application Site falling within Tandridge District is within the Green Belt, and, consistent with the approach at paragraph 155 of the NPPF, the Application Site is grey belt. The Scheme also satisfies the Golden Rules at paragraph 158 of the NPPF. As such, it is not inappropriate in Green Belt terms. Accordingly, the Green Belt location of the Application Site does not provide a strong reason for refusing the development for the purposes of paragraph 11(d)(i) of the NPPF.
- 1.11. The many benefits of the scheme include the delivery of much-needed market and affordable homes, as well as new employment opportunities, in a sustainable location, within walking and cycling distance local services and facilities.
- 1.12. The Site is available now, offers a suitable location for development now and development is achievable with a realistic prospect that housing will be delivered within five years.
- 1.13. As such, the harms associated with the Application Scheme (encroachment into the Green Belt, loss of Subgrade 3a (BMV) agricultural land and the localised landscape change) do not outweigh (let alone significantly and demonstrably outweigh) the many benefits associated with the proposed development of the Site for up to 260 dwellings, along with the new employment opportunities.
- 1.14. In the circumstances, the presumption in favour of sustainable development at paragraph 11(d)(ii) is met, and planning permission should be granted for this much needed Scheme, which is in the public interest.

## **Pre-application Engagement**

- 1.15. The Application Scheme has been developed through a process of community and stakeholder engagement.
- 1.16. The feedback received via pre-application engagement with Tandridge District Council (“the Council”/”TDC”), in their capacity as the Local Planning Authority, as well as comments received from the local community and statutory consultees; have been considered in the evolution of the Scheme design. Full details are set out in the accompanying Statement of Community Involvement (“SCI”).

## **The NPPF (Dec 2024)**

- 1.17. The Application is to be considered in the context of the NPPF, which sets out a revised approach to addressing the acute and entrenched housing crisis faced across the Country, with Tandridge District proving to be no exception given the current affordability ratio of 13.0<sup>1</sup>.
- 1.18. As the Written Ministerial Statement (“WMS”) dated 12 December 2024, publication of the revised NPPF marked the next step in the Government delivering on their promise to radically reform the planning system.
- 1.19. The WMS states that the measures set out in the revised NPPF reflect the Government’s commitment “not to duck the hard choices that must be confronted in order to tackle the housing crisis because the alternative is a future in which a decent, safe, secure and affordable home is a privilege enjoyed only by some rather than being the right of all working people.”
- 1.20. Indeed, at the recent Labour Party Conference (September 2025) the Secretary of State for Communities and Local Government, Steve Reed, reiterated the Government’s direction to “build, baby, build”:

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<sup>1</sup>  
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/bulletins/housingaffordabilityinenglandandwales/2024>

*“We know that national renewal depends on the renewal of every town, village and community that makes up our great country....“We’ll build the homes people need. We’ll build the communities where they can thrive....“We’ll bring in the investment and the jobs that will open up opportunities.”*

- 1.21. Another recent statement of intent from the Government is set out in the letter from Baroness Taylor to Cotswold District Council on 18th August 2025. This acknowledged the very significant national housing crisis. It reaffirms the clear expectation for all areas to facilitate delivery of homes to address the national housing crisis.
- 1.22. In the circumstances, this planning application is advanced on a Site in a sustainable location for growth (with easy walkable access to the services and facilities of one of the larger settlements in the Mid Sussex District and good public transport links) and one that is demonstrably in the public interest.
- 1.23. Insofar as the Tandridge District and Mid Sussex District Local Plans are agreed as being manifestly out of date, the Council is tasked with meeting the mandatory local housing need derived from the application of the new standard method.
- 1.24. For Tandridge District Council that requirement is now 827dpa (taking account of the release of updated affordability data in March 2025 and latest information on dwelling stock in May 2025) (plus the necessary buffer) under the new standard method. This is a substantial increase compared to the figure which underpinned the adopted Core Strategy (125dpa up to 2026).
- 1.25. The latest Housing Delivery Test (HDT) results were published on 12 December 2024, with Tandridge achieving only 42% of the required housing delivery over the 3-year period 2020-2023. The requirement, over that period, was 1,716 homes, with only 716 homes delivered over that same 3-year period.
- 1.26. Pursuant to paragraph 78 National Planning Policy Framework (“NPPF”), as delivery has fallen below 85% over that 3-year period, a 20% buffer is to be added to the standard method housing requirement for the purposes of analysing future supply.

- 1.27. Therefore, the standard method requirement, including the necessary 20% buffer, is 993 dwellings per annum. This is 8 x the number of annual homes required and planned for in the adopted Development Plan.
- 1.28. The data is clear that housing delivery will need to increase sharply. Over the last 3 years assessed pursuant to HDT (2020 -2023) collectively, the Council has only delivered 87% of the new annual requirement which will be required every year until a new spatial strategy is developed, examined and adopted.
- 1.29. The Council's latest assessment of its five year housing land supply position is set out in its 'Interim Five Year Land Supply Statement' (Nov 2025). It indicates a maximum 2,170 dwelling supply at 1 October 2025. If the Council can produce evidence to justify the delivery assumptions underpinning this figure, there would be a shortfall of 2,794 dwellings and a supply of only 2.19 years, which is a very substantial shortfall. In the absence of a review of the 5-year supply evidence, our position is that the land supply position is likely to be less than this with a greater shortfall than stated above.
- 1.30. In this circumstances, the presumption in favour of sustainable development is engaged on account of (i) the failure of the HDT test; and (ii) the lack of a five year supply of deliverable housing land; and (iii) the need to breach out of date settlement boundaries in order to meet ongoing housing need.
- 1.31. In so far as there is no strong reason for refusal due to policy protecting areas or assets of 'particular importance' (due to NPPF footnote 7 constraints), the Scheme falls to be determined under the presumption in favour of sustainable development at paragraph 11(d)(ii) of the NPPF.

### **The Scheme Benefits**

- 1.32. As set out in this Planning Statement, the overarching benefit of this scheme is the provision of housing, employment floorspace and open space, in a sustainable location, to help meet identified needs within the District.
- 1.33. The scheme accords with the relevant planning policy considerations, including the presumption in favour of sustainable development set out in paragraph 11 (d) of the NPPF.

1.34. In assessing the merits of the Application, the benefits of the scheme include the following:

- Provision of much needed homes in a sustainable location, helping to meet identified housing needs (for both market and affordable housing) in the context of a duty to significantly boost the supply of housing. This includes 50% affordable housing for which there is clear evidence of need.
- Provision of much needed employment space in a sustainable location, helping to meet the need for more high-quality employment space required in the District in combination with housing. A strategic priority for Tandridge.<sup>2</sup>
- Compliance with the NPPF's 'Golden Rules' (set out at paragraph 156), which, as directed by paragraph 158 of the NPPF, attracts significant weight in favour of the grant of permission.
- Provision of new public open space and provision of additional green infrastructure enhancing opportunities for public recreation (as well as health and wellbeing benefits) and additional habitat and ecological corridors.
- Delivery of homes in an accessible location and delivery of new energy efficient housing stock.
- Increased local expenditure to sustain local services and facilities.
- Local job opportunities and increased economic activity in the short, medium and long term.
- The Scheme satisfies the economic, social and environmental roles of sustainable development, as sought by the NPPF.
- Land within the Site can be secured through the S106 and transferred to the ownership of the Parish Council, if desired, to bring forward possible future additional community benefits, including potential allotments.

1.35. The benefits are to be weighed against the harms arising, which include conflict with the Development Plan (in terms of the principle of development) and loss of agricultural land.

### **Green Belt**

1.36. The Applicant's position is that **the Application Site comprises Grey Belt,**

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<sup>2</sup> Tandridge Economic Proposition 2017-2022

with the Scheme satisfying the Golden Rules at paragraphs 156 to 157 of the NPPF, such that development of the Site in the manner proposed should not be regarded as inappropriate.

- 1.37. In accordance with the approach set out at paragraph 158 of the NPPF, compliance with the Golden Rules attracts significant weight in favour of the grant of planning permission.
- 1.38. Local Plan Green Belt policy is inconsistent with the NPPF, and is afforded limited weight. The proposal complies with the NPPF, and significant weight is to be afforded to compliance with the Golden Rules.
- 1.39. In the alternative, should TDC disagree with our conclusion on the Green Belt status of the Site, the merits of the Scheme would fall to be determined under the Green Belt balance at paragraph 153 of the NPPF.
- 1.40. In that scenario, any harm to the Green Belt, including (i) definitional harm, (ii) harm to openness (visual or spatial); and (iii) to any of the Green Belt purposes at paragraph 143 of the NPPF attracts substantial weight.
- 1.41. In that case, the Green Belt harms would result in (i) definitional harm, (ii) minor harm to visual openness at a site level, and the limited change (given the level of visual containment of the Site) to visual openness of the wider Green Belt, (iii) significant impact on the spatial aspect of openness on the Site; and (iv) there is also conflict with the third purpose of the Green Belt (safeguarding the countryside from encroachment) (purpose (c)) with the Scheme having a moderate impact in this regard.
- 1.42. As required under paragraph 153 of the NPPF, any harm to the Green Belt (definitional and actual) plus any other harm will need to be outweighed by other considerations. We have undertaken that balance.
- 1.43. In that scenario, it is clear that the many benefits derived from the Application Scheme clearly outweigh the identified harms, thus amounting to very special circumstances to justify the grant of planning permission for the development of much needed housing (50% market, 50% affordable), in a sustainable location, in an Authority where there is a chronic need for all types of housing. In addition, the provision of much needed employment space (up to 1,700sqm

of employment space), in an Authority which is seeking between 15.3 – 22.5 hectares of additional B-class employment land by 2033<sup>3</sup>.

### **Planning Policy considerations**

- 1.44. The conflict with Development Plan policy for the location of development (beyond the settlement boundary) and within Green Belt is afforded reduced weight due to (a) the spatial strategy being out of date and inconsistent with the NPPF's aim to boost housing supply and address housing needs and (b) the Development Plan being consistent with the NPPF with regard to development in the Green Belt.
- 1.45. As set out in the planning balance section of this Statement, the most important Development Plan policies are out of date and there is no strong reason for refusal on footnote 7 grounds.
- 1.46. The tilted balance of paragraph 11(d)(ii) applies. There are no adverse impacts which significantly and demonstrably outweigh the above benefits, when assessed against the NPPF as a whole.
- 1.47. The Site is in a sustainable location (adjacent to one of the most sustainable settlements in the Mid Sussex District – Category 2), makes effective use of land adjacent to the settlement boundary in a manner which provides for a logical and contained extension to Copthorne.
- 1.48. The proposal can bring forward a well-designed extension to Copthorne and will provide 50% affordable housing and 2,700sqm of employment space. These matters are given particular regard in the new wording of paragraph 11(d)(ii).
- 1.49. The Site is located adjacent to a category 2 settlement within Mid Sussex District being on the border between Mid Sussex and Tandridge; growth should rightly be attributed to locations like these.

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<sup>3</sup> Tandridge Economic Proposition 2017-2022

- 1.50. There is a chronic and substantial housing supply shortfall and affordability issues in Tandridge District, and this proposal can make a significant contribution to market and affordable housing. There is limited prospect of this housing shortfall being addressed in the short-term pending work commencing on a new Local Plan following the withdrawal of Our Local Plan 2033 in February 2024 in response to the Inspector finding the Plan unsound.
- 1.51. The Government is clear that these reforms represent a “modernised Green Belt policy, fit for the 21st century”<sup>4</sup> to support delivery of the homes we as a country need.
- 1.52. The proposal should be approved without delay.

### **Content**

- 1.53. The remainder of this Statement is set out as follows:

**Section 2:** Site Location and Context;

**Section 3:** Planning History, HELAA Assessment and Pre-Application Process;

**Section 4:** The Proposed Development;

**Section 5:** The Planning Policy Context and Material Considerations;

**Section 6:** Assessment of the Main Issues and Planning Balance; and

**Section 7:** Summary and Conclusion.

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<sup>4</sup> Angela Rayner, 13 December 2024 Letter to Housing Industry Stakeholders titled ‘Building the Homes we Need’

## **2 SITE LOCATION AND CONTEXT**

### **Tandridge District and Mid Sussex Context**

- 2.1. The Core Strategy describes Tandridge as a predominantly rural district, with three main built up areas: Caterham; Warlingham/Whyteleafe in the north and Oxted/Hurst Green/Limpsfield just south of the M25 motorway<sup>5</sup>.
- 2.2. Additionally, there are two 'larger rural settlements' in the south of the District; (Lingfield in the south-east and Smallfield in the south-west), and a number of villages and smaller settlements. Figure 1, below, is an extract of the Core Strategy's Key Diagram, showing this broad context.
- 2.3. Copthorne, to which the Application Site is adjacent, is not included in the Settlement Hierarchy as it is a settlement within the administrative area of Mid Sussex rather than Tandridge.
- 2.4. The three built up areas are defined as 'Category 1' settlements in Core Strategy Policy CSP1 (Location of Development). As such, they are the most sustainable locations for development.
- 2.5. The spatial strategy was to direct the majority of development towards these existing built-up areas, making best use of previously developed land (brownfield) within those areas.
- 2.6. Where additional land was needed, growth was to be directed to Green Belt "land immediately adjoining built up areas", so as to focus on land which is most accessible to services, public transport and other infrastructure.

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<sup>5</sup> Paragraph 2.2 Core Strategy

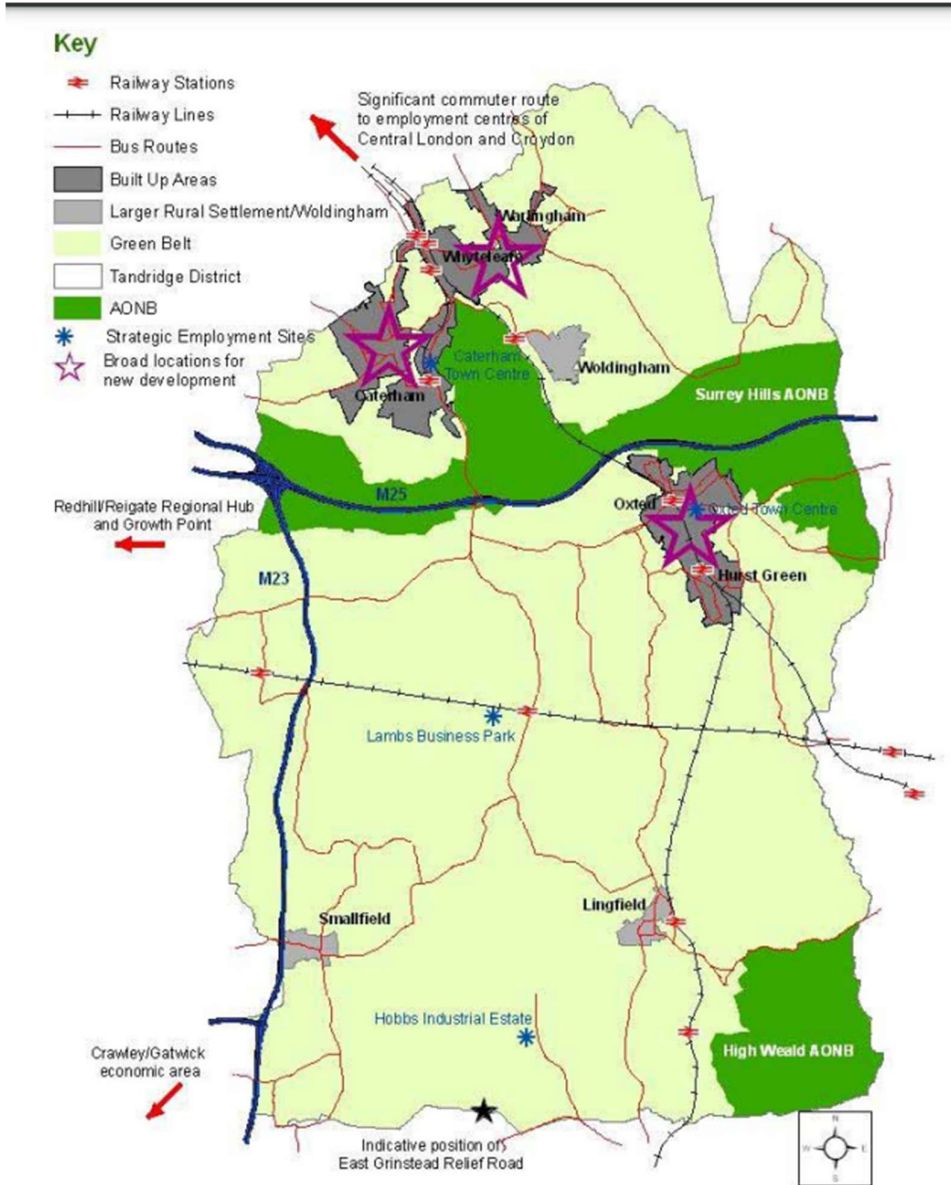


Figure 1 Extract of Tandridge District Council Core Strategy 'Key Diagram'

2.7. The Mid Sussex District Plan identifies Copthorne as a category 2 settlement (out of 5) which its characteristics and function is as follows:

*“Larger villages acting as Local Service Centres providing key services in the rural area of Mid Sussex. These settlements serve the wider hinterland and benefit from a good range of services and facilities, including employment opportunities and access to public transport.”*

- 2.8. Tandridge District Settlement Hierarchy 2015 considers Cophorne to be outside of the District despite having homes and local facilities such as the sports and community centre within Tandridge. It does however go on to say that this Village is considered to be a sustainable settlement.
- 2.9. Tandridge District as a whole is significantly constrained by the Green Belt designation (covering 94% of the district), and also the presence of the Surrey Hills and High Weald national landscapes (formerly 'areas of outstanding natural beauty'/ 'AONB'). In addition, the designated 'Area of Great Landscape Value' (AGLV) acts as a "buffer" which protects the integrity of the national landscape and has been assessed by the Council to largely have a character similar to the Surrey Hills national landscape itself.
- 2.10. Figure 2 below shows the extent of these constraints. Notably the land in the south of Tandridge district which lie adjacent to Built Up Areas within Mid Sussex are less constrained, in landscape terms, than the large built up areas in the north of Tandridge.

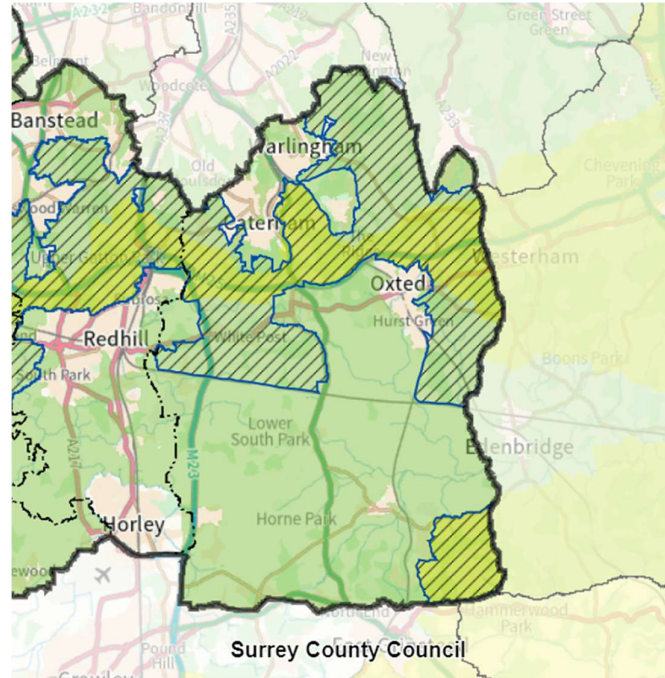


Figure 2 Extract of Surrey County Council Interactive Map showing extent of Green Belt (green shading), national landscape (yellow) and AGLV (blue hatching) in Tandridge district

2.11. The Application Site is situated adjacent to Copthorne, in Mid Sussex and is not located within a National Landscape and Area of Great Landscape Value. It therefore represents an important opportunity to deliver growth in a highly sustainable location without introducing built form into a sensitive or valued landscape.

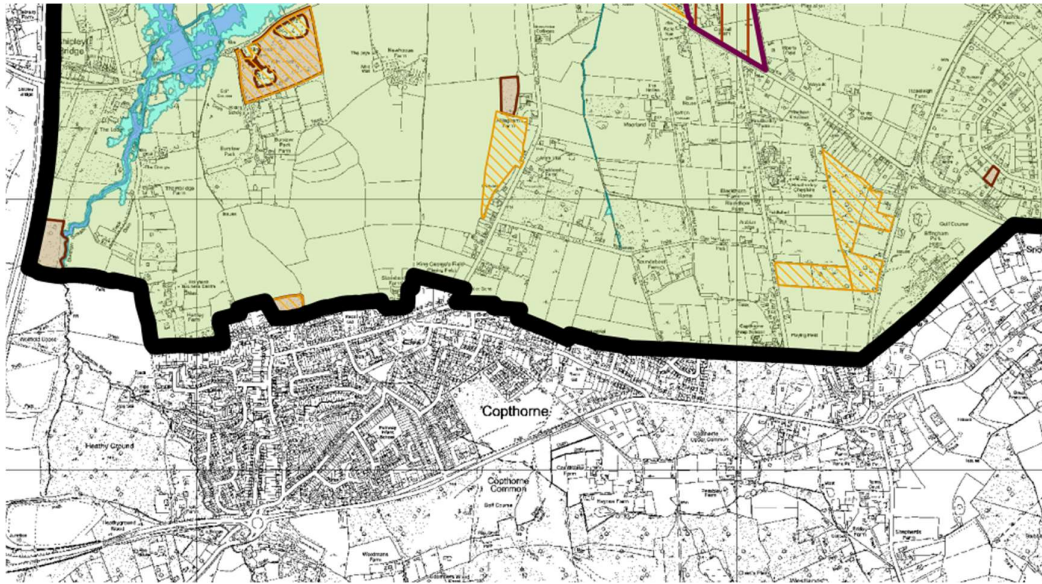


Figure 3 Application Site in relation to Copthorne and being outside the National Landscape and Area of Great Landscape Value

2.12. The Council's Landscape Capacity and Sensitivity Study October 2016 concluded that the Site (DOM013) is of moderate sensitivity and value, site and is judged to have a medium landscape capacity for housing development.

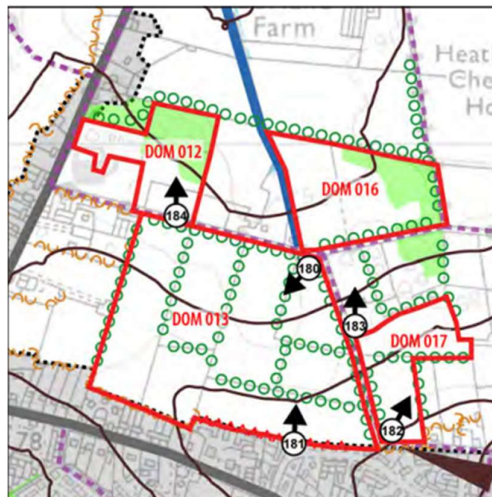


Figure 4 4 Extract from Landscape Capacity and Sensitivity Study October 2016

2.13. The Site could potentially accommodate development proposals, with the southern fields adjacent to the existing settlement edge more suitable than the fields to the north, provided proposals demonstrate no adverse impacts on the setting of the existing landscape and settlement. Other evidence relevant to the site's suitability for development should also be considered.

2.14. Further analysis of the planning policy context and planning balance is set out below in sections 5 and 6.

### Site Location and Description

2.15. The site is located on the southern edge of the District of Tandridge and is also partially located within Mid Sussex District Council area. It comprises of an irregular shaped parcel of approximately 13.2ha.

2.16. The site comprises a number of agricultural fields located directly to the north of the built-up area of Cophorne. The fields which form the Application Site are small in size and separated by well-established, albeit sometimes intermittent, broadleaf tree and hedge planting which gives a strong framework to the landscape.

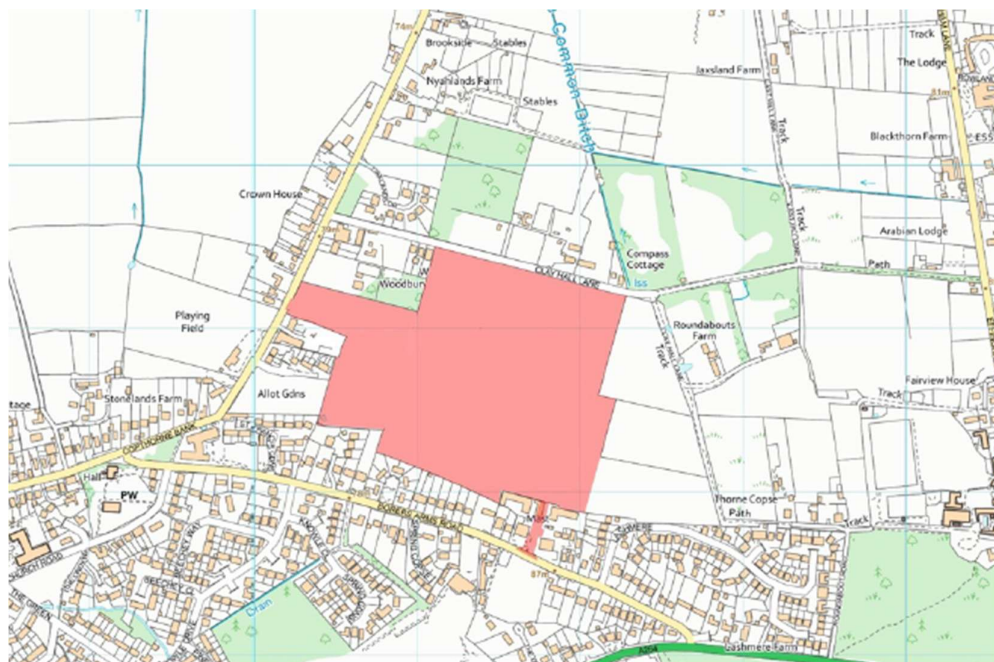


Figure 5 Application Site in Context of Cophorne

- 2.17. The southern boundary of the majority of the Site forms the boundary between Tandridge and Mid Sussex Council area. Part of the Site, which provides access onto Borers Arms Road, is located within Mid Sussex area and is part of an allocated employment site (SA34).
- 2.18. The Site is bounded on much of its northern side by Clay Hall Lane, on the western side by Copthorne Bank (or the properties front it) which provides another access point into the site and on the eastern side by pastureland associated with Roundabouts Farm.
- 2.19. In a wider context, Copthorne is the village that abuts the site boundary to the south, and it has a variety of facilities and transport links, including a primary school, Church, Parish Hub and village store – together with play areas and open spaces.
- 2.20. Copthorne Bank on the western side of the application site provides connections to both Crawley and the M23 - which in turn runs north to the M25 London Orbital motorway, and south to Brighton and the South Coast via the M23.
- 2.21. The existing Copthorne Bank entrance is located within the administrative boundaries of Tandridge District Council, whilst the southern access is via an extended and improved roadway through Borers Yard - which sits in Mid Sussex District Council,
- 2.22. The Borers Yard access will be created following the demolition of a commercial structure that sits close to the main site boundary.
- 2.23. The site is located wholly within Flood Zone 1. The agricultural parts of the Site are not thought to be served by a formal drainage system and surface water runoff will either infiltrate into the ground or run off overland. Surface runoff at the Site follows the topographical gradient, flowing roughly northwards and mostly draining to the Copthorne Commons Ditch, with small areas sloping the urban drainage network to the east/northeast of the Site.
- 2.24. The Site comprises of grassland, heavily grazed by horses, known as 'Copthorne Bank'. This area is divided into paddocks by stock fencing and is

bordered by lines of mature trees.

- 2.25. There are 393 surveyed trees or groups of trees on the site. Of these, 4 are 'A' category, 214 are 'B' category, 151 are 'C' category, 22 are 'U' category and 2 are uncategorised stumps (trees 145 & 146).
- 2.26. The arboricultural character of the site is largely defined by well-established, generally native broadleaf boundary/hedgeline/field margin planting in which native English oak predominates.
- 2.27. The nearest bus stops to the site are located on Copthorne Bank (160m) and Borers Arms Road (160m and 370m from the Site access). These provide access to the surrounding towns and villages including East Grinstead, Crawley and Lingfield.
- 2.28. The Site is located just less than a 5km travel distance from Three Bridges rail station. The rail station is on the 281 and 291 bus routes that pass via the development site on Borers Arms Road, allowing end occupiers of the development the opportunity to rail head to this station for longer distance trips to Brighton, Bedford, London and Southampton (and stops in between).
- 2.29. The majority of local services and amenities are located within a 2km walk of the site access points on Copthorne Bank and Borers Arms Road. Of those destinations that fall outside of a 2km catchment all are located within a 5km cycle ride of the site. The Site is in a sustainable location, being an easily walkable distance to a number of local services and facilities including:
  - The Cherry Tree Pub
  - Copthorne C of E Junior School
  - Kwik Mart
  - Premier Store
  - Copthorne Surgery
  - Post office
  - Community centre
  - Copthorne cricket club
  - Fairway Infant School
  - Delmar Morgan Community Centre
  - Copthorne Social Club

### **3 PRE-APPLICATION PROCESS**

#### **Pre-Application Process**

- 3.1. The Applicant has engaged in pre-application consultation with Tandridge Council, key stakeholders and the community prior to submission of this application. The feedback received has informed the content of the Application as now submitted.
- 3.2. In 2023 the Applicant sought pre-application advice from the Council in respect of a proposal for up to 235 dwellings and new commercial units at the Site (Reference PA/2023/127). A meeting was held with Council officers in October 2023, and the officers issued their advice in October 2023.
- 3.3. In addition, pre-application consultation and continued discussions were held with both Surrey Highways Authority and West Sussex Highways Authority.
- 3.4. The primary issue at the time was the sites designation as Green Belt. Very significant weight was given to housing, affordable housing and employment space. These were weighed up against openness on the Green Belt which was recognised could be moderated by landscaping, landscaping impact and potential highways impact. At the time (prior to the changes to the NPPF) the planning balance considered that no very special circumstances exist.
- 3.5. Community consultation has also been undertaken to inform the content of the application. A consultation exercise was undertaken from 25 October to 9 November 2025. In total 51 consultation responses were received and considered from the 1000 flyers distributed in the local area.
- 3.6. Overall, the scheme represents a materially improved proposal following a positive pre-application process. How the Scheme responds is detailed further in the below sections of this Statement.

## 4 THE PROPOSED DEVELOPMENT

### General and Plans

4.1. This outline application has been developed and informed following pre-application discussions with Council officers, engagement with the public and a thorough review of the opportunities and constraints afforded by the Site.

4.2. The Proposed Development is described as follows:

***“Outline planning application with all matters reserved except for access for the demolition of an existing commercial building and the erection of up to 260 dwellings, up to 1,700sqm of employment floorspace E(c)(iii), E(g)(i)(ii)(iii), car parking, landscaping, open space, and associated development works, with access from Copthorne Bank and Borers Arms Road”***

4.3. Only the principle of developing the Site for the stated land uses (including up to 260 dwellings and 1,700sqm of employment floorspace), and the means of access to the Site are to be determined as part of this outline application.

4.4. Appearance, layout, scale and detailed landscaping proposals are reserved for subsequent determination, via submission and approval of reserved matter applications.

### The Application Scheme Plans

4.5. The Proposed Development is set out on the following plans (to be approved as part of the application):

- Site Location Plan – 2512-PL01 Rev D
- Land Use Parameter Plan - 2512-PL03 Rev A
- Access and Movement Parameter Plan - 2512-PL04 Rev A
- Green Infrastructure Parameter Plan - 2512-PL06 Rev A
- Building Heights Parameter plan - 2512-PL05 Rev A
- Overall Parameters Plan – 2512-PL07 Rev A
- Access Plans -
  - a. Modified Site Access onto Borers Arms Road – SK21703-14

- b. Modified Site Access onto Borers Arms Road Junction Visibility Splays – SK21703-15 Rev A
- c. Proposed Site Access and Traffic Calming Scheme – Copthorne Bank SK21703-15
- d. Proposed Site Access and Visibility Splays – Copthorne Bank – SK21703-16
- e. Proposed Site Access and Traffic Calming Scheme (Southern Section) – Copthorne Bank – SK21703-17

#### Supporting Plans (for Informative Purposes)

- 4.6. Supporting plans, submitted for informative purposes only, comprise the following:
- Illustrative Masterplan – 2512-PL08 Rev J
  - Illustrative Constraints and Opportunities Plan – 2512-PL02 Rev A
  - Lighting Plan September 2025 Rev 0

#### **The Design Approach**

- 4.7. As detailed in the Design and Access Statement, the vision for the proposal includes delivery of a new community that sits comfortably in this sustainable location. The design approach has sought to integrate the proposal within the context of Copthorne and with the Site's landscape setting.
- 4.8. The design approach seeks to deliver high quality design befitting the location and reflecting the local character of Copthorne. A key design driver has been the need to respect the landscape setting of the Site. For further information on the design approach and the analysis of site context and local character, and how this has informed the design, is set out in the Design and Access Statement.
- 4.9. There are two access locations shown on the Masterplan, and their location and geometry are shown in detail in the Highway Consultants Transport Assessment. The Copthorne Bank entrance is located within the administrative boundaries of Tandridge District Council, whilst the southern access is via an extended and improved roadway through Borers Yard - which sits in Mid

Sussex District Council, The Borers Yard access will be created following the demolition of a commercial structure that sits close to the main site boundary.

- 4.10. Once in the site, the shape and size of the proposed areas for new development are determined by the existing hedge and tree field boundaries. The majority of these boundaries run north to south, although the two that are at right angles do help create enclosed areas and contribute to a breaking up of the built form.
- 4.11. The typology used within the developable spaces reflects a modified form of perimeter block pattern of development with units facing outwards towards a road or constraining footpath. The standard perimeter block form of layout sees the built form almost exclusively contained by roads, which in turn provide a buffer between the development and the landscape or ecological margins beyond.
- 4.12. In this instance the layout uses both road and footpaths. The latter are used where the development abuts some of the existing field boundaries, and they constrain the proposed units so the impact on the landscape features is limited. The footpaths invariably are overlooked by the new homes so that they are visually policed in a passive way.
- 4.13. This has resulted in the Illustrative Masterplan proposing the following principal components:
  - A medium sized scheme can be created within the site that provides a housing mix that will reflect local need, whilst making good use of the land available without impacting upon landscape, ecological features, or neighbouring properties
  - A carefully designed layout will see the safe retention of the important trees and existing hedgerows that provide the landscape framework and will see them supplemented with additional landscaping, using native species.
  - Linked to the improved landscaping is the creation of enhanced ecological margins that will improve the biodiversity of the site.
  - The surface water will be accommodated on the edges of two parcels of development, where the land falls naturally. The water detention feature will also bring ecological benefits as part of a holistic approach to biodiversity.

- 4.14. The illustrative design shows that the opportunity exists for the creation of a high-quality landscape and ecology led residential scheme to be provided in this sustainable location.
- 4.15. The illustrative material demonstrates how a residential scheme, including new affordable homes and employment space, can be delivered without having undue impact on the site's immediate neighbours, the wider area or key landscape and ecological features.

#### **Proposed Land Uses**

- 4.16. Based on the aforementioned matters and having regard to the on-site opportunities and constraints informing the proposed development, the proposed land uses are summarised in the table below.

| <b>Land Use</b>   | <b>Area</b>            |
|---|------------------------|
| Land for Housing  | Approx. 6.91 ha        |
| Land for Employment   | Approx. 0.69 ha        |
| Green Infrastructure (landscape amenity green space, including SuDs). | Approx. 5.60 ha        |
| <b>Total Site Area</b>  | <b>Approx. 13.2 ha</b> |

- 4.17. This results in an average net residential density of 38dph (38 dwellings/ha).
- 4.18. The proposed dwellings will have a maximum height of 3 storeys, a majority being 2 storeys and employment building height to be a maximum of 2 storeys.

#### **Summary of Supporting Material**

- 4.19. As set out above, a range of technical studies and reports have been undertaken and prepared in support of this Application.
- Arboricultural Statement (Tree Survey, TCP, TPP)
  - Agricultural Land Quality
  - Archaeological Desk Based Assessment
  - Biodiversity Survey and Report
  - Biodiversity Net Gain Report
  - Design and Access Statement
  - Flood Risk Assessment
  - Outline SuDS Strategy
  - Land Contamination Assessment

- Landscape and Visual Impact Appraisal
- Noise Impact Assessment
- Air Quality Assessment
- Energy & Sustainability Statement
- Transport Assessment (inc Stage 1 RSA & Designers Response)
- Framework Travel Plan
- Statement of Community Involvement
- Lighting Assessment

4.20. The content of the technical reports submitted in support of this application are summarised below.

### **Design & Access Statement**

4.21. The Design and Access Statement (“DAS”) provides a description and visual overview of the Site context, architectural character of the area, and rationale behind the evolution of the Scheme design in response to the identified constraints and opportunities afforded by the Site.

### **Flood Risk and Drainage Strategy**

4.22. The Flood Risk Assessment and Outline Drainage Strategy (“FRA and DS”), prepared by Aqua Terra, details the drainage and flood risk matters including the baseline conditions, the overall flood risk posed and scope for mitigation. The Site is wholly within Flood Zone 1, indicating there is a low risk of flooding from the rivers/ sea (less than 1 in 1000 (0.1%) chance) and most of the Site has a negligible risk of surface water flooding.

4.23. Small areas of the Site are at elevated risk of surface water flooding and will be managed by the Site's Drainage Strategy. The Site also has a negligible risk of groundwater flooding, low risk of sewer flooding and it is not in an area at risk of flooding from a reservoir failure.

4.24. The drainage strategy looks to rainwater interception and re-use source control techniques (permeable paving) green water conveyance infrastructure. In accordance with Civil Aviation Authority requirements, permanent water bodies (for example, ponds) have not been considered given the proximity of the Site to Gatwick Airport (i.e. due to the potential increased risk of aircraft bird strikes)

but quick draining basins (which would only store water in rare storm events) have been considered.

- 4.25. Foul drainage is expected to discharge to the existing sewer network beneath Cophorne Road and Clay Hall Lane. A pre-planning capacity check has been undertaken with Thames Water to confirm that there is sufficient capacity within the public sewer network.
- 4.26. The proposed development at the Site is appropriate according to the NPPF. Providing the implementation of the drainage strategy, the surface water flood risk at this Site will be reduced to an acceptable level.

### **Transport Statement**

- 4.27. A Transport Assessment (SK Transport) has been prepared and submitted with the Application.
- 4.28. The assessment concludes that the proposed development would not have an unacceptable impact on the local highway network or highway safety and is compliant with all relevant local, regional and national policy guidance.
- 4.29. There are a large number of local services and amenities within appropriate walking and cycling distance of the Site; the pedestrian network around the Site is of good quality and traffic speeds and topography of key routes into Cophorne are conducive to cycling. Bus stops are available within walking distance of the Site (160m and 270m from the Site).
- 4.30. The junction capacity assessments undertaken demonstrate that the traffic generated by the proposal will not result in material impacts on the key junctions.
- 4.31. A draft Travel Plan has also been prepared and provides a package of measures aimed at promoting sustainable travel and reducing car reliance among residents of the proposed development.
- 4.32. The raft of sustainable access enhancements are summarised below and will make a step change in promoting sustainable travel for all living in the area, not

just the end occupiers of the proposed development.

4.33. The measures include:

- The delivery of a new pedestrian/cycle connection between Copthorne Bank and Borers Arms Road, to connect these established corridors within the village
- Reinforce the existing 30mph speed limit on Copthorne Bank, through the delivery of a new gateway/traffic calming feature on this corridor
- Extension of the existing footway on the eastern side of Copthorne Bank, to allow pedestrians easy access to the development via this proposed access point
- Opportunity to enhance bus stop facilities on Copthorne Bank and Borers Arms Road, to potentially include real time passenger information (final measures to be discussed with SCC and WSCC Officers)
- A commitment to contributing towards the support for SCC's Digital Demand Responsive Transport (DDRT) for end occupiers
- A site-wide travel plan, which sets out and delivers all "hard" and "soft" travel plan measures, to encourage occupiers to travel by sustainable modes, and have less reliance on the private car

4.34. The development proposals will therefore not materially change the operation of the local highway network, and there are no patterns of road safety issues on the adjacent network that would be exacerbated by the development coming forward.

## **Ecology**

4.35. The Ecology Co-op has undertaken an Ecological Impact Assessment following an Extended Phase 1 Surveys undertaken in October 2016, 2018 and 2019, including breeding bird surveys, botanical walkover surveys, bat activity surveys, and presence/absence surveys for common dormouse, common reptiles and great crested newts. The ecological surveys were repeated between February and October 2023 as management and habitat condition has changed in the intervening period

4.36. The combined surveys recorded presence of dormouse, badgers, grass snakes and common lizard. The site supports an assemblage of foraging common

species of bat and a breeding bird assemblage comprising largely common and widespread species. Great crested newts are unlikely to be present upon the site. Land North of Borers Arms Road does not support large populations of protected species, important at no more than local level, but mitigation will be required to prevent harm to these species and ensure compliance with legislation.

- 4.37. A Biodiversity Net Gain Metric Calculation is submitted with the application, alongside a Biodiversity Net Gain Feasibility Assessment report. The calculations demonstrated that the proposed scheme will result in a likely loss of habitat units on site.
- 4.38. With offsite compensation the proposed scheme will satisfy the 10% mandatory net gain value set out within the Environment Act 2021 through its on-site and off-site habitat enhancement and creation proposals, but can achieve this through the purchase of appropriate biodiversity units.

### **Energy/Climate Change**

- 4.39. An Energy and Sustainability Statement has been prepared and is submitted with the application (produced by Pinnacle ESP). This sets out the energy and sustainability aspirations and goals of the Proposed Development (noting that the 260 dwellings and 1700sqm of employment space are submitted in outline at present, with further design detail to follow at reserved matters stage).
- 4.40. This report provides:
- The calculation methods for the baseline energy requirements for the proposed development;
  - The reduction in energy demand as a result of energy efficiency measures; and,
  - The potential to approach zero carbon status using renewable energy technologies.
- 4.41. The projects design includes the introduction of passive energy efficiency measures into the development to minimise energy consumptions and dwelling heating consumption.

- 4.42. There is also a requirement to reduce CO2 regulated emissions across the development using renewable or low-carbon energy sources, where practical and feasible, to meet the Net Zero target. For this development it is suggested that the use of electrical only HVAC systems would be appropriate, with:
- Heat pump driven heating and DHW systems as appropriate
  - PV arrays to be used on appropriate roof spaces
- 4.43. In combination with the passive design and energy efficiency measures will create a very efficient development meeting near PassivHaus energy consumption standards, thus very low carbon and zero pollution development. The Carbon Emission reduction targets have been set at 70%.
- 4.44. In addition, the embodied carbon of the construction techniques will be kept to a minimum via the use of re-used and recycled materials where practical.

### **Arboriculture**

- 4.45. An arboriculture impact assessment and method statement has been prepared by Arbotrack Systems and is submitted with the application, together with a Tree Constraints Plan and Survey Schedule which provide detail on the individual/ groups of trees within the Site.
- 4.46. There are 393 surveyed trees or groups of trees on the site. Of these, 4 are 'A' category, 214 are 'B' category, 151 are 'C' category, 22 are 'U' category and 2 are uncategorised stumps. No Ancient Semi-natural Woodland is present on or near to the Site.
- 4.47. It will be necessary to remove or partial remove 19 trees, groups of trees and hedges which is low and an acceptable impact in the context of this site and these proposals and is likely to have a minimal amenity impact on the surrounding area. Extensive new landscape planting is envisaged on site, which will ensure that the landscape impact of the proposals has the scope to be positive.

- 4.48. The great majority of site works will take place beyond the RPAs of retained trees and canopies. Retained trees will be protected throughout the course of development by fencing to the specification recommended by BS5837:2012.

### **Landscape and Visual**

- 4.49. A Landscape and Visual Impact Assessment has been undertaken by Leyton Place Limited. The LVIA contains an overview of the issues and identifies and analyses the receptors. In addition, the baseline report explains the methodology to be adopted in the impact assessment. The LVIA sets out the findings of the baseline analysis and summarises the recommendations (on landscape and visual matters) to the scheme design.

- 4.50. The locational benefits of the application site can be summarised as:

- Located adjoining existing areas of housing and close to the emerging settlement edge of Cophorne, utilising the existing infrastructure and thereby minimising impacts arising from creating new infrastructure;
- Out with any national statutorily designated landscape;
- Out with any setting of a statutorily designated landscape;
- Not within or near other designated landscapes, such as Ancient Woodland or Registered Historic Parks and Gardens;
- Not within or adjacent to a Conservation Area; and,
- Not within an NPPF 'valued landscape'.

- 4.51. The LVIA concludes that the masterplan has been informed by comprehensive and detailed technical analysis. The team's collaborative design approach has responded positively to the environmental requirements and objectives of the published character assessment.

- 4.52. It is inevitable that there will be significant effects of developing new homes on a green field Site. With changes occurring when measures against the existing baseline resources. Mitigation measures are recommended to contain the effects to the site and minimise the disruption to the public, particularly those

moving through the area. Such remedial measures, particularly relevant during the most disruptive phase (construction) which are likely to be controlled by planning conditions or legal requirement agreement.

- 4.53. The assessment process has concluded that whilst adverse visual effects will arise during the construction phase, these effects will be short-term and localised.
- 4.54. In respect of NPPF Paragraph 187 b) the landscape character of the area has been recognised in the development of the proposals. This is not a valued landscape (NPPF 187 a). In accordance with GLVIA 3, Chapter 4: 'The Proposed Development, Design and Mitigation', and in particular paragraphs 4.5 and 4.6, the applicant has engaged with the technical team and the landscape advice provided at the outset of the design process.
- 4.55. The masterplan has been informed by comprehensive and detailed technical analysis. The team's collaborative design approach has responded positively to the environmental requirements and objectives of the published character assessment.
- 4.56. It is inevitable that there will be significant effects of developing new homes on a green field site. With changes occurring when measures against the existing baseline resources.

## 5 PLANNING POLICY CONTEXT AND MATERIAL CONSIDERATIONS

### General

- 5.1. This section summarises the planning policy position against which the acceptability of the scheme is determined. It sets out relevant Development Plan policy, and other material considerations before going on to provide an assessment of the main issues for determination, with regard to those policies and material considerations, and the detail provided in the application package.
- 5.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) requires, by statute, that planning applications be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

### The Development Plan

- 5.3. The Development Plan, for the purposes of s38(6) PCPA 2004 comprises the following adopted/ made plans.

#### Tandridge District

- Tandridge District Core Strategy 2008;
- Tandridge Local Plan Part 2: Detailed Policies 2014-2029.

#### Mid Sussex District

- Mid Sussex Site Allocations Development Plan Document (adopted 29<sup>th</sup> June 2022);
- Cophorne Neighbourhood Plan (made 29th September 2021);
- Mid Sussex District Plan 2014-2031 (adopted 28 March 2018); and
- Saved policies from the Mid Sussex Local Plan (adopted 27 May 2004)

- 5.4. Listed below are the specific policies considered to be relevant to determination of this application. More detailed analysis of the policy requirements and compliance with the same follows in the assessment section of this statement.
- 5.5. As the Application is submitted in outline (save for access), matters associated with more detailed design of the site layout will be elaborated upon at the reserved matters stage.

Tandridge District Core Strategy 2008

CSP1 (Location of Development)  
CSP4 (Affordable Housing)  
CSP7 (Housing Balance)  
CSP11 (Infrastructure and Services)  
CSP12 (Managing Travel Demand)  
CSP13 (Community, Sport and Recreation Facilities/ Services)  
CSP14 (Sustainable Construction)  
CSP15 (Environmental Quality)  
CSP17 (Biodiversity)  
CSP18 (Character and Design)  
CSP19 (Density)  
CSP21 (Landscape and Countryside)  
CSP22 (The Economy)

Tandridge Local Plan Part 2: Detailed Policies 2014-2029

DP1 (Sustainable Development)  
DP5 (Highway Safety and Design)  
DP7 (General Policy for New Development)  
DP10 (Green Belt)  
DP13 (Buildings in the Green Belt)  
DP19 (Biodiversity, Geological Conservation and Green Infrastructure)  
DP21 (Sustainable Water Management)  
DP22 (Minimising Contamination, Hazards and Pollution)

Mid Sussex District Plan 2014-2031

DP1: Sustainable Economic Development  
DP2: Town Centre Development  
DP3: Village and Neighbourhood Centre Development  
DP6: Settlement Hierarchy  
DP14: Sustainable Rural Development and the Rural Economy  
DP21: Transport  
DP26: Character and Design  
DP28: Accessibility  
DP29: Noise, Air and Light Pollution  
DP39: Sustainable Design and Construction  
DP41: Flood Risk and Drainage  
DP42: Water Infrastructure and the Water Environment

Cophorne Neighbourhood Plan 2021 – 2031 (Made September 2021)

CNP13 Our Economy  
CNP14 Sustainable Travel

- 5.6. Further analysis of the policy requirements, compliance with the same, and other material considerations, is provided in Section 6, below.

**Other Material Considerations**

- 5.7. Section 38(6) PCPA also requires that other ‘material considerations’ be weighed in the planning balance. The relevant material considerations are summarised here, and elaborated further below in Section 6 (which undertakes an assessment of the scheme against policy and other material considerations).
- 5.8. Material considerations which are relevant to the determination of this Application include the following:
- The National Planning Policy Framework (NPPF) (Dec 2024);
  - Written Ministerial Statements regarding the housing crisis and the

importance of boosting housing supply;

- Tandridge District Council Interim Policy Statement for Housing Delivery (IPSHD) (2022) which sets out criteria for housing proposals on unallocated sites. In recent appeal decision APP/M3645/W/24/3345915 (Land at Chichele Road) the Inspector treated this as a material consideration (as it sets out a mechanism for addressing housing need) but limited the weight given, on the basis that the IPSHD does not form part of the Development Plan (paragraph 9 of that decision) and on its own is “unlikely to be sufficient to address the scale of the shortfall.” (paragraph 76 of that decision).
- Decision of Tandridge Council (Full Council) on 18 April 2024 to commence work on a new Local Plan and outputs of this process, including the Local Development Scheme (February 2025) which sets out timescales for production and adoption of a new spatial strategy and plan. It was anticipated that the plan be submitted for examination by Q3 2026/27. In a recent appeal decision APP/M3645/W/24/3345915 (Land at Chichele Road, 11 December 2024) the Inspector noted, at paragraph 77 of the decision, that “the Council has now embarked on the preparation of a new local plan...with a view to subject it for examination in Q3 2026/27. However, it will still be several years until a new local plan is adopted and, in the meantime, the problems associated with an under supply of housing (including difficulties with accessing housing, increased house prices, worsening affordability...), as evidenced by the appellant.)
- Evidence base documents produced in connection with ‘Our Local Plan 2033’ (which was subsequently withdrawn); of particular relevance to determination of this application and the principle of development on this Site is:
  - o Green Belt Assessment (Parts 1 to 3);
  - o Landscape Sensitivity and Capacity Study;
  - o Settlement Hierarchy 2015 and Addendum 2018;
  - o Urban Capacity Study and the Brownfield Register (2018);
  - o Housing Need evidence base documents;

- HELAA – the conclusions regarding this Site are set out in this section.
  - Inspector's Report in connection with 'Our Local Plan 2033' dated February 2024;
  - Housing Delivery Test results (June 2025) and Housing Land Supply position as set out in the Authority Monitoring report 2023/2024 (May 2024) and any subsequent update;
  - Other decisions and appeal decisions<sup>6</sup>; and
  - Tandridge District Council Supplementary Planning Documents (SPDs); including the Parking Standards SPD (2012) and Trees and Soft Landscaping SPD (2017).
- 5.9. Section 6, below, sets out an analysis of the key issues with regard to relevant Development Plan policy and other material considerations as identified above. In summary, the results of that analysis demonstrate that:

- The Application Site is in a highly sustainable location, adjacent to a sustainable settlement (Cophorne albeit in the neighbouring District), but is outside the settlement boundary and therefore treated in policy terms as being in the 'countryside'. As such, development conflicts with the Development Plan;
- There is clear evidence of a pressing need for the development which is proposed on the Site and it is widely accepted that should development come forward as proposed, the future occupants would have ready access to a range of services and facilities and public transport, such that the development would be sustainably located despite its 'countryside' location.
- The spatial strategy is accepted as being out of date because it pre-dates

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<sup>6</sup> Of particular relevance are APP/M3645/W/24/3345915 Land at Chichele Road Oxted, (11 December 2024 – under the previous NPPF) which relates to HELAA site OXT006; and APP/M3645/W/23/3319149 Land at The Old Cottage, Station Road, Lingfield RH7 6PG. (Oct 2023)

and is inconsistent with the NPPF. That strategy planned for a level of housing which falls significantly below current levels of housing need (approximately 24% of the annual requirement). Furthermore, delivery rates have fallen well below the levels planned for, and future supply is also chronically short. The Council cannot demonstrate an up to date five year supply of deliverable sites for housing. As such, paragraph 11(d) NPPF is triggered. There are no footnote 7 matters which provide any strong reason for refusal for the purposes of paragraph 11(d)(i). As such, and in accordance with paragraph 11(d)(ii) planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole, “having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

- In *Suffolk Coastal DC v Hopkins Developments Ltd* [2017] UKSC 37 Lord Carnwath’s judgement confirms at paragraph 63 that the weight to be attached to restrictive policies, such as countryside and landscape policies can be reduced where they are derived from settlement boundaries that in turn reflect out of date housing requirements. There are obvious parallels with Tandridge where the adopted housing strategy derives from an assessment of housing need that pre-dates the introduction of the NPPF in 2012.
- In the circumstances, the weight attributable to the conflict identified with Policy CSP1 and DP10 is reduced insofar as the settlement boundaries reflect out of date housing requirements, and the Green Belt policy (DP10) is inconsistent with the NPPF, not providing for any the development of Grey Belt land.
- The Site is ‘Grey Belt’ and its development is not regarded as ‘inappropriate’ in the NPPF. It complies with the Golden Rules, and the NPPF directs that this attracts significant weight as a benefit.

- Even if, contrary to our conclusion, the Site was found not to comprise 'Grey Belt' (in accordance with the NPPF Annex 2 definition), the proposal still complies with national Green Belt policy as there are very special circumstances ("VSC") which justify the grant of permission.
- Whilst there will inevitably be some landscape impact resulting from the Scheme, this is to be expected if the Council is to demonstrate a five year supply of deliverable housing land, in a scenario where they accept development on greenfield sites beyond defined settlement boundaries is necessary in order to meet housing need. In this scenario, the Site is not within a designated valued landscape.
- This proposal offers an opportunity to deliver growth at Copthorne (one of the District's more sustainable settlements) without unacceptable landscape impacts, in circumstances where other potential options identified by the Council across Tandridge have been found to be unacceptable.

#### **NPPF (Dec 2024)**

- 5.10. The NPPF is a weighty material consideration, given that the most important Development Plan policies for determination of the application are out of date. As such, we highlight key NPPF paragraphs here, before moving on to provide an assessment of the key issues arising, relevant Development Plan policy and material considerations.
- 5.11. The content of the NPPF as it relates to the Proposed Development of the Site is addressed in the order set out below:
- Achieving sustainable development
  - Decision making
  - Delivering a sufficient supply of homes
  - Promoting sustainable transport
  - Achieving well-designed and beautiful places
  - Protecting Green Belt land
  - Meeting the challenge of climate change, flooding and coastal change

- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment.

Achieving sustainable development:

- 5.12. Paragraph 8 of the NPPF identifies the three dimensions to sustainable development, comprising (a) economic, (b) social and (c) environmental considerations.

*Economic role:*

- 5.13. The economic role requires that the planning system ensure sufficient land of the right type is available in the right places and at the right time to support growth. This is achieved via this proposal, on the basis that it is located within a sustainable location, within walking and cycling distance of local services and facilities. It also provides for employment and housing development of the type and mix required to meet identified needs.

*Social role:*

- 5.14. The social role requires that the planning system deliver sufficient supply of housing (to enable communities can access the homes they need) and employment space, creating a high-quality, well designed built environment, accessible to local services and reflecting the community's needs. All of these requirements can be achieved via this Proposal.

*Environmental role:*

- 5.15. The environmental role requires that the planning system protect and enhance the natural, built and historic environment. This can be achieved with this Proposal, in a location that will not result in any significant adverse effects upon the character of the wider surrounding area. It will also deliver biodiversity improvements and a new areas of green space.

- 5.16. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. Paragraph 11 (d) makes it clear that where the policies which are

most important for determining the application are out of date (as is the case here), permission should be granted unless (i) policies in the NPPF protecting areas of importance provide a strong reason for refusal (which doesn't apply here) or (ii) any adverse impact of granting permission would "significantly and demonstrably" outweigh the benefits. They do not.

- 5.17. Recent changes to the wording of 11(d)(ii) make clear that sustainability of location, the effective use of land, delivery of affordable housing, and quality design are particularly important considerations.
- 5.18. This Site is considered to be highly sustainable and the proposal delivers 50% affordable housing, in excess of local policy requirements. Whilst the application is submitted in outline, the layout and design detail will ensure effective use of land whilst delivering high quality design which is informed by and complements its context.
- 5.19. The analysis below demonstrates that the policies for the supply of housing in Tandridge District are out of date, in terms of both the housing requirement itself, and the settlement boundaries which historically sought to identify where development would be supported.
- 5.20. This is due to the fact the spatial strategy pre-dates introduction of the NPPF and is based on a housing requirement which falls far short of current requirements. Furthermore, delivery has fallen well below planned rates (as evidenced by the Housing Delivery Test result) and looking forwards there is a very substantial shortfall in future housing land supply.
- 5.21. The settlement boundaries are based on the 2008 Core Strategy housing requirement of 125dpa, which is a mere 13% of the current standard method requirement (**125dpa** as compared with the current housing requirement of **827 dpa**). The 125dpa figure was taken directly from the South East Plan, and as such, there has not been a strategy in place which addresses objectively assessed need for quite some time.

#### Decision making

- 5.22. Section 4 of the NPPF sets out the approach to decision-making.

- 5.23. Paragraph 39 makes clear that **decision makers at every level should seek to approve applications for sustainable development where possible.**
- 5.24. As detailed within this Application, the Site is in a sustainable location and can create a sustainable development.

Delivering a Sufficient Supply of Homes

- 5.25. Section 5 of the NPPF sets out the government's revised approach to delivering a sufficient supply of homes.
- 5.26. As the WMS makes clear, the government is committed to addressing the acute and entrenched housing crisis. A planning and infrastructure bill is also due to be introduced to speed up and streamline the planning process.
- 5.27. The Government has made it clear that one of their main objectives is to build more homes of all tenures in seeking to provide for 370,000 new homes per annum.
- 5.28. The WMS makes it clear that decisions must be about how to meet housing needs not whether to do so at all. This approach heralds the imposition of mandatory housing targets.
- 5.29. Paragraph 61 sets out the Government's objective of significantly boosting the supply of homes.
- 5.30. Paragraph 62 sets out the approach to determining the minimum number of homes needed, which should be informed by a local housing need assessment conducted using the standard method set out in national planning guidance, unless an alternative approach is justified.
- 5.31. Paragraph 78 sets the requirement for LPAs such as Tandridge (whose Local Plan is more than five years old) to identify and update annually a five-year supply of deliverable housing sites based upon the application of the Local Housing Needs, derived from the Standard Method.

- 5.32. Based upon the recent Housing Delivery Test (“HDT”) results (Dec 2024), Tandridge must add a 20% buffer to this requirement, due to under delivery in recent years.
- 5.33. The Council accepts that they do not have a five year supply of deliverable sites and that the tilted balance of paragraph 11(d)(ii) is engaged. This scheme, delivering up to 260 dwellings would make a notable contribution towards the very substantial housing shortfall in Tandridge District.
- 5.34. Pursuant to footnote 8, a lack of such supply triggers the presumption in favour of sustainable development at paragraph 11(d)(ii) NPPF.

#### Healthy Communities

- 5.35. Section 8 sets out the approach to achieving healthy, inclusive and safe communities.
- 5.36. Paragraph 98 sets out a requirement to provide the social, recreational and cultural facilities and services needed.
- 5.37. Paragraph 100 sets out the importance of meeting education needs arising from existing and new communities requiring LPAs to take a proactive, positive and collaborative approach to meeting this requirement.
- 5.38. Paragraph 103 states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.
- 5.39. Paragraph 105 requires that the planning system protects and enhances public rights of way and takes opportunities to add links to the existing network.
- 5.40. The Application Scheme achieves both objectives, including through the provision of on-site open space and improving the quality of the right of way through the Site and enhancing permeability of the Site.

Sustainable Transport

- 5.41. Section 9 sets out the approach to promoting sustainable transport.
- 5.42. Paragraph 109 requires transport issues to be considered from the earliest stages of development proposals, identifying transport solution that deliver well-designed and sustainable places.
- 5.43. Paragraph 110 states that the planning system should actively manage patterns of growth; focusing significant development on locations which are, or can be made, sustainable through limiting the need to travel and offering a genuine choice of transport modes.
- 5.44. The Application Scheme has been subject to considered and collaborative pre application engagement with County Highways and the LPA. Their advice has informed the overall approach to the proposed transport solutions as an integrated approach to the overall scheme design.
- 5.45. The Application Site is in a sustainable and is within safe and convenient walking access to local services and facilities.
- 5.46. Paragraph 115 sets out 4 criteria to be applied when assessing the suitability of specific applications for development.
- 5.47. The Application Scheme satisfies the requirements of paragraph 115 on account of ensuring the following:
- a) sustainable transport modes are prioritised
  - b) safe and suitable access to the site can be achieved for all users
  - c) the Development Framework Plan provides for a network of streets, parking areas with details to be secured at the reserved matters stage
  - d) impacts from the development on the transport network can be mitigated by means of necessary off-site highway works to be secured through a legal agreement
- 5.48. Paragraph 116 adds that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on Highway safety

or the residual cumulative impacts on the road network following mitigation would be severe. That is not the case here.

- 5.49. Finally, and in addition, the Application Scheme also satisfies the provisions set out within paragraph 117 of the NPPF.

#### Achieving well-designed places

- 5.50. Section 12 sets out the approach to achieving well-designed places.
- 5.51. Paragraph 131 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 5.52. Good design is at the heart of sustainable development.
- 5.53. Paragraph 135 sets out assessment criteria to be applied in considering the suitability of developments in design terms. Again, all of these requirements are satisfied with the application scheme (as demonstrated in the accompanying DAS).
- 5.54. Paragraph 136 adds that trees make an important contribution to character and quality and that opportunities should be taken to incorporate trees.

#### Protecting Green Belt Land

- 5.55. Chapter 13 of the NPPF sets out national policy for protection of Green Belt land. Paragraph 142 establishes that the Government attaches great importance to the Green Belt and paragraph 143 set out the purposes of Green Belt designation.
- 5.56. Paragraphs 145 and 146 now (as a result of changes made to the NPPF in December 2024) make clear that where a LPA cannot meet its identified need for homes, this would amount to exceptional circumstances justifying alteration of Green Belt boundaries. As such, Tandridge's emerging Local Plan will need to go further than in the past to identify additional land to meet housing needs. Pursuant to paragraph 148, sustainability of locations must be a key factor in

the process of Green Belt boundary review.

- 5.57. In the context of decision making, paragraph 153 directs that substantial weight be given to any harm to the Green Belt.
- 5.58. Paragraphs 154 and 155 now set out a number of instances where development would not amount to “inappropriate development” in the Green Belt.
- 5.59. Paragraph 155 contains the new ‘Grey Belt’ concept (with a definition of this term now provided in Annex 2).
- 5.60. Paragraph 156 sets out a number of ‘Golden Rules’ for the development of such Grey Belt land.

#### Meeting the challenge of climate change and flooding

- 5.61. Section 14 relates to flood risk and climate change, within the objective of seeking to ensure development avoids areas at higher risk of flooding.
- 5.62. As detailed above, a Flood Risk Assessment and Drainage Strategy has been prepared and ensures relevant policy and guidance is satisfied.
- 5.63. The Application Scheme will not cause any increase in flooding beyond the Site. The drainage strategy will use rainwater interception and re-use source control techniques (permeable paving) green water conveyance infrastructure. In accordance with Civil Aviation Authority requirements, permanent water bodies (for example, ponds) have not been considered given the proximity of the Site to Gatwick Airport (i.e. due to the potential increased risk of aircraft bird strikes) but quick draining basins (which would only store water in rare storm events) have been considered.

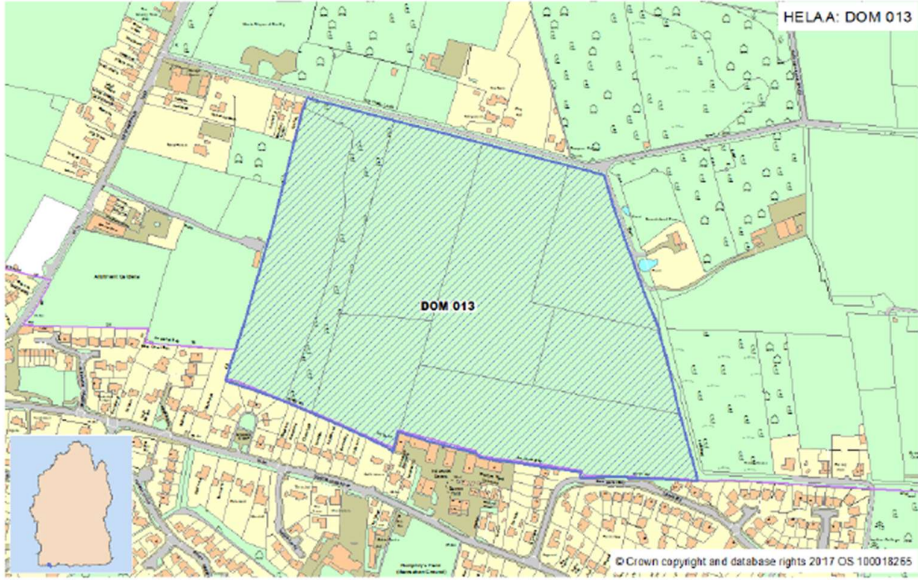
#### Natural Environment

- 5.64. Section 15 relates to the natural environment.

- 5.65. Paragraph 187 seeks to protect and enhance 'valued landscapes' (which does not apply here) and 'recognise the intrinsic character and beauty of the countryside'.

The Housing and Economic Availability Assessment (HELAA)

- 5.66. The Housing and Economic Availability Assessment (HELAA) is a technical study which assess a site's suitability. The HELAA is prepared in accordance with national guidance and the Council's adopted HELAA Methodology (2015).
- 5.67. The Site has been considered as part of the HELAA process since 2015. The Site, DOM013: Land at Roundabouts Farm, was considered suitable in principle, however, as it is located within the Green Belt this designation would have to change in order for the sites to be developed.
- 5.68. The Site was considered further as part of the HELAA process in 2016 and 2017-18 which both concluded that the Site was deliverable and developable.
- 5.69. HELAA 2019-2021 assessed additional sites and amended sites so no further updates were provided following the 2017-2018 assessment.
- 5.70. The HELAA review confirms that this Site is an available, achievable and deliverable Site.

|   |  |
|---|--|
| HELAA Reference Number  | DOM 013  |
| Address   | Land west of Roundabouts Farm, Clay Hall Lane, Crawley   |
|  <p>HELAA: DOM 013</p> <p>DOM 013</p> <p>© Crown copyright and database rights 2017 OS 100018265</p> <p><b>Tandridge</b><br/>District Council</p> <p>Land west of Roundabouts Farm, Clay Hall Lane, Crawley</p> |  |
| Site Size (Hectares)  | 15.1   |
| Approximate Developable Area (Hectares)   | 15.1   |
| Site Description  | <p>The site is located just within the District boundary and is positioned on the northern boundary of Copthorne, a settlement which falls within the administrative area of Mid Sussex District Council. The site is clustered with DOM 012, DOM 016, DOM 017 and DOM 022.</p> <p>The site is made up of a number of parcels of land that are largely flat and open, bounded by rows of mature trees. The land is no longer in use for an agricultural purpose.</p> |
| Suitability   | Access to the site could be created off Clay Hall Lane. There is an area   |

|                      |   |
|----------------------|---|
|                      | at risk of surface water flooding in the eastern part of the site. The site is considered able to accommodate development, however, as it is located within the Green Belt this designation would have to change in order for the site to be developed. |
| Availability         | The site has been submitted by the landowner and is considered available.   |
| Achievability        | No constraints that could render the site financially unviable are identified at this time.   |
| Status               | Developable - For the purposes of the HELAA, the site is considered to be developable and capable of coming forward after 5 years, should the site be allocated in the Local Plan.  |
| Estimated Site Yield | 453   |
| Strategy compliance  | Site is not in accordance with the Preferred Strategy.  |

Figure 6 HELAA Review of the Site 2015

## **6 ASSESSMENT OF THE MAIN ISSUES AND PLANNING BALANCE**

### **Introduction**

6.1. Informed by the planning policy and material considerations identified in section 5 above, this section sets out an assessment of the Application Scheme in relation to a number of “main issues”, with each one addressed in turn as follows:

- 1) The need for market and affordable housing;
- 2) The spatial strategy and principle of development outside a settlement boundary;
- 3) Green Belt;
- 4) Technical issues:
  - a. Landscape, green infrastructure, open space and biodiversity,
  - b. Highways and transport,
  - c. Loss of agricultural land,
  - d. Flood risk and drainage,
  - e. Air Quality,
  - f. Noise
  - g. Energy, sustainability and climate change,
  - h. Housing type and mix.
- 5) Provision of employment space
- 6) The planning balance.

### **ISSUE 1: THE NEED FOR MARKET AND AFFORDABLE HOUSING**

#### **Five Year Housing Land Supply: Tandridge**

6.2. The Tandridge Local Plan is based on an outdated pre-NPPF housing requirement of 125dpa, which was in turn derived from the South-East Plan.

6.3. It planned for delivery of only 2,500 homes over a 20 year period, from 2006 to 2026.

- 6.4. The Housing Delivery Test result shows that the strategy has failed (with a score of 42%). No strategy has yet been developed / adopted for the period beyond 2026.
- 6.5. In the absence of an up-to-date local strategy which identifies and addresses local housing needs, the NPPF provides relevant national planning policy to fill this void.
- 6.6. The NPPF sets out the required approach towards identifying and addressing the acute and entrenched housing crisis faced across the Country, with Tandrige District proving to be no exception given current affordability ratios are 13.0 (2024).
- 6.7. In the recent appeal at Land at Chichele Road (APP/M3645/W/24/3345915, decided 11 December 2024) the Inspector described the housing supply shortfall in Tandrige as “very significant” (in the range 1.8-1.92 years using the old pre-Dec 2024 standard method); the Inspector highlighted the “substantial shortfall in the supply and delivery of new homes in Tandrige against what is required to address the needs of the District.”
- 6.8. The situation has deteriorated further on account of the new NPPF and standard method.
- 6.9. As the Written Ministerial Statement (“WMS”) dated 12 December 2024, made by the Minister of State for Housing and Planning explains, publication of the revised December 2024 NPPF marks the next step in the Government delivering on their promise to radically reform the planning system.
- 6.10. The WMS states that the measures set out in the revised NPPF reflect the Government's commitment “not to duck the hard choices that must be confronted in order to tackle the housing crisis because the alternative is a future in which a decent, safe, secure and affordable home is a privilege enjoyed only by some rather than being the right of all working people.”
- 6.11. Insofar as the Tandrige Core Strategy 2008 is agreed as being manifestly out of date, the council is tasked with meeting the mandatory local housing need derived from the application of the new standard method.

- 6.12. For Tandridge District Council that requirement is now 826dpa (taking account of the release of updated affordability data in March 2025 and latest information on dwelling stock in May 2025) (plus an additional buffer) under the new standard method, which equates to an increase of 192dpa against the previous standard method requirement of 634dpa (prior to addition of the necessary buffer), recognising that the previous figure had been the subject of the 40% cap.
- 6.13. This requirement is in stark contrast to the 125dpa figure that formed the basis of the adopted spatial strategy, emphasising the extent to which that is manifestly out of date against the current level of identified housing need in the district.
- 6.14. The latest housing delivery test results were published on 12 December 2024, with Tandridge achieving only 42% of the required housing delivery (against the previous standard method requirement) over the 3 year period 2020-2023. The requirement, over that period, was 1,716 homes, yet only 716 homes were delivered.
- 6.15. Pursuant to paragraph 78 NPPF, as delivery fell below 85% over that 3 year period, a 20% buffer is to be added to the standard method housing requirement for the purposes of analysing future supply.
- 6.16. Therefore, **the standard method requirement, including the necessary 20% buffer, is raised to 991.2 dwellings per annum.** This is almost 8 times the annual requirement of the adopted Development Plan.
- 6.17. The data is clear that housing delivery will need to increase sharply. **Over the past 3 years as detailed in the HDT results (2020 -2023) the Council has only delivered 87% of the new annual requirement which will be required every year until a new spatial strategy is developed, examined and adopted. When compared at the average over the last three years delivery (238.6dpa)<sup>7</sup>, this is only 24% of the new annual target. A very clear indication of a substantial increase in housing delivery is required in Tandridge – a quadrupling of past performance.**

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<sup>7</sup> 761 / 3

- 6.18. The Council’s latest assessment of its five year housing land supply position is set out in its ‘Interim Five Year Land Supply Statement’ (November 2025).
- 6.19. The starting point when calculating the five year requirement is the minimum 827 dwelling annual requirement derived from the application of the Standard Method, taking into account the latest data regarding the inputs<sup>8</sup>. This equates to a minimum 4,135 dwelling requirement.
- 6.20. As a result of the Housing Delivery Test (“HDT”) results published on 12 December 2024, it is agreed that it is appropriate to apply a 20% buffer to the requirement.
- 6.21. TDC’s minimum five year requirement for the period **1<sup>st</sup> October 2025 to 30<sup>th</sup> September is 4,964 dwellings.**
- 6.22. The minimum 4,964 dwelling requirement is calculated as follows:

827dpa x 5 years = 4,135.  
 Add 20% buffer = +827  
 Total Requirement = 4,962 dwellings

- 6.23. The Council’s five year housing land supply position for the period 1<sup>st</sup> October 2025 to 30<sup>th</sup> September 2030 is summarised in Table 1 below.

*Table 1: The Council’s Five Year Housing Land Supply Position*

| Step  | Figure         |
|---|----------------|
| A - Annualised Requirement                  | 827dpa         |
| B – Base requirement for five years (A X 5) | 4,135          |
| C - Add 20% Buffer (B X 20%)                | +827dpa        |
| D - Minimum 5yr Req. (B + C)                | 4,964          |
| E - Total Annualised Requirement (D / 5)    | 993dpa         |
| F - Deliverable Supply                      | 2,170          |
| G- Extent of Shortfall (F – D)              | <b>-2,794</b>  |
| H - No. Years Supply (F / E)                | <b>2.19yrs</b> |

- 6.24. The shortfall of 2,794 dwellings represents a chronic position.

<sup>8</sup> Dwelling stock data released on 22<sup>nd</sup> May 2025 (Table 125) and median workplace based affordability ratios issued on 24<sup>th</sup> March 2025

## Affordable Housing

### General

- 6.25. There is an acute need for affordable housing within the District, which is confirmed in recent appeal decisions in the District.
- 6.26. In the appeal decision for land at Chichele Road, Oxted (11<sup>th</sup> December 2024)<sup>9</sup> the Inspector (paragraphs 78) confirmed:

**“The appeal scheme would also deliver 58 affordable units, consisting of a mix of first home dwellings, affordable rented housing and shared ownership units. The provision of on-site affordable housing at a rate of 50% would exceed the 34% requirement set by Policy CSP4 of the CS. The presented evidence also clearly demonstrates that there is an acute shortage of affordable housing within the District. Again, I acknowledge the efforts engaged by the Council to provide additional affordable homes but, these are unlikely to suffice on their own to address the scale of the shortfall.”**  
(Our emphasis underlined)

- 6.27. Paragraphs 20, 61, and 63 of the NPPF place a strong emphasis on the delivery of sustainable development including affordable homes, whilst paragraph 61 clearly sets out the Government’s aim of “significantly boosting” the supply of homes.
- 6.28. The need for affordable housing and the importance in achieving sustainable development is emphasised in many government publications, including House of Commons Committee of Public Accounts – Planning and the Broken Housing Market (19<sup>th</sup> June 2019).
- 6.29. The provision of affordable housing is a key part of the planning system. A community’s need for affordable housing was first enshrined as a material consideration in PPG3 in 1992 and has continued to play an important role in subsequent national planning policy, including the National Planning Policy Framework (2012, 2018, 2019, 2021, 2023, and 2024 versions).

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<sup>9</sup> LPA ref TA/2023/1345 & PINS ref APP/M3645/W/24/33459915)

- 6.30. The NPPF sets a strong emphasis on the delivery of sustainable development, including affordable homes, at paragraphs 20 and 63.

Affordable Housing Need

- 6.31. Paragraph 8.3 of the Core Strategy refers to a high level of unmet need, whilst paragraph 8.4 refers to an annual shortfall of 449 dwellings. This unmet need has persisted and paragraph 127 of the Council's Housing Strategy (2019 to 2023) states meeting the District's need for affordable housing will be a sizeable task. It in turn refers to the Turley Report (Affordable Housing Needs Assessment – Updated Technical Paper for Tandridge District Council – June 2018) which calculates there is a need for 456 affordable homes per annum for the next 5 years and subsequently 284 homes per annum until 2033. It is added that this poses a significant challenge for the Council in balancing economic growth and social progress for residents while recognising the District's environmental constraints and unique characteristics.
- 6.32. Once the backlog is cleared, only newly arising need will need to be met, requiring 284 affordable homes annually for the remainder of the plan period<sup>10</sup>.
- 6.33. Table 2 below compares the affordable housing need identified in the Updated Turley against the affordable completions in the district (data obtained from Government Statistics)<sup>11</sup>said to have been achieved at Table 2 of the AMR.

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<sup>10</sup> Affordable Housing Needs Assessment Technical Paper for Tandridge District Council (September 2015)

<sup>11</sup> <https://www.gov.uk/government/statistical-data-sets/live-tables-on-affordable-housing-supply> (Table 1011C)

Table 2: Summary of affordable housing delivery in Tandridge District

| Year    | Net Affordable Housing Completions in Tandridge | Updated Affordable Housing Technical Paper (2018) |                            |                      |
|---------|---|---|----------------------------|----------------------|
|         |   | Requirement                                       | Shortfall from requirement | Cumulative Provision |
| 2018/19 | 76  | 456   | -380                       | -380                 |
| 2019/20 | 122   | 456   | -334                       | -714                 |
| 2020/21 | 44  | 284   | -412                       | -1,126               |
| 2021/22 | 60  | 284   | -396                       | -1,522               |
| 2022/23 | 59  | 284   | -397                       | -1,919               |
| 2023/24 | 75  | 284   | -209                       | -2,128               |
| Total   | 436   | 2,048   | -2,128                     | -2,128               |

- 6.34. As the above Table indicates, the delivery of 436 affordable dwellings achieved in the period 2018 to 2024 represents an **under provision of 2,128 dwellings** when compared to the requirements assessed in Council’s Affordable Housing Technical Paper (Update) (2018)
- 6.35. Table 2 clearly demonstrates that affordable housing delivery in Tandridge District has to date been insufficient to address the backlog in need, let alone that associated with the generation of additional need.
- 6.36. Paragraph 63 of the NPPF indicates that the context of assessing affordable housing need must be within the overall framework of a local housing need assessment, as explained in paragraph 62.
- 6.37. The Updated Technical Assessment (2018) indicates that at April 2018, there were 872 households in affordable housing need (table 2.1).
- 6.38. This evidence contrasts with that from the Government (derived from the Council’s submission on its housing register)<sup>12</sup>. This indicates that in 2018 there were 1,399 households on the register (of which 1,081 were households in a “reasonable preference category”. However, page 7 of the Council’s Housing Strategy 2019 to 2023 suggests there were 1,555 persons on the housing waiting list at July 2018.

<sup>12</sup> <https://www.gov.uk/government/collections/local-authority-housing-data#2017-to-2018>.

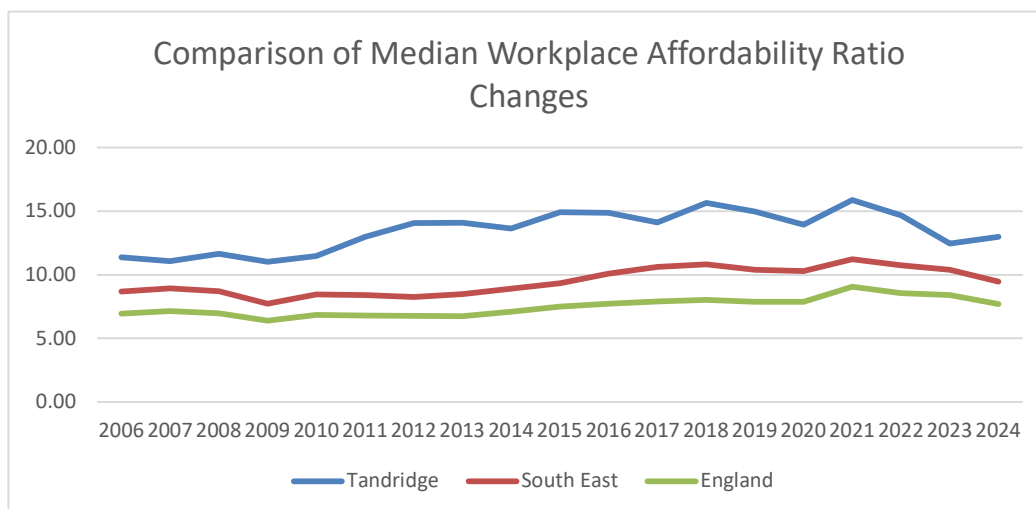
6.39. Whilst the above references the extent of affordable need on the housing register in 2018, Government Statistics detail how these has changed since, including the implications of the low affordable housing delivery in the district. This is shown in Table 3 below.

Table 3: Extent of housing waiting list in Tandridge District<sup>13</sup>

|  | 1/4/18 | 1/4/19 | 1/4/20 | 1/4/21 | 1/4/22 | 1/4/23 | 1/4/24 |
|--|--------|--------|--------|--------|--------|--------|--------|
| Households on waiting list                   | 1,399  | 1,424  | 1,734  | 1,718  | 1,788  | 1,910  | 1,835  |
| Households in reasonable preference category | 1,081  | 1,168  | 1,429  | 1,467  | 1,517  | 1,156  | 1,388  |
| Homeless                                     | 65     | 42     | 49     | 76     | 36     | 54     | 83     |

6.40. Consequently, with significant unmet need as illustrated by 1,835 households on the register in 2024, the contribution of 130 affordable homes on the application site would make a substantial contribution towards address the identified needs of people in the District.

6.41. Tandridge has also experienced worsening of the affordability ratios in the District as illustrated below.



<sup>13</sup> Data from <https://www.gov.uk/government/collections/local-authority-housing-data>.

- 6.42. The chart also shows that affordability ratios in Tandrige District are significantly above those of England and the South East region.
- 6.43. The chart shows that affordable housing is acutely needed with the house prices to earnings ratio of 13.0 in Tandrige in 2024. It remains very significantly above the regional and national figures. It is a crippling affordability ratio.
- 6.44. A step change in the delivery of affordable housing is therefore required if the Council is to get anywhere near to resolve the significant need as assessed in the Technical Assessment (including the Update) alongside the housing register and consequently begin to address the dysfunctions of the local housing market.
- 6.45. The application site in providing 130 affordable homes would make a very significant contribution towards addressing the clear affordable housing need in the district.

### **Summary**

- 6.46. In this context, we afford the delivery of market and affordable homes, and care home accommodation **very significant weight** in the planning balance. The Inspector in the appeal regarding site OXT006 also afforded 'very significant weight' to delivery of 116 homes (58 market and 58 affordable, against a policy requirement for 34% affordable).
- 6.47. This Application scheme delivers over double the number of homes which would have been provided in that scheme (26- dwellings, based on 130 market and affordable dwellings) so this 'very significant' weight is consistent with the approach taken nearby in a similar housing shortfall context.
- 6.48. Local Plan Part 2 Policy DP1 contains a 'tilted balance' policy, which applies where policies are out of date. As such, on the basis of the unmet housing need, which renders relevant policies out of date, the Council's own Development Plan directs that permission should be granted. This is elaborated upon in the Planning Balance section of this report.

## ISSUE 2: THE LOCATION OF DEVELOPMENT/ SPATIAL STRATEGY AND SETTLEMENT BOUNDARIES

- 6.49. Policy CSP 1 (Location of Development) of the Core Strategy provides that *“development will take place within the existing built-up areas of the District (the Category 1 settlements listed below) and be located where there is a choice of mode of transport available and where the distance to travel to services is minimised...”*
- 6.50. The stated purpose of that policy, as set in the opening text of the policy itself, was *“to promote sustainable patterns of travel and in order to make the best use of previously developed land”*.
- 6.51. It is clear that a site adjacent but outside an arbitrary settlement boundary, whilst not supported by the policy, could in fact be capable of meeting this overall policy intention.
- 6.52. That policy did also contemplate additional changes to Green Belt boundaries where it is *“not possible to find sufficient land within the existing built-up areas and other settlements to deliver current and future housing allocations”*. This was to have been given effect via the Site Allocations Development Plan Document.
- 6.53. No such steps were taken in this case although it is clear from online Housing Delivery Test results that such action would have been justified. In any event, the general intention of that policy was to focus additional growth on **sustainable locations**, whilst having regard to the need to prevent coalescence of built up areas (both points being satisfied here).
- 6.54. In summary, policy CSP1 (Location of Development) is not met although the general intention of the policy does lend some support for development of this Site. The policy anticipated this would be plan led, rather than achieved via decision making on any planning application, so the non-compliance is limited to this method by which permission is sought. The Council has not brought forward a plan-led solution to the ongoing housing shortfall in Tandrige, hence the submission of this application.

- 6.55. For the purposes of the planning balance, to which we return later in this statement, Policy CSP1 is considered one of the 'most important policies' for determining the application, for the purposes of paragraph 11(d)(ii) of the NPPF.
- 6.56. Paragraph 232 of the NPPF (Annex 1: Implementation) provides guidance on the approach to out-of-date policies, stating that the amount of weight to be afforded to policies will depend on their degree of consistency with the NPPF.
- 6.57. Policy CSP1 is out of date due to its inconsistency with the NPPF's aim to significantly boost the supply of land.
- 6.58. The settlement boundaries are based on a lower housing requirement, established under the Core Strategy, which falls significantly below the figure now required to meet identified housing needs (equivalent to only 13% of current annual needs and not covering the period beyond 2026).
- 6.59. In any event, it is clear that the conflict with **Policy CSP1 is to be afforded little weight in the planning balance**. The settlement boundaries were drawn to deliver on a strategy which is now widely accepted as being out-of-date.
- 6.60. In accordance with the requirements of paragraph 78 of the NPPF, the housing requirement in Tandrige District now falls to be determined utilising the standard method calculation of local housing need, as the spatial strategy is more than five years old.
- 6.61. As set out in section 5 above, local housing need, using the standard method, significantly exceeds the quantum planned for in the 2008 Core Strategy and the established settlement boundaries.
- 6.62. These boundaries fail to deliver the level of housing now required and as such, the weight to be given to a Site's location inside/ outside of the Boundary is significantly reduced. **Policy CSP1 (and compliance thereto) is afforded limited weight in the planning balance**.
- 6.63. This is consistent with the approach taken by the Inspectors who determined the appeal regarding Land at Chichele Road Oxted (paragraph 6 of APP/M3645/W/24/3345915) and the Land at Old Cottage, Station Road

Lingfield appeal (paragraph 10 of APP/M3645/W/23/3319149).

- 6.64. This proposal accords with the spatial and development management policies of the development plan, save for the Site's position adjacent to, but outside the settlement boundary for Cophorne (which lies within Mid Sussex District). However, as accepted by the Council, the settlement boundary is based upon an out-of-date calculation of housing need.
- 6.65. The Council has accepted there is a need to utilise sites outside of settlement boundaries in order to address housing need – as evidenced by the decision to adopt additional guidance via its Interim Position Statement on Housing Development, IPSHD.
- 6.66. The Inspector who determined Land at Chichele Road appeal made clear that the IPSHD alone was unlikely to be sufficient to address housing need (see paragraph 76 of APP/M3645/W/24/3345915). The decision to make and adopt the IPSHD only arose due to the need for a consistent approach in circumstances where additional land was required, beyond planned site allocations, to meet housing needs due to failure of the Housing Delivery Test.
- 6.67. As set out above, there is only 1.48 year's supply of housing land, which is a very substantial shortfall. In the recent appeal decision, 11 December 2024, the Inspector there considered the shortfall to be 'substantial' – and the situation as worsened since then (from, at best, 1.9 years down to 1.48 years) due to the new standard method approach in the December 2024 NPPF.
- 6.68. Also material is the fact that the emerging Local Plan is unlikely to resolve the housing shortfall in the short term. The Council had planned to submit a new plan for examination in Q4 2027 (as per the Local Development Scheme February 2025).
- 6.69. The Council will need to carry out additional assessment work to determine the extent of Grey Belt land before it can bring forward a plan for examination. The Inspector in 'Land at Chichele Road', at paragraph 77, noted that the problems associated with under supply would persist until that new plan is adopted, which factored into their decision to afford very significant weight to the 116 dwellings proposed on that site. The timelines are now worse than when that decision

was made (due to the new requirement to allocate more homes, based on robust evidence as to the extent of Grey Belt).

- 6.70. On this basis, **the conflict with policy CSP1 is given limited weight** and the benefit of delivery of 260 dwellings **attracts very significant weight**.
- 6.71. The policies, and the planning boundaries associated with it, is aimed at delivering an out-of-date spatial strategy, which fails to meet local housing need. Furthermore, the stated purpose of Policy CSP1 is to ensure development is directed to the most sustainable locations, to reduce the need to travel by private vehicle. This Site is a sustainable location with great walkability and public transport accessibility, so the overall policy intention is satisfied.

### **ISSUE 3: GREEN BELT**

#### **Development Plan: Green Belt Policy**

- 6.72. The application Site is within the designated Green Belt. Policy CSP1 provided that *“there will be no change in the Green Belt boundaries, unless it is not possible to find sufficient land within the existing built-up areas and other settlements to deliver current and future housing allocations. Such changes will only take place at sustainable locations as set out in Policy CSP2 whilst having regard to the need to prevent built up areas from coalescing. Any changes will be made through a Site Allocations Development Plan Document and the accompanying Proposals Map.”*
- 6.73. No such change to the Green Belt boundary in the area of this Site was subsequently made. As such, it remains covered by the designation.
- 6.74. **Policy DP10 and the Proposals Map** confirm the extent of the Green Belt and state that planning permission for inappropriate development will only be permitted in very special circumstances. *“to the extent that other considerations clearly outweigh any potential harm to the Green Belt by reason of inappropriateness and any other harm.”*

- 6.75. To this extent, the policy is broadly in conformity with paragraph 153 of the NPPF.
- 6.76. As we have identified, the Development Plan **is inconsistent with the NPPF (December 2024) in relation to the approach to development in the Green Belt.**
- 6.77. Paragraph 231 of the NPPF confirms that its policies are material considerations to be taken into account in decision making, and that **development plans may also need to be revised to reflect policy changes which this Framework has made.** As such, it is expected that the emerging Tandridge Plan will need to bring local policy in line with new NPPF Green Belt policy in order to be found sound and adopted.
- 6.78. Paragraph 232 of the NPPF states that *“existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. **Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).**”* It is clear, therefore, that development plan policies which are inconsistent with the NPPF can be given reduced weight as a matter of planning judgement.

## **NPPF Green Belt Policy**

### Overview

- 6.79. This proposal is consistent with NPPF Green Belt policy. The Applicant’s position on the issue of Green Belt is as follows.
- 6.80. Firstly, the proposal does not comprise “inappropriate development”, as the Site comprises ‘**Grey Belt**’ land, and **the proposal complies with the Golden Rules.** There is no conflict with Policy DP10 (as that policy only restricts ‘inappropriate development’ for which there are no VSC). There is no definitional harm to the Green Belt.
- 6.81. Moreover, **conformity with the Golden Rules** (including 50% affordable housing) attracts **significant weight as a benefit of the scheme** (as per NPPF

paragraph 158).

- 6.82. In the alternative, should the decision-maker not agree that the Site comprises Grey Belt land, the Applicant's clear position is that despite any definitional harm to the Green Belt by reason of inappropriateness (which would attract substantial weight), there is no significant harm to the purposes of the Green Belt nor any undermining of the Green Belt at a strategic functional level, and collectively there are a range of benefits that clearly outweigh the Green Belt and other harms which arise.
- 6.83. The only other harms arising are conflict with the Development Plan/location outside the settlement boundary (which attracts limited weight) and loss of agricultural land (which equally attracts limited weight).
- 6.84. A more detailed analysis of the above position follows.

#### Grey Belt and the Golden Rules

- 6.85. This section sets out an analysis of the new NPPF provisions regarding 'Grey Belt' land and the Golden Rules for development of the same. In summary, based on the evidence which has been prepared to date, the Site qualifies as Grey Belt land due to it not performing 'strongly' against the relevant Green Belt purposes. The proposal complies with the Golden Rules, and therefore, it is not 'inappropriate' development in the Green Belt. These points are now elaborated upon below.
- 6.86. Paragraph 155 NPPF allows for development on 'Grey Belt' land in certain circumstances, each of which is met in this case:

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

*a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*

*b. There is a demonstrable unmet need for the type of development proposed;*

*c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*

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

6.87. Turning first to requirement (a) of paragraph 155, the term 'Grey Belt' is defined in Annex 2 of the NPF as follows:

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

6.88. As per the wording of the definition a site does not have to comprise previously developed land to be considered 'Grey Belt', by virtue of inclusion of the words 'and/or any other land'. Rather, the focus is on the extent to which the Site serves a strong Green Belt purpose and whether or not any footnote 7 matters provide a strong reason for refusal.

6.89. Therefore, both paragraph 155 itself and the definition of 'Grey Belt' require an analysis of the extent to which the site performs against the stated purposes of Green Belt designation.

6.90. This analysis follows below, before going on to consider the remaining requirements of the Grey Belt definition and paragraph 155 (and in turn, 156 and 157).

#### [The Green Belt Purposes](#)

6.91. The purposes of the Green Belt designation are set out in NPPF paragraph 143 and in the table below.

6.92. The requirements of the Grey Belt definition, and NPPF paragraph 155, are also identified below in respect of each of these five purposes.

| Green Belt Purpose (derived from NPPF para 143)   | Requirement in order to be classified as 'Grey Belt' (based on NPPF Annex 2 definition) | Applicant Assessment   |
|---|---|--|
| <p><b>Purpose (a)</b></p> <p>To check the unrestricted sprawl of large built-up areas (Purpose a)</p>                           | <p>Site must not “strongly contribute” to this purpose.</p>                             | <p>Due to the Site’s location adjoining the existing settlement edge, and contained to the north by an existing track and hedgerow boundary, the proposal will not amount to ‘unrestricted’ sprawl due to the definitive boundaries around the Site to ensure that unrestricted sprawl does not occur.</p> |
| <p><b>Purpose (b)</b></p> <p>To prevent neighbouring towns merging into one another</p>   | <p>Site must not “strongly contribute” to this purpose.</p>                             | <p>The Application Site plays no role in relation to his purpose.</p> <p>It is located adjacent to a village.</p>  |
| <p><b>Purpose (c)</b></p> <p>To assist in safeguarding the countryside from encroachment</p>                                    | <p>Not relevant.</p>  | <p>The Application Site will result in encroachment, as would be the case with any development proposed on a greenfield site within the Green Belt.</p>  |
| <p><b>Purpose (d)</b></p> <p>To preserve the setting and special character of historic towns</p>                                | <p>Site must not “strongly contribute” to this purpose.</p>                             | <p>The Application Site plays no role in relation to this purpose.</p>   |
| <p><b>Purpose (e)</b></p> <p>To assist in urban regeneration, by encouraging the recycling of derelict and other urban land</p> | <p>Not relevant.</p>  | <p>The Application Site plays no role. In this purpose. There are insufficient sites to meet needs without breaching existing settlement boundaries.</p>   |

[The Council’s Green Belt Evidence](#)

**General**

6.93. The Council has produced evidence on the extent to which this Site (as part of a larger Green Belt parcel) performs a Green Belt function.

## Part 1 Green Belt Assessment 2015

- 6.94. In the Part 1 Green Belt assessment the Site forms a small part of parcel GBA040, to the north of Copthorne (see Figure 3 below).

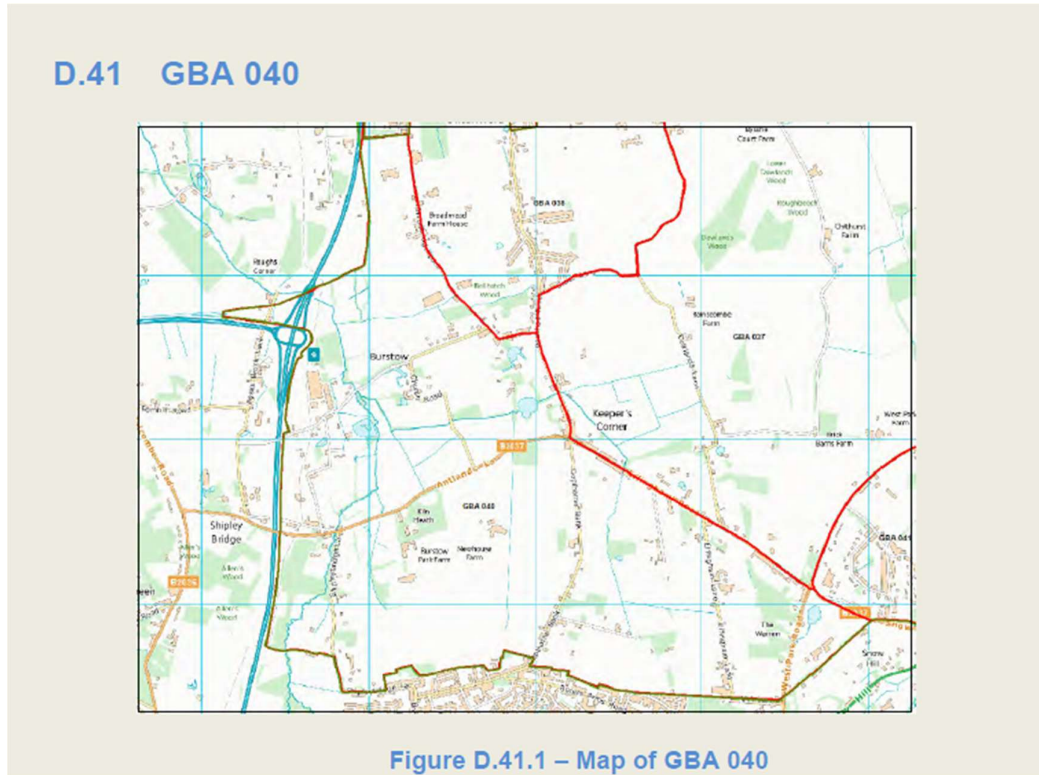


Figure 7 Extract of Green Belt Assessment Part 1 – Parcel GBA040 of which the Site forms a small part

- 6.95. Copthorne is described (para D.41.2) as a large settlement with significant urban form which is visible across the open countryside.
- 6.96. In regard to Green Belt purpose 1 “to check the unrestricted sprawl of large built-up areas” it was considered to not be applicable here as it does not extend from a large built-up area. It was considered for further investigation.
- 6.97. In regard to Green Belt purpose 2 “to prevent neighbouring towns merging into one another”, it was considered that development in this area could reduce the separation between Copthorne and Domewood visually or physically and again were considered for further investigation.

- 6.98. In regard to Green Belt purpose 3 “to assist in safeguarding the countryside from encroachment”, whilst not relevant to the grey belt assessment it does conclude that there has already been some encroachment into parts of this parcel which is of relevance.
- 6.99. In regard to Green Belt purpose 4 “to preserve the setting and special character of historic towns”, this was not relevant to development next to Copthorne.
- 6.100. The overall conclusion was that the whole GBA40 plays an effective role in serving almost all of the purposes of the Green Belt. However, it is considered that this is moderate and not strong given that the parcel was subsequently split into smaller areas for further investigation.
- 6.101. The Site was then considered further as Area 038 in the 2016 Areas for Further Investigation Report.



Figure 8 8 Appendix F Sites for Further Investigation

## Part 2 Green Belt Assessment Review 2016

- 6.102. Part 2 of the Green Belt assessment, published in 2016, undertook further investigation of this application Site, as part of Site 038.
- 6.103. The Assessment was carried out by Tandridge officers in 2016, and the critical friend review was carried out in August 2016. TDC particularly sought views on the consistency in the approach taken to settlements and areas for additional protection/enhancement.

6.104. It should be noted that AA1 is not a Site-specific area (in regard to the Site proposed) and actually sprawls a significant distance along the District boundary of Tandridge. The conclusions to this Assessment are therefore skewed to the wider area and are not site specific.

6.105. It was selected for further investigation as Copthorne sits in Mid Sussex to the south, which is adjacent to the District boundary. The strategic assessment identified the importance of the Green Belt adjacent to Copthorne in preventing sprawl into Tandridge District. Further investigation was warranted due to the sustainable location next to Copthorne.

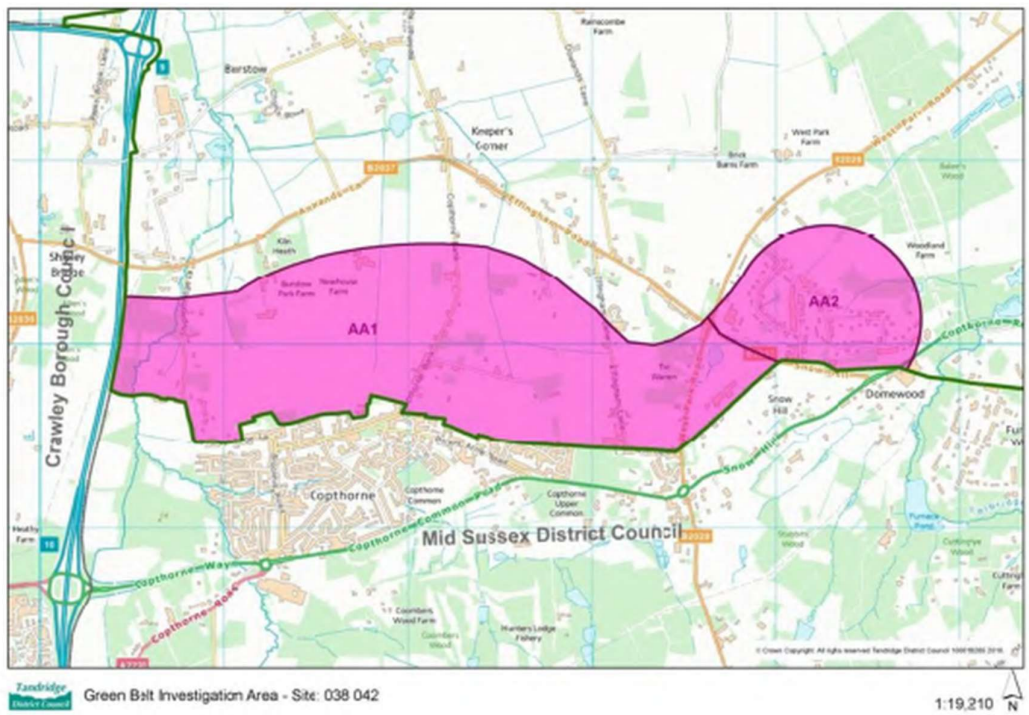


Figure 9 9 Green Belt Investigation Area Site 038

6.106. The Site was not considered to prevent settlements from merging. AA1 was considered to serve the Green Belt purposes effectively of preventing sprawl from large built-up areas. It was therefore considered that AA1 of the Area for Further Investigation should not be considered further as part of the Green Belt Assessment.

6.107. The assessment is considered to be backward looking, stating that because the land is undeveloped, it has clearly *in the past*, prevented sprawl. What that

conclusion is actually saying is that there has been *no encroachment of built form into this countryside site*.

- 6.108. Rather, the assessment against purpose (a) should more rightly have looked at settlement form and function, and the sustainability of the location. There is no universally agreed definition of urban sprawl<sup>14</sup> but as a concept, it is:

*“commonly used to describe the physical expansion of urban areas at the expense of rural and natural areas. It is traditionally associated with negative impacts, such as poorer connectivity, reduced levels of public services, increased energy consumption for heating and transport, traffic congestion, air pollution, as well as a source of irreversible damage to local ecosystems.”*  
(Aurambout et al 2018).

- 6.109. The prevention of urban sprawl, therefore, is partly aimed at preventing expansion into the countryside which contributes to car dependence and increased distance between residents and the and local services facilities and services to which they need access.
- 6.110. The Application Site, whilst undeveloped, is in a highly sustainable location, in very close proximity to the centre of Copthorne.
- 6.111. Development on this Site would not amount to uncontained sprawl of the built-up area. The Site is walkable to the services and facilities of the town centre.
- 6.112. To this extent, it is considered that the Site plays only a very limited role, in preventing ‘sprawl’ from Copthorne.
- 6.113. As such, it is concluded that this application Site does not play any strong role in preventing **unrestricted sprawl** from a large built-up area. Any expansion into the Site would be restricted.
- 6.114. Whilst it is accepted that it prevents encroachment into the countryside, this is not relevant to the question of whether it falls within the new classification of ‘Grey Belt’.

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<sup>14</sup> See Aurambout, J.-P.; Barranco, R.; and Lavallo, C. “Towards a Simpler Characterization of Urban Sprawl across Urban Areas in Europe”. *Land* **2018**, 7, 33

- 6.115. The fact that the Council's initial Green Belt assessment had to be revisited for this Site emphasises its sustainability credentials and also shows that at a more granular level of assessment there was still no evidence of any "strong contribution" to any Green Belt purpose.
- 6.116. Whilst the Part 1 assessment concludes the wider parcel GBA040 plays a role against purposes a, b, c and d it does not state that it plays any *strong* role against any of these; rather, the wording suggest it is "effective" which is considered to be moderate language suggestive of a degree of efficacy without being of any fundamental importance to the performance of the Green Belt in the area.
- 6.117. The requirements of the definition of 'Grey Belt' are therefore met, as the Site makes **no 'strong contribution' to any of purposes a, b or d. Nor would the proposal fundamentally undermine the strategic Green Belt across the Tandridge area**, with 94% of the district covered by the designation, including a large expanse of the rural area.
- 6.118. This area was not considered any further within the Part 3 Green Belt Assessment 2018.

#### Footnote 7 Considerations

- 6.119. Moving from the assessment against Green Belt purposes to the other requirements of the 'Grey Belt' definition, the next consideration is whether any footnote 7 matters provide any strong reason for refusal.
- 6.120. There are no adverse impacts from the Scheme in relation to National Landscapes, irreplaceable habitats, designated heritage assets, or areas at risk of flooding. As such, there are no footnote 7 considerations that represent a strong reason for refusal.

#### The Paragraph 155 Assessment

- 6.121. Having established that the Site is 'Grey Belt' land, we return to paragraph 155 NPPF, which sets out the circumstances in which a proposal on Grey Belt will *not* be considered 'inappropriate development'.

6.122. Firstly, there must be a demonstrable need for this scheme. This has been demonstrated above (see Issue 1), in regard to the need for market and affordable housing and employment space (see issue 5 (below)).

6.123. Secondly, the development must be in a sustainable location. This requirement has also been established elsewhere in this statement (in respect of the spatial strategy and assessment of highways matters) so will not be repeated here.

6.124. Thirdly, the proposal must comply with the Golden Rules as set out in new NPPF paragraphs 156 -157:

| <b>Requirements of and Compliance with NPPF Golden Rules for Development of Grey Belt Land</b> |  |  |
|--|--|--|
| <b>Land</b>  |  |  |
| <b>NPPF Ref</b>  | <b>Requirement</b>   | <b>Assessment</b>  |
| NPPF para 156  | Major development involving the provision of housing, subject to a planning application  | The proposal satisfies the NPPF definition of major development and delivers housing.                                |
| 156(a)(ii) and 157   | Affordable housing – as there is no adopted policy which meets the new NPPF requirements (of para 67-68), the Golden Rules require AH at 15 percentage points above the affordable housing contribution which would otherwise apply subject to a cap of 50%.                 | 50% affordable housing is proposed   |
| 156(b)   | Necessary improvements to local or national infrastructure   | CIL and s106 contributions will be made to address necessary infrastructure improvements.                            |
| 156(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. | On-site provision of play space, allotments and green space which will be highly accessible being on-site provision. |

6.125. Paragraph 158 directs that where a development complies with the Golden Rules, as is the case here, this should attract **significant weight** in favour of the grant of permission.

6.126. On this basis, the proposal is compliant with NPPF Green Belt policy. The Site is Grey Belt land as it does not perform strongly against the relevant Green Belt purposes. The proposal complies with the Golden Rules. As such, it is not

'inappropriate development' in the Green Belt and there is no need to demonstrate Very Special Circumstances for this proposal. We further note that local Green Belt policy is inconsistent with the NPPF (as it makes no provision for development of Grey Belt land) and therefore it attracts limited weight.

The Alternative Scenario: NPPF Paragraph 153 Balance

6.127. In the unlikely event that the Council disagrees that the Site amounts to 'Grey Belt' (for example, because of the conclusions of Part 3 of the Green Belt assessment which found there was a strong purpose) the Scheme would fall to be assessed within the prism of paragraph 153 of the NPPF.

6.128. Those 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.

6.129. In this case, the harm to the Green Belt would comprise:

- Definitional harm (if it is not accepted that the site is 'Grey Belt land'),
- Harm to spatial openness of the Site, introducing built form into an open field,
- Harm to visual openness of the Site; and
- Conflict with purpose (c) (encroachment)

6.130. The 'other' (non-Green Belt) harms which would also need to be factored in, include:

- Loss of agricultural land
- Change in the landscape/ visual impact.

6.131. The benefits, against which these harms are weighed, comprise as follows:

- Provision of much needed homes in a sustainable location, helping to meet identified housing needs (for both market and affordable housing) in the context of a duty to significantly boost the supply of housing. This includes 50% affordable housing for which there is clear evidence of need.

- Provision of new public open space and provision of additional green infrastructure including allotments and provides enhanced opportunities for public recreation and additional habitat and ecological corridors.
- Delivery of much needed employment space in a sustainable location.
- Delivery of homes in an accessible location and delivery of new energy efficient housing stock.
- Increased local expenditure to sustain local services and facilities.
- Local job opportunities and increased economic activity in the short, medium and long term.
- The Scheme satisfies the economic, social and environmental roles of sustainable development, as sought by the NPPF.

6.132. Collectively, it is considered that the harm to the Green and other harms are clearly outweighed by these other benefits, such that very special circumstances exist to justify the grant of planning permission.

#### **ISSUE 4: TECHNICAL MATTERS**

##### **A: Landscape, Green Infrastructure, Open Space and Biodiversity**

6.133. Policy CSP 18 (Character and Design) requires that new development is of a high standard of design which reflects and respects the character, setting and local context, including those features that contribute to local distinctiveness. Development must also have regard to the topography of the site, important trees or groups of trees and other important features that need to be retained, such as tree cover.

6.134. Policy CSP21 (Landscape and Countryside) protects the character and distinctiveness of the District's landscapes and countryside, stating that "new development will be required to conserve and enhance landscape character".

6.135. Policy DP7 (General Policy for New Development) requires that proposals respect and contribute to the distinctive character, appearance and amenity of the area in which it is located and that the built form is in keeping with the prevailing landscape/ streetscape.

6.136. A landscape-led approach has been taken to the masterplan design, taking careful consideration of the relationship between the edges between Copthorne and the countryside, to ensure that the landscape acts as an integrating framework for the Proposal and an overarching green infrastructure provision forms part of the Land Use Parameter Plan. Publicly accessible open space, allotment space and children's play areas will be provided as part of a Green Infrastructure strategy setting out landscaping and ecological enhancement proposals.

6.137. The concept design has been informed by a thorough analysis of the character and features of the existing landscape of the Site and its surroundings. The existing boundary vegetation, including hedgerows/ trees were identified as key constraints.

6.138. The locational benefits of the application site in landscape, green infrastructure and biodiversity are as follows:

- Located adjoining existing areas of housing and close to the emerging settlement edge of Copthorne, utilising the existing infrastructure and thereby minimising impacts arising from creating new infrastructure;
- Out of any national statutorily designated landscape;
- Out of any setting of a statutorily designated landscape;
- Not within or near other designated landscapes, such as Ancient Woodland or Registered Historic Parks and Gardens;
- Not within or adjacent to an Area of Great Landscape Value;
- Not within or adjacent to a Conservation Area; and,
- Not within an NPPF 'valued landscape'

6.139. As a primary measure of mitigation, the proposed development of the application site avoids direct adverse effects on sensitive and valued landscapes.

6.140. A Landscape and Visual Impact Assessment is provided within the submission. This identifies that the Site has not been designated for its landscape value. It is inevitable that there will be significant effects of developing new homes on a

green field site. With changes occurring when measures against the existing baseline resources.

- 6.141. The LVIA concludes that during the construction phase, temporary landscape effects will be experienced both by the Site and within the wider study area. The effects will be adverse but short term and localised during the construction phase.
- 6.142. During the construction phase, temporary visual effects will be experienced by some visual receptors. The views of people using the Sussex Border Path for the section immediately bounding the application site and residents in those properties which overlook the site during the construction phase.
- 6.143. Effects as a result of the operational phase include an adverse effect at the Site level, due to the permanent introduction of built form onto open agricultural land (as is expected). Following mitigation, the provision of accessible spaces providing for a range of activities (in excess of policy requirements) is a significant long term and beneficial effect of the proposals.
- 6.144. Therefore, the requirements of CSP18 and DP7 are met, in terms of the character integrating with its surroundings. There is also some change in the character of the landscape (localised), which partially conflicts with CSP21.
- 6.145. It should be noted that in *Hopkins Homes Ltd v SSCLG* [2017] UKSC 37 Lord Carnwath said [63] the Inspector was “clearly entitled” to reduce the weight to be attached to restrictive policies, such as countryside and landscape policies, where they are derived from settlement boundaries that in turn reflect out-of-date housing requirements. There are obvious parallels with the situation arising here in Tandridge.
- 6.146. Policy CSP17 (Biodiversity) requires protection of biodiversity, and the maintenance, enhancement, restoration and (if possible) expansion of biodiversity.
- 6.147. Policy DP19 of Local Plan Part 2 (Biodiversity, Geological Conservation & Green Infrastructure) protects irreplaceable habitats (such as ancient woodland), seeks to avoid harm to the green infrastructure network and any Priority Species.

- 6.148. NPPF paragraph 187 protects sites of biodiversity value and soils and seeks to minimise impacts on biodiversity. It supports development providing biodiversity net gains and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs.
- 6.149. The ecology reports submitted with the application confirm that the proposal will deliver the statutory requirements, including a **+10% net gain** in biodiversity on and off-site. The PEA and protected species surveys set out suitable mitigation measures to ensure no adverse impact on protected species or designated sites.
- 6.150. Policy CSP13 (Community, Sport and Recreation Facilities/ Services) provides that residential developments may be required to include appropriate open space, play areas or other accessible green space to meet the needs of residents and/or to contribute to the enhancement of such facilities in the area. The standard set out in that policy is 1.27 ha per 1000 population (for playing space). The policy also seeks protection of the Rights of Way network and encourages improvements to the same.
- 6.151. The Land Use Parameter Plan (2512-PL03 Rev A) sets out the parameters for delivery of open/ green space, which will be further detailed at reserved matters stage. As per the key on that drawing, the proposal commits to delivery of public open and amenity space (including equipped children's play areas and land for allotments following conversations in the Parish meeting) and additional landscaping and ecological enhancement works. The publicly accessible open space and play space will meet the requirements of Policy CSP13.

## **B: Highways and Transport**

- 6.152. Policy CSP12 (Managing Travel Demand) requires that new developments make improvements to the existing network and have regard to adopted highway design standards and parking standards.
- 6.153. Policy DP5 of Local Plan Part 2 (Highway Safety and Design) requires the submission of a Travel Plan and Transport Assessment for proposals which generate significant amounts of traffic. The policy states that development will be permitted where it complies with relevant design guidance, does not

unnecessarily impede the free flow of traffic or create hazards, retains/enhances existing footpaths/ cycleways, provides safe and suitable access and funds any necessary mitigation measures.

6.154. Policy DP7 (General Policy for New Development) requires that regard is had to the adopted Parking Standards SPD (2012) or successor documents.

6.155. The TA demonstrates how the Application Scheme accords with the requirements at 9 of the NPPF, including, but not limited to, paragraphs 109, 110, 115, and 117.

6.156. The Application Scheme provides a real opportunity for future residents to access services and facilities, including employment opportunities and education by means other than the private car.

6.157. The raft of sustainable highways enhancements are summarised below and will make a step change in promoting sustainable travel for all living in the area, not just the end occupiers of the proposed development. These measures include:

- The delivery of a new pedestrian/cycle connection between Copthorne Bank and Borers Arms Road, to connect these established corridors within the village
- Reinforce the existing 30mph speed limit on Copthorne Bank, through the delivery of a new gateway/traffic calming feature on this corridor
- Extension of the existing footway on the eastern side of Copthorne Bank, to allow pedestrians easy access to the development via this proposed access point
- Opportunity to enhance bus stop facilities on Copthorne Bank and Borers Arms Road, to potentially include real time passenger information (final measures to be discussed with SCC and WSCC Officers)
- A commitment to contributing towards the support for SCC's Digital Demand Responsive Transport (DDRT) for end occupiers
- A site-wide travel plan, which sets out and delivers all "hard" and "soft" travel plan measures, to encourage occupiers to travel by sustainable modes, and have less reliance on the private car

### **C: Loss of Agricultural Land**

- 6.158. NPPF paragraph 187 requires a recognition of the economic and other benefits of the best and most versatile agricultural land and, as per footnote 65 *“where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.”*
- 6.159. There is no Development Plan policy which specifically protects agricultural land (aside from policies protecting the countryside/ landscape character).
- 6.160. A detailed Agricultural Land Classification has been carried out over the Site. The Site is recorded to contain only Subgrade 3a which is considered best and most versatile agricultural land.
- 6.161. The NPPF requires other benefits to be considered. The food production benefits of the BMV quality of this Site are limited to about 15.8t/annum of wheat and 6.6t/annum of oil seed rape. Hence the food production benefits of a land parcel of this size is limited.
- 6.162. The NPPF sets out that where significant development of agricultural land is necessary, areas of poorer land should be considered. The policy does not specify what constitutes significant development. A good indicator of what is significant development is the consultation threshold for Natural England, which is 20ha. This site therefore does not involve significant development of agricultural land.
- 6.163. In terms of the NPPF, this is not considered significant development of agricultural land. Accordingly, poorer quality land does not need to be considered in preference. Based on the above, it is concluded that limited weight should be given to this loss of agricultural land.

### **D: Flood Risk and Drainage**

- 6.164. Policy CSP15 (Environmental Quality) requires the inclusion of Sustainable Drainage Systems (SuDS).

- 6.165. Policy DP21 (Sustainable Water Management) seeks to secure opportunities to reduce flooding through the incorporation of SuDS. The policy sets out the requirement for a sequential test and Flood Risk Assessment (noting that the policy is not entirely consistent with the NPPF and PPG). The FRA must demonstrate that the proposal would reduce flood risk and includes appropriate flood resilient and resistant design measures so as to reduce flood risk to appropriate levels.
- 5.71. This Site is entirely within Flood Zone 1 and a negligible risk of surface water flooding, as set out in the Flood Risk Assessment submitted with the application.
- 5.72. Small areas of the Site are at elevated risk of surface water flooding and will be managed by the Site's Drainage Strategy. The Site also has a negligible risk of groundwater flooding, low risk of sewer flooding and it is not in an area at risk of flooding from a reservoir failure.
- 5.73. The drainage strategy looks to rainwater interception and re-use source control techniques (permeable paving) green water conveyance infrastructure. In accordance with Civil Aviation Authority requirements. This will also ensure that the development will not impact nearby land in the post-development scenario. Foul drainage is expected to discharge to the existing sewer network.
- 5.74. The policy requirements are therefore met.

#### **F: Air Quality**

- 6.166. Policy DP22 (Minimising Contamination, Hazards & Pollution) of Local Plan Part 2 seeks to avoid development which by virtue of air pollution, or development which would be likely to suffer unacceptable nuisance as a result of proximity to source of air pollution.
- 6.167. An air quality assessment has been undertaken as part of the submission to consider the air quality impacts from the construction phase and once the scheme is fully operational.

- 6.168. A number of mitigation measures have been recommended to mitigate the risk of adverse dust effects and PM10 during the construction phase, and provided these are secured, the impacts will be effectively mitigated.
- 6.169. During the operational phase, the transport movements associated with the proposal are the key source of air quality impacts. The air quality assessment concludes there will be no significant residual air quality impacts. Therefore, air quality impacts are considered to be acceptable and policy compliant.

### **G: Noise**

- 6.170. Policy DP22 of the Local Plan Part 2 (Minimising Contamination, Hazards & Pollution) states that for proposals involving new residential development sited close to transport derived noise sources (such as the railway line), applications will be considered against the noise exposure categories as outlined in the Noise Exposure Categories table in the supporting text, and other material considerations where necessary.
- 6.171. A noise impact assessment has been prepared and is submitted with the application. This assessment shows that the site falls into Noise Exposure Category A (as defined in the Tandridge District Council Local Plan), which indicates that noise is unlikely to be a determining factor in the decision of an application. The Stage 1 risk assessment showed that the site falls into the 'low' risk category.
- 6.172. The stage 2 risk assessment showed that, following an appropriate acoustic design process, residential amenity will be protected using a standard façade buildup and the site will be suitable for residential development.
- 6.173. Plant noise emission limits were also determined for the proposed commercial areas and, so long as these limits are followed, nearby residential receptors will not be negatively affected by the operation of the proposed commercial area.
- 6.174. As such, there is no reason, with regards to noise, that planning permission should be refused and the policy requirement is satisfied.

## **H: Energy, Sustainability and Climate Change**

- 6.175. Policy CSP14 (Sustainable Construction) sets a requirement to reach a minimum 20% saving in CO2 emissions through the incorporation of on-site renewable energy.
- 6.176. The Energy and Sustainability Report submitted with the application sets out the measures adopted to achieve significant CO2 emission reductions in this development including alignment with the recently released Part L 2021 and local plan policy.
- 6.177. The projects design includes the introduction of passive energy efficiency measures into the development to minimise energy consumptions and dwelling heating consumption.
- 6.178. In combination with the passive design and energy efficiency measures will create a very efficient development meeting near PassivHaus energy consumption standards, thus very low carbon and zero pollution development.
- 6.179. Carbon emission reduction targets have been set at 70%. As such this exceeds the Development Plan policy requirement.
- 6.180. In addition, the embodied carbon of the construction techniques will be kept to a minimum via the use of re-used and recycled materials where practical.

## **I: Housing Type and Mix**

- 6.181. Policy CSP7 (Housing Balance) requires ‘an appropriate mix of dwelling sizes’ in accordance with current identified needs for particular areas of the District, as set out in future Housing Need Surveys and Strategic Housing Market Assessments.
- 6.182. The precise housing mix for the 260 dwellings will be developed following the grant of outline planning permission, and form the basis of a reserved matters application.

6.183. As such, there is limited ability to determine compliance or otherwise with these policies, other than to demonstrate that they are capable of being met at reserved matters stage.

#### **ISSUE 5: PROVISION OF EMPLOYMENT SPACE**

6.184. The proposed development involves a net gain of 1456sqm of commercial floorspace, following the demolition of a vacant commercial building. The loss of 244sqm of employment floorspace in Mid Sussex, which will enable the development of 1,700sqm of new employment space in Tandridge District.

6.185. The proposed development is located on the border between the two Districts with the proposed road into the Site in the allocated “existing employment site (SA34)” in Borers Yard, Copthorne off Borers Arms Road, in Mid Sussex.

6.186. As shown below in the illustrative masterplan extract, the demolition of this one building in Borers Yard will enable a new road to be formed which will enable two employment buildings to be created. This will form a logical extension of Borers Yard employment site.



Figure 10 Illustrative Masterplan - employment development and road to Borers Arm Road

6.187. Whilst this will involve the loss of one building, which is shown below, and the relocation of those businesses currently in the building, it will enable nearly 7 times more employment space in Copthorne which will be modern and will meet energy and sustainability standards.



*Figure 11 10 Employment building to be lost with Borers Yard to enable more employment space to be created*

- 6.188. The provision of much needed employment space in a sustainable location will help meet the need for more high-quality employment space required in the Tandridge District. This is a strategic priority for Tandridge<sup>15</sup>.
- 6.189. In addition, this provision of much needed employment space (up to 1,700sqm or 0.69ha), will go some way in assisting the Authorities need, which is seeking between 15.3 – 22.5 hectares of additional B-class employment land by 2033<sup>16</sup>.
- 6.190. DP13 of the Tandridge Local Plan Part 2 states that unless very special circumstances can be clearly demonstrated, the construction of new buildings is inappropriate in the Green Belt. This Green Belt policy (DP13) is inconsistent with the NPPF, not providing for any the development of Grey Belt land. It should also be considered that the limited harm to the Green Belt, already discussed within this statement, and provision of much needed employment land within Tandridge meets the very special circumstances required by this outdated policy.
- 6.191. As stated in NPPF Paragraph 155, the development of commercial space in the Green Belt should not be regarded as inappropriate if it meets all three

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<sup>15</sup> Tandridge Economic Proposition 2017-2022

<sup>16</sup> Tandridge Economic Proposition 2017-2022

tests; grey belt land, demonstratable unmet need for the type of development and in a sustainable location. The development meets all these criteria given its grey belt, there is significant need for high quality employment land in Tandridge and it is in a very sustainable location.

6.192. Policy DP1 – Sustainable Economic Development of Mid Sussex District Plan states that *“Protecting allocated and existing employment land and premises (including tourism) unless it can be demonstrated that there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use”*.

6.193. It is considered that the proposed need for this alternative use (road) which will in turn provide 7 times more employment space would significantly outweigh the loss of 244sqm of employment space albeit the new provision being provided in a different District.

6.194. However given the location of the employment space on the edge of Copthorne (within Mid Sussex), this employment space will certainly also meet the strategic objectives 7 and 8 of Mid Sussex District Plan. The development (whilst being located in Tandridge District) will enable Copthorne to be promoted as a place which is attractive to a full range of businesses, and where local enterprise has the opportunity to thrive. As well as providing opportunities for people to live and work within their communities, reducing the need for commuting.

6.195. It is therefore considered that this proposed development is highly appropriate and will assist both authorities in meeting strategic priorities.

## **ISSUE 6: PLANNING BALANCE**

### Engagement of the Tilted Balance

6.196. The NPPF is a material consideration; and paragraph 11(d) together with footnote 8 directs that as there is not a five-year supply of housing land in Tandridge the tilted planning balance is engaged.

6.197. Furthermore, the ‘most important policies’ for determination of the application are out of date. This is further justification for engagement of the tilted balance.

6.198. In *Wavendon Properties v SSHCLG & Milton Keynes Council* [2019] EWHC 1524 (Admin) the High Court considered the meaning of the phrase “the policies which are most important for determining the application are out-of-date” in paragraph 11(d) of the NPPF.

6.199. At paragraph 56 of the decision the Court clarified that:

*“To answer the question posed by paragraph 11(d) it is necessary, having identified those policies which are most important for the determination of the application, to examine them individually and then consider whether taken in the round, bearing in mind some may be consistent and some in-consistent with the Framework, and some may have been overtaken by events and others not, whether the overall assessment is that the basket of policies is rightly to be considered out-of-date. That will, of course, be a planning judgment dependent upon the evaluation of the policies for consistency with the Framework (see paragraph 212 and 213) taken together with the relevant facts of the particular decision at the time it is being examined..”*

And at paragraph 58:

*“this is a policy designed to shape and direct the exercise of planning judgment. It is neither a rule nor a tick box instruction. The language does not warrant the conclusion that it requires every one of the most important policies to be up-of-date before the tilted balance is not to be engaged. In my view the plain words of the policy clearly require that having established which are the policies most important for determining the application, and having examined each of them in relation to the question of whether or not they are out of date applying the current Framework and the approach set out in the Bloor case, an overall judgment must be formed as to whether or not taken as a whole these policies are to be regarded as out-of-date for the purpose of the decision. This approach is also consistent with the Framework’s emphasis (consonant with the statutory framework) that the decision-taking process should be plan-led, and the question of consistency with the development plan is to be determined against the policies of the development plan taken as a whole. A similar holistic approach to the consideration of whether the most important policies in relation to the decision are out-of-date is consistent with the purpose of the policy to put up-to-date plans and plan-led decision-taking at the heart of the development control process. The application of the tilted balance in cases where only one policy of several of those most*

*important for the decision was out-of-date and, several others were up-to-date and did not support the grant of consent, would be inconsistent with that purpose.”*

6.200. In this case, and based upon the Court’s reasoning, the basket of “most important policies” for determination of this application are indeed out of date. The list of policies applicable to this Proposal are set out in tabular form in Section 5 above.

6.201. The most important policies applicable to this outline application are those related to the spatial strategy, settlement boundaries, landscape and the Green Belt. Overall, these are out of date by virtue of being based upon a significantly lower housing requirement, and the substantial ongoing shortage of housing supply.

6.202. Policies related to landscape attract reduced weight as they are in turn derived from the Planning Boundaries and approach to countryside protection. As per *Hopkins Homes Ltd v SSCLG* [2017] UKSC 37 Lord Carnwath said [63] the Inspector was “clearly entitled” to reduce the weight to be attached to restrictive policies, such as countryside and landscape policies, where they are derived from settlement boundaries that in turn reflect out-of-date housing requirements. There are obvious parallels with the situation arising here in Tandridge.

6.203. In any event, irrespective of whether or not the basket of policies most applicable to the application is out of date, it is clear that there is a very substantial housing supply shortfall in Tandridge, and an absence of a five year supply. As such, the NPPF directs that the tilted balance is engaged.

#### The Tilted Balance

6.204. The Application Scheme falls to be determined under the presumption set out at paragraph 11(d). In the circumstances, there are no strong reasons that would justify the refusal of planning permission when applying the consideration at footnote 7 of the NPPF.

- 6.205. The most relevant of those footnote 7 matters are Green Belt, landscape, heritage and flooding. We have set out above that national Green Belt policy is met. The Site is not within or in the setting of the national landscape or in fact any footnote 7 natural environment areas nor a heritage asset. The Proposal's SUDs regime will provide a betterment in terms of biodiversity and amenity value. The Site is also wholly within Flood Zone 1. As such, there is no clear reason for refusal on the basis of any footnote 7 matters.
- 6.206. As such, **the question for the decision maker is whether the adverse impacts of granting planning permission “significantly and demonstrably” outweigh the benefits when assessed against the NPPF as a whole** (paragraph 11(d)(ii) NPPF) and in particular, having regard to NPPF policy on sustainable locations, the efficient use of land, design quality and affordable housing need. Each of these considerations lends support to this proposal.
- 6.207. The adverse effects are limited to a) the conflict with the Development Plan; b) the localised change in landscape character/visual impact and c) loss of agricultural land. Each of these attracts limited weight.
- 6.208. The Development Plan conflict is limited to (i) the Site's location in the countryside, adjacent to (but outside) the settlement boundary for Cophorne – one of the most sustainable settlements in the District.; (ii) The loss of employment in Mid Sussex, which is being provided in that part of the Site within the Tandridge administrative area (Mid Sussex District Local Plan Policy DP1); and (iii) localised landscape change (conflicting with Mid Sussex District Local Plan Policy CSP21).
- 6.209. These conflicts arise, however, in a scenario where the Council is unable to demonstrate a five-year supply of housing land and additionally, the most important policies for determining the application are out of date. The settlement boundaries and associated landscape policy were decided in support of an out-of-date strategy, which significantly under-delivers on current housing requirements.

6.210. The Site is solely grade 3a agricultural land. The size of the area of BMV, in terms of the NPPF, is not considered significant development of agricultural land. Accordingly, poorer quality land does not need to be considered in preference. It is concluded that limited weight should be given to this loss of agricultural land.

6.211. Turning to the benefits of the scheme, and the NPPF's overall aim for the delivery of sustainable development, we summarise below the economic, social and environmental benefits of the Proposal.

Economic:

6.212. The Proposal will deliver up to 260 dwellings and 1,700sqm of employment space. The proposal will support growth and the associated provision of infrastructure, to be secured through the preparation of a s106 agreement and by the on-site provision of affordable housing.

6.213. Additionally, the Proposal will generate employment during the construction phase and in the operational phase will be associated with local spending by future residents and jobs associated with the employment space. The local spending includes 'first occupation expenditure' by future residents, on new furniture and household goods associated with moving into a new home.

6.214. There will be increased house building in an area where there is demand for new housing; this in turn drives economic growth further and faster. The proposals will contribute to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is being made available in the right plan and at the right time to support growth.

6.215. The previous Government's November 2011 Paper 'Laying the Foundations: A Housing Strategy for England' emphasised (at paragraph 11) that: "getting housebuilding moving again is crucial for economic growth – housing has a direct impact on economic output, average 3% of GDP in the last decade. For every new home built up to two new jobs are created for a year.

6.216. The socio-economic report provides greater detail on the positive impacts the development creates and overall these economic benefits attract **moderate weight**.

Social:

6.217. The Proposal supports the social role of sustainable development, in helping to support strong, vibrant and healthy communities, including through the provision of housing supply to meet identified needs and employment space.

6.218. The construction phase of the proposed development will offer a range of employment and training opportunities across different trades and skillsets, ranging from masonry and carpentry, through to heating, ventilation and air conditioning ('HVAC'), as well as plumbing and electrical engineering.

6.219. The employment opportunities generated during the construction phase, as well as those supported indirectly through long-term resident expenditure and the employment space proposed on-site, will contribute not only to financial stability, but also to wider social and personal benefits. These include increased social interaction through team-based working environments, support for skills development (as outlined above), and opportunities for personal growth—all of which contribute positively to overall wellbeing.

6.220. The Proposal will deliver up to 260 dwellings, including 50% affordable housing which is in excess of the 34% Development Plan policy requirement. The lack of housing security and stability often generates adverse effects, and impacts upon residents' mental wellbeing, including amongst young children's school achievements. Given the longstanding nature of the housing shortfall, the likely timeframes for new site allocations and the potential for increased housing requirements as a result of changes to the NPPF, this benefit attracts **very substantial weight**. In a recent appeal nearby, a scheme of over half this scale was afforded very significant weight by the Inspector so this weighting is endorsed elsewhere.

- 6.221. Additionally, the future residents will reside in a sustainable location, within easy walking distance of local facilities including the local primary school. This supports healthy lifestyles which children can walk to school, and fewer private vehicle movements generate less vehicle and carbon emissions.
- 6.222. The proposed green areas, allotments and children's play space will promote physical and mental well-being among residents, particularly families with young children. Through this, community engagement and social integration are also fostered by providing spaces for recreation amongst residents and the wider community.
- 6.223. Providing interactive open spaces where people can meet, exchange ideas, and learn from each other is crucial in fostering social connectivity and community development. Research has shown that such spaces provide opportunities for individuals to engage in face-to-face interactions, build relationships, and develop a sense of belonging.<sup>17</sup> These interactions facilitate the exchange of knowledge, experiences, and perspectives, promoting learning and personal growth.<sup>18</sup> By creating environments that encourage interaction and collaboration, these spaces contribute to social capital formation, community resilience, and positive social outcomes.<sup>19</sup>
- 6.224. Moreover, the delivery of high-quality design and public realm is fundamental to creating a healthy and inclusive living environment. Well-designed, energy-efficient homes and accessible public spaces support both physical and mental wellbeing, with long-term and far-reaching impacts. As such, the proposed development is expected to generate meaningful societal benefits, including:
- Improved life outcomes for residents through access to quality housing and supportive environments;
  - The creation of a restorative environment, including both private and public open spaces, which encourage outdoor activity and social engagement;

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<sup>17</sup> Jennings, 2019. The Relationship between Social Cohesion and Urban Green Space: An Avenue for Health Promotion

<sup>18</sup> Make, 2023. Knowledge exchange and social connection

<sup>19</sup> What works wellbeing, 2023. Places, spaces and social connection: five years of new learning

- A reduction in residents' vulnerability to illness and disease associated with poor-quality or outdated housing—ultimately contributing to reduced pressure on health services, including potential cost savings to the NHS.

6.225. The proposal complies with the Golden Rules set out at paragraph 156 of the NPPF; as directed by paragraph 158 of the same, this alone attracts significant weight in the planning balance.

6.226. Overall, the social benefits attract **substantial weight**.

### Environmental

6.227. The Site is not located on land which is designated for its landscape value; the majority of trees and hedgerow will be retained, with additional planting undertaken. Additional blue and green infrastructure will also be provided.

6.228. The proposed development will deliver a total of 5.60 hectares of on-site open space, comprising a range of different typologies to meet the diverse needs of residents and the wider community.

6.229. The proposed development will achieve an overall Biodiversity Net Gain (BNG) of at least +10% as required by Policy, representing a notable enhancement to local biodiversity relative to the Site's existing baseline. It should be noted that this uplift is subject to off-site gains being delivered.

6.230. A landscape-led approach that seeks to integrate, protect, and enhance the Site's diverse natural features has been adopted. The design prioritises ecological sensitivity and resilience, enabling nature, ecosystems, and people to thrive in harmony.

6.231. The Proposal will deliver sustainable homes built to modern energy efficiency standards in an accessible location. The improvements to walking and cycling infrastructure will support active travel, therefore delivering additional environmental benefits as we transition to a low carbon economy.

6.232. Overall, the environmental benefits of the proposal attract **moderate weight**.

## Harms and Benefits

6.233. The table below summarises these adverse impacts and benefits, and the weight attributed thereto.

| Harms  | Weight  |
|--|---|
| Localised change in landscape character/ visual impact.  | Limited   |
| Loss of agricultural land resource   | Limited   |
| Benefits   | Weight  |
| Provision of up to 130 market homes  | Very substantial                                |
| Provision of up to 130 affordable homes  | Very substantial                                |
| Provision of development in a sustainable location, which supports healthy walkable lifestyles   | Moderate  |
| Development which complies with the Golden Rules of paragraph 156 NPPF   | Significant (as directed by paragraph 158 NPPF) |
| Apprenticeship opportunities and health and wellbeing opportunities through the design of the development                              | Significant                                     |
| Delivery of green space and allotments   | Moderate  |
| Economic benefits – Creation of jobs during the construction phase and operational phase. Increased spend during the operational phase | Moderate  |

6.234. When carrying out the planning balance, in the context of the presumption in favour of sustainable development at paragraph 11(d)(ii) of the NPPF, **the adverse impacts are not significantly, nor demonstrably, outweighed by these benefits.**

6.235. By contrast, the benefits significantly outweigh the limited adverse impacts, and planning permission should therefore be granted.

## **7 SUMMARY AND CONCLUSION**

### **Position Statement**

- 7.1. Outline planning permission is sought for the construction of up to 260 dwellings and 1,700sqm of employment space. The proposal will deliver 50% affordable housing (up to 130 dwellings). The Site lies outside the designated settlement boundary for Cophorne (Mid Sussex District). It does, however, lie directly adjacent to the boundary. The Site is sustainably located, within walking distance of local services and facilities.
- 7.2. This planning application has been informed by a collaborative pre-application process undertaken with the LPA, local community and relevant consultees.
- 7.3. The Proposal has been assessed, in terms of its compliance with Development Plan policy. The Proposal complies with all relevant Development Plan policy, save for its position outside of the settlement boundary and the associated localised impact on landscape character.
- 7.4. The Development Plan conflict is limited to (i) the Site's location in the countryside, adjacent to (but outside) the settlement boundary for Cophorne – one of the most sustainable settlements in the District.; (ii) The loss of employment in Mid Sussex, which is being provided in that part of the Site within the Tandridge administrative area (Mid Sussex District Local Plan Policy DP1); and (iii) localised landscape change (conflicting with Mid Sussex District Local Plan Policy CSP21).
- 7.5. These conflicts arise, however, in a scenario where the Council is unable to demonstrate a five-year supply of housing land and additionally, the most important policies for determining the application are out of date. The settlement boundaries and associated landscape policy were decided in support of an out-of-date strategy, which significantly under-delivers on current housing requirements.
- 7.6. The basket of policies which are the most important for determining the Application is out-of-date, for the purposes of paragraph 11(d).

- 7.7. Furthermore, there is a lack of five-year housing supply in Tandrige District.
- 7.8. For both of these reasons, the tilted balance of paragraph 11(d)(ii) of the NPPF engaged.
- 7.9. This directs that planning permission should be granted for the proposal unless the adverse impacts would “significantly and demonstrably” outweigh the benefits.
- 7.10. The adverse impacts are limited to the above policy conflict (with out of date policy), localised landscape change and loss of a countryside/ agricultural site, albeit one which is adjacent to the settlement boundary.
- 7.11. These adverse impacts attract limited weight in the planning balance.
- 7.12. The intention of the settlement boundary is to direct development to sustainable locations and reduce the need to travel by car; as such, the purpose of the policy is met via development of this Site.
- 7.13. As per the approach taken in numerous recent appeals, **limited weight is afforded to the loss of this countryside Site and the localised impacts on rural landscape character, and the Development Plan conflict.**
- 7.14. **The loss of agricultural land also attracts only limited weight**, given the size of the area of BMV, in terms of the NPPF, is not considered significant development of agricultural land. Accordingly, poorer quality land does not need to be considered in preference.
- 7.15. The Scheme results in many benefits, including the provision of market and affordable housing, in the context a persistent under supply of housing land and no imminent prospect of this being resolved in the short term until the emerging Local Plan progresses. This benefit attracts **very significant** weight, particularly given the delivery of up to 130 affordable homes.
- 7.16. The Proposal addresses housing need in a sustainable location. We afford this benefit **moderate** weight.

- 7.17. The Proposal also delivers economic benefits (**moderate** weight), social benefits (**substantial** weight) and environmental benefits, arising from biodiversity enhancements (**moderate** weight).
- 7.18. Overall, the adverse impacts do not ‘significantly’, nor ‘demonstrably’ outweigh these benefits. The proposal delivers sustainable development to address local needs, whilst protecting and enhancing the environment, as is the overarching objective of the planning system, as set out at paragraph 8 of the NPPF.
- 7.19. Tandridge is a highly constrained district, as recognised by numerous recent appeals. The larger settlements in the district are within or in the setting of the National Landscape; as such, there is an inevitable need to accommodate housing growth in suitable locations outside the National Landscape as long as these locations are sustainable, with walkable access to services and facilities, and public transport for journeys further afield (as is the proposed development).
- 7.20. There is also wide acceptance of the need to utilise greenfield sites, outside Planning Boundaries, as set out in recent appeals, and the Council’s own IPSHD SPD.
- 7.21. The Deputy Prime Minister has made clear, in her Statement of 30 July 2024, that “**we are in the middle of the most acute housing crisis in living memory**.” This sentiment has been carried forward in the WMS to the NPPF (Dec 2024).
- 7.22. Home ownership is out of reach for too many; the shortage of houses drives high rents; and too many are left without access to a safe and secure home.” As such, the Government is clear that “**there is no time to waste. It is time to get on with building 1.5 million homes.**”

### Summary

- 7.23. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out a requirement for planning applications to be determined in accordance with the development plan unless other material considerations indicate otherwise.

- 7.24. In this instance, whilst the location beyond the settlement boundary means the Application Scheme is in conflict with Policy CSP1, that policy aimed to direct development to sustainable locations and therefore, the proposal accords with the overall policy intention.
- 7.25. The Development plan is not based upon a NPPF compliant assessment of housing need and cannot be said to be up to date in respect of its housing requirement or in relation to policies that seek to restrict development within the defined settlement boundaries.
- 7.26. Policy CSP1 and the settlement boundaries are out of date and any conflict is afforded limited weight in the planning balance. The settlement boundaries are based on a housing need figure which is approximately 13% of the current objectively assessed need. The spatial strategy has failed to deliver housing as planned, with the Housing Delivery Test result being 42%.
- 7.27. TDC is also unable to demonstrate a five-year supply of deliverable housing land. It is clear that land beyond existing settlement boundaries will need to be utilised to meet housing need, as is evidenced by the Council's adoption of the IPSHD. In a recent appeal (determined under the previous version of the NPPF) the inspector was clear that the IPSHD on its own is unlikely to address housing needs<sup>20</sup>.
- 7.28. The Site is within the Green Belt it is a Grey Belt site, and the proposal complies with the NPPF's Golden Rules, including 50% affordable housing.
- 7.29. The Development Plan Green Belt policy is inconsistent with the NPPF as it does not allow for development of Grey Belt land.
- 7.30. As such, that policy is given limited weight (as per NPPF paragraph 232). In so far as the proposal complies with NPPF Green Belt policy at paragraphs 155, 156 and 157, development of the Site is not inappropriate.

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<sup>20</sup> Land at Chicele Road, Oxted (OXT006)

- 7.31. As directed by paragraph 158, **compliance with the Golden Rules attracts significant weight** in favour of the proposal.
- 7.32. Even if it were not accepted that the Site comprises 'Grey Belt' land, any potential harm to the Green Belt by virtue of 'inappropriateness' and any other harm resulting by the proposal is clearly outweighed by other considerations, so as to amount to 'very special circumstances'.
- 7.33. In such a case, the harm is limited to definitional harm to the Green Belt, and moderate impacts on openness and the purposes of Green Belt designation, together with the loss of a parcel of agricultural land. This is outweighed by the collective package of benefits, which include housing delivery (including market housing and 50% affordable housing), development of energy-efficient homes in an accessible location, employment space, economic benefits, social benefits and environmental benefits.
- 7.34. In the circumstances, the presumption in favour of sustainable development (the titled balance) at paragraph 11(d) of the NPPF is engaged.
- 7.35. This requires planning applications to be approved unless footnote 7 considerations provide a strong reason for refusing development (which they do not); or any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. Again, they do not.
- 7.36. This is demonstrably a case where the weight to be attached to conflict with the Development Plan (on account of the conflict with CSP1) can be reduced given the need to breach the settlement boundaries identified in the Development Plan to meet development needs. The substantial weighty material considerations in favour of the Scheme are clearly sufficient to outweigh the identified conflict with a single development plan policy.
- 7.37. On the basis of the foregoing, whilst under the application of 38(6), there is a *prima facie* conflict with development plan policy CSP1, the settlement boundaries upon which the spatial policies operate are out of date by virtue of

having been drawn to accommodate non-NPPF compliant development needs, quite apart from issues of 5-year land supply. All this goes to reduce the weight of any breach identified.

- 7.38. Based on the foregoing, the weight to be attached to the conflict between the Application Site and its location adjoining but ultimately beyond the settlement policy boundary for Copthorne is significantly reduced.

### **Conclusion**

- 7.39. The benefits from the Application Scheme are many and manifest, not least the provision of housing and affordable housing when the Country and the District faces a housing crisis, which government policy is seeking to address. The Application Site is sustainably located and offers one of few options for delivery of growth without impacting on valued landscapes.
- 7.40. When carrying out the overall planning balance, in the context of the presumption in favour of sustainable development at paragraph 11(d)(ii) of the NPPF, the material considerations in favour of the Scheme (provision of market and affordable housing, employment space, economic benefits, social benefits and environmental benefits) outweigh the conflict with an out of date settlement boundary, loss of agricultural land and localised change to the landscape.
- 7.41. The Application Scheme satisfies the economic, social and environmental roles of the NPPF and has been advanced following pre-application and has been amended to respond to the advice received.
- 7.42. For the reasons set out above, planning permission should be granted.

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