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Dear Terry

Land east of Rayleigh Road, Thundersley (planning application reference 23/0085/OUT)

I am writing to you further to the publication of three recent appeal decisions to highlight the relevant conclusions of the inspectors, where these are pertinent to the consideration of our planning application on land east of Rayleigh Road, Thundersley. One appeal (Land east of Manor Trading Estate, Benfleet) is within Castle Point and the other two appeals (Limpsfield Road, Warlingham and Little Chalfont) are appeal decisions from other local planning authority areas.

I would note from the outset (particularly for the two appeals outside of Castle Point Borough) that we acknowledge that the context of the sites subject of the appeal will undoubtedly be subject to differences to the circumstances for our current planning application. However, the matter of principal importance is the weight which the inspectors have afforded to the particular material considerations in favour of those appeal schemes, in reaching a conclusion that very special circumstances exist to justify the grant of planning permission.

Land east of Manor Trading Estate, Benfleet (APP/M1520/W/22/3310794, Castle Point application reference 21/0532/OUT)

The appeal decision for land east of Manor Trading Estate, Benfleet was issued on 9 May 2023. The appeal was dismissed. It is important to note the context of the site upfront. The appeal site was initially allocated for both residential and employment uses in the now withdrawn Castle Point Local Plan (2018-2033). However, the council deleted the proposed residential element from the allocation in advance of submitting the local plan for allocation, in light of the potential impact of neighbouring commercial uses (including a scrap yard) on the amenity of proposed dwellings (from noise generation). This was a significant matter of consideration for the inspector in the determination of the appeal.

Indeed, at paragraph 56 of the appeal decision, the inspector concludes, *"In the light of the information subsequently submitted by the appellant in this appeal, I concur with the decision to exclude residential uses from the site and conclude that the effects on the proposal of noise from the Manor Trading Estate, specifically Benfleet Scrap, would provide a poor acoustic environment for much of the residential element of this proposal and so be contrary to NPPF paragraph 130(f)."* The inspector further concludes, at paragraph 58, that *"I therefore conclude that although in principle it would be possible to reduce external conditions on parts of the site from SOAEL (significant) to LOAEL (lowest observable) (albeit not to No Observed Adverse Effect Level (NOAEL)), it has not been demonstrated that this would be possible on a sufficient extent of the site to accommodate the 68 residential units proposed."*

I would note that there are a number of conclusions reached by the inspector which are pertinent to the determination of our planning application on land east of Rayleigh Road, Thundersley and which positively support the material considerations weighing in favour of our scheme (which we consider cumulatively demonstrate very special circumstances exist to justify granting planning permission in the Green Belt). These include:



- At paragraph 63 of the decision letter, the inspector considers the Council's current housing land supply position. The inspector comments that, *"The Council has identified sufficient housing development land for just 1.86 years' supply, well below the five years sought by government policy. The position is not expected to improve in the near future. **In the past three years, the Council has delivered only 48% of the homes required. In the seventeen years to March 2018 it has only delivered 44% of its requirements. Only 11 local planning authorities (out of 328) have worse records of delivery and two of those are the Council's immediate neighbours** so the poor housing delivery record of the local area extends beyond the restricted confines of Castle Point."* **[my emphasis]**
- Considering identified affordable housing needs in the borough, the inspector concludes, at paragraph 65, *"To meet its full needs, the Council would require 291 affordable homes each year. In the last three years, **only 12 affordable homes have been delivered**. No affordable housing at all has been delivered in two of the last three years."* **[my emphasis]** We have outlined, within our planning statement, at section 7.5 the record of affordable housing delivery in the borough and the significant contribution land east of Rayleigh Road, Thundersley can make to the availability of affordable housing stock locally, in an authority which has an affordability ratio of 12.22 (meaning house prices in Castle Point are over 12 times the average annual wage).
- Importantly, at paragraph 66 of the appeal decision, the inspector determines the weight to be afforded to the provision of market and affordable housing, concluding, *"The figures show that the proposal would make a significant contribution towards meeting the Council's general and affordable housing needs. It is hardly surprising then, that both parties agree that this should be given substantial weight in the planning balance⁶. I concur. The proposal would contribute to the government's objective of significantly boosting the supply of homes and would comply with extant Local Plan policy H7 for the provision of affordable housing."*

It should be noted that the inspector makes a reference to a footnote here, with regard to the weight to be afforded to the provision of affordable housing. In this footnote, the inspector notes, *"Very substantial weight was given to a proposal for 265 dwellings which the Secretary of State held would make a significant contribution towards meeting the Council's general and affordable housing needs in April 2017 (APP/M/1520/A/14/2216062) when it was adjudged to have an identified housing land supply of between 0.4 and 1.1 years. The current case would offer fewer dwellings in a situation of a marginally improved housing land supply and so substantial weight, rather than very substantial weight is the appropriate judgement."*

The planning application for land east of Rayleigh Road is for 455 homes (of which 40% would be affordable) against a current housing land supply of 1.86 years. Arguably, there is a much stronger case therefore for affording very substantial weight to the provision of general and affordable housing from our proposals, relying upon the considerations of this inspector. Our planning statement already advocates for 'very significant weight' to the provision of affordable housing in light of the chronic shortfall in provision over the previous 11 years.

- Perhaps most importantly is the inspector's acknowledgement that there is a widespread acceptance that to provide an adequate housing supply *"In Castle Point there is widespread acceptance that an adequate housing supply must involve the use of Green Belt land. In normal circumstances, the simple fact of providing housing would not amount to the very special circumstances necessary to justify inappropriate development within the Green Belt. It is housing supply in the face of a very poor performance on delivery which is the consideration here."* The evidence base for the now withdrawn local plan (as highlighted in the bullet point list under paragraph 6.13 of our submitted planning statement) included the urban capacity assessment, which had demonstrated that *"around 53% of the housing need could be met within the urban area (that is to say outside of the Green Belt). Therefore, it is not possible to rely on increasing the supply of housing within the urban area to avoid the need to alter the boundaries of the Green Belt to meet housing need."* It is therefore clear that Green Belt development is inevitable if the Council is to meet its annual housing requirement (which has not been met in any of the previous 11 monitoring years).



Therefore, whilst the appeal for Manor Trading Estate, Benfleet was dismissed, the inspector's conclusions as highlighted above with regard to the planning policy position in Castle Point, and the persistent failure to deliver sufficient market and, most importantly, affordable homes in the borough, lend support to the particular very special circumstances highlighted within our submitted Planning Statement, and our overall planning balance.

Land west of Limpsfield Road, Warlingham (APP/M3645/W/22/3309334), dated 11 April 2023

I attach with this letter a further appeal decision for a site in Warlingham (Tandridge District Council), which concerned a scheme for 100 dwellings (40% affordable), with associated infrastructure, landscaping and re-provision of sports facilities. The appeal decision is another example of a Green Belt site, which benefits from an emerging local plan allocation (which proposes the site's release from the Green Belt), being found to demonstrate that very special circumstances exist, leading to the appeal being allowed.

The circumstances in Tandridge, in particular for affordable housing delivery and housing land supply shortfall, are remarkably similar to the current policy situation in authority areas such as Castle Point and Basildon – for example, at paragraph 95 the inspector concludes, *“the appeal scheme would assist in addressing the acute and persistent housing supply shortfall and would deliver affordable housing in an area of high need. I attach substantial weight to the critically needed housing benefits of the scheme.”*

In addition, the appeal is one of a number of recent appeal decisions which has clarified that the tilted balance, at paragraph 11d of the NPPF, can apply where a scheme has demonstrated that very special circumstances exist. Indeed, the inspector concludes at paragraph 96, *“given the existence of very special circumstances, it follows that the application of the Framework's Green Belt policies does not provide a clear reason for refusing planning permission.”* The inspector continues, at paragraph 104, *“The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites, as such the tilted balance in paragraph 11d) of the Framework is engaged.”*

Land between Lodge Lane and Burtons Lane, Little Chalfont, Amersham (APP/X0415/W/22/3303868), dated 8 March 2023

Finally, I would also highlight the conclusions of an inspector in a recent appeal decision for a site in Little Chalfont (Buckinghamshire Council), for the provision of 215 market homes, 152 affordable homes, 15 self-build / custom plots, 100 retirement living units, a 60-bed care home, local centre and land safeguarded for educational use on the site of a former golf course in the Buckinghamshire Green Belt.

The Little Chalfont appeal site had benefitted from an emerging local plan allocation, within the Joint Chiltern and South Bucks Local Plan. However, this local plan was withdrawn further to concerns from the examining inspector regarding the duty to cooperate with neighbouring authorities. The inspector noted that the withdrawn policies would not carry weight in their decision. However, at paragraph 18 of the appeal decision, the inspector importantly concluded, *“The site's allocation (SP BP6), within the withdrawn joint local plan carries no weight. However, I recognise that the Green Belt assessments which informed the allocation do carry **significant weight**.”* [my emphasis]

This is consistent with our own assessment of the weight to be afforded to the evidence base for the now withdrawn Castle Point Local Plan (2018-2033). We similarly acknowledge that the policies of the now withdrawn Castle Point Local Plan carry no weight in the determination of our application.

Further particular conclusions of note from the inspector in the Little Chalfont appeal decision (which are pertinent in the context of our application on land east of Rayleigh Road, Thundersley), include:

- At paragraph 128, the inspector notes that Buckinghamshire's housing land supply position of 1.81 years is a 'chronic' position. This is comparable to CPBC's current land supply position of 1.86 years. With further similarity with Castle Point, the inspector in the Little Chalfont case notes that the housing land supply position is '*declining*'. Without the benefit of an adopted local plan in place which can appropriately meet the housing needs of the borough (as acknowledged in the conclusions of the urban capacity study), Castle Point's housing land supply position is likely to continue to deteriorate, resulting in further worsening affordability and housing shortfall in the borough.



- At paragraph 129, the inspector therefore affords the proposed provision of market and affordable housing very substantial weight. The conclusion of very substantial weight is similar to the very significant weight attributed to affordable housing within our submitted planning statement.
- At paragraph 135, the inspector states, *"I acknowledge the Council's position that the most appropriate way to address these shortfalls would be through a plan-led approach. However, following the withdrawal of the joint plan, it is unclear when a new plan will be adopted, with officers indicating that this could be 2026. After this date, an application would still have to be determined. In contrast, the appellant anticipates that in the event of this appeal being allowed development could proceed in 2024, with around 80% of the whole scheme being built out by 2029."* Again, these circumstances are remarkably similar to those currently being experienced in Castle Point.
- Continuing at paragraph 137, the inspector notes, *"...the Council has not advanced an argument to demonstrate that this level of housing need could be met through the recycling of derelict or urban land in line with paragraph 138e) of the Framework"*. I must emphasise the existing urban capacity study for Castle Point, and the extremely low level of supply expected as confirmed through the recent CIL Examination over the next 10 year period which confirms that the situation in Castle Point is dire, in similarity with Buckinghamshire Council.
- Reaching their overall conclusions, at paragraph 162 of the decision, the inspector determined that very special circumstances exist due to the significant benefits associated with the appeal (which clearly outweigh the identified harms to the Green Belt by reasons of inappropriate development).
- Furthermore, at paragraph 163 (in similarity with the conclusions of the inspector in the Warlingham decision), the inspector therefore concluded that, in light of the land supply deficit, the tilted balance is engaged (further reinforced by the inspector's conclusions at paragraph 182 of the decision).
- Finally, I would highlight the conclusions of the inspector at paragraph 179, which are also comparable to the scenario in CPBC – *"The Council advances a case against the scheme that the permanence of the Green Belt should be protected from death by a 'thousand cuts'. This argument requires balance against the absence of any Green Belt review, despite the Council's commitment included in its adopted local plan. This matter has been compounded by the withdrawn joint local plan. Whilst the emerging plan is a new opportunity to address this matter its adoption is several years away in contrast to the delivery timescale of this scheme."*

Conclusions

As identified in our submitted planning statement, and as summarised within this letter, I have identified that the proposals will deliver a number of significant benefits. The benefits of our planning application on land east of Rayleigh Road are numerous, and I consider cumulatively amount to very special circumstances. The appeal decisions quoted in this letter are material considerations which demonstrate the weighting applied by inspectors to the particular material considerations in favour of our proposals, and their own conclusions that very special circumstances existed (I acknowledge that this was not the case in the Manor Trading Estate appeal, however, this appeal scheme was dismissed for other matters, including noise from an adjoining scrap yard).

It is therefore considered that our overall planning balance, as outlined in section 9 of our submitted planning statement, is supported by the conclusions of the inspectors in the quoted cases, and therefore I continue to be of the view that our application demonstrates sufficient very special circumstances exist which outweigh the identified harms to the Green Belt. In this case, I would therefore respectfully invite you to reach a similar conclusion, and to apply (should you similarly conclude that sufficient very special circumstances exist) the tilted balance in favour of granting planning permission, as outlined in paragraph 11d of the National Planning Policy Framework.



I trust that this letter, and its enclosed documents are of assistance, and I would be grateful if the quoted appeal decisions could be taken into consideration in the determination of our planning application. Should you have any queries regarding the above, or the enclosed, please do not hesitate to contact me.

Yours sincerely

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Enc(s): Land east of Manor Trading Estate, Benfleet appeal decision (APP/M1520/W/22/3310794, Castle Point application reference 21/0532/OUT, dated 9 May 2023)
 Land west of Limpsfield Road, Warlingham appeal decision (APP/M3645/W/22/3309334), dated 11 April 2023
 Land between Lodge Lane and Burtons Lane, Little Chalfont, Amersham appeal decision (APP/X0415/W/22/3303868)

Copy to: Terry Garner
 Sophie Adams
 Mark Sperrin
 Mike Carpenter



Appeal Decision

Inquiry Held on 28 February, 1, 2 and 7 March 2023

Site visit made on 3 March 2023

by P W Clark MA(Oxon) MA(TRP) MRTPI MCMi

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9th May 2023

Appeal Ref: APP/M1520/W/22/3310794

Land East of Manor Trading Estate, Benfleet, Essex SS7 4PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by G P Smith, G M Smith, G W Smith, G&K Groundworks Limited and ACT Roadways Limited against the decision of Castle Point Borough Council.
 - The application Ref 21/0532/OUT, dated 2 August 2021 (but amended on 28 April 2022), was refused by notice dated 10 May 2022.
 - The development proposed is 68 residential units, three Class E (commercial, business and service) units, one B2 (general industrial) unit and two B8 (storage and distribution) units with associated access, parking, amenity space, strategic landscaping and noise attenuation, restoration and improvement of existing estate roads and infrastructure.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application was made originally in the names of a number of parties including K M Smith. By the time of the appeal, K M Smith was deceased. The appeal goes forward in the names of the remaining parties.
3. The application is made in outline. Revised details of access on to Church Road were submitted on 24 February 2023 and, with the Council's agreement, are to be considered now. Details of other access, internal access, appearance, landscaping, layout and scale are matters reserved for detailed applications to be made later.
4. Three successive application forms were submitted, dated 21 May 2021, 2 August 2021 and 2 August 2021 (but submitted on 28 April 2022). The first two sought permission for different quantities of non-residential development. They are indicated to be superseded and so, I have taken the date of the application to be that of the most recent form submitted.
5. The Proposed Development was screened by the Secretary of State in accordance with Regulation 14 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. A determination was reached that the proposed development is not EIA Development. There is therefore no Environmental Statement required nor any Parameter Plans to be imposed by condition in the event of permission being granted.

6. During its consideration of the application, the Council conducted a Habitats Regulation Assessment (HRA) of the proposal in relation to its potential effect on the Benfleet and Southend Marshes Special Protection Area (SPA) and Ramsar Site and the Outer Thames SPA. This assessment did not conclude that significant effects were likely and so does not give rise to the need for an Appropriate Assessment. However, the HRA did conclude that the construction phase of development might result in noise, light, dust and vibration which could have an impact on the designated sites but which could be mitigated through the preparation and implementation of an appropriate construction environmental management plan.
7. The HRA in the council's committee report also concluded not that the residential development would have a likely significant effect on the designated sites through increased recreational pressure but that the development had the potential to do so. Again, that conclusion did not give rise to the need for an Appropriate Assessment but the report noted that a financial contribution to the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) would secure management, education and control of visitor numbers sufficient to mitigate the impact. These findings concur with the advice given by Natural England in its observations on the application dated 16 August 2021. I concur with and adopt this assessment for the purposes of this appeal.
8. Before the close of the Inquiry a s106 agreement was submitted. Because I am dismissing this appeal for other reasons, I have not felt the need to consider this against the requirements of the CIL regulations in this decision.

Main Issues

9. It is common ground that, by definition, the development would be inappropriate development within the Green Belt. The main issues in this appeal are therefore:
 - The effects of the proposal on the openness and purposes¹ of the Green Belt.
 - The effects of the proposal on safeguarded waste disposal sites within the adjoining Manor Trading Estate.
 - The effects on the proposal of noise from the Manor Trading Estate.
 - The effects of the proposal on the supply of and demand for parking for non-residential uses.
 - Whether there is an adequate supply of housing land in the area.
 - Whether there is an adequate supply of employment land in the area.
 - Whether any harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.
10. The Inquiry also considered any benefits to be weighed in the planning balance.

¹ The definition of the issue has been expanded since first defined at the Case Management Conference of 17 January 2023. It includes reference to the purposes of the Green Belt, reflecting discussion at the Inquiry summarised in paragraphs 72 and 74 of Emma Dring's closing submissions and paragraph 2 of those of Asitha Ranatunga.

Reasons

Green Belt

11. Policy GB1 of the Castle Point Borough Local Plan, adopted in 1998, which related to control of development in the Green Belt was not saved by the Secretary of State's Saving Direction of 20 September 2007 and so has lapsed. The government's policy on Green Belt set out in the NPPF therefore has direct application to this appeal.
12. It is common ground that the proposal would represent inappropriate development in the Green Belt as it is not covered by one or more of the exceptions in NPPF paragraphs 149 and 150. That is harmful by definition. The main parties also agree that it would result in harm to Green Belt openness and to Green Belt purposes set out in NPPF paragraph 138. The dispute between the parties relates to the level of harm and extent of conflict.
13. Openness can be considered in a number of dimensions. The Inquiry covered spatial (ie the extent to which the site is developed or not) and visual dimensions.
14. The site is currently undeveloped. Apart from its enclosure by development and protected trees, it is otherwise open. Although the development proposed would include some open space, it would in general transform the openness of the site from an undeveloped clear space into a residential estate, an office park and an extension to an industrial estate. In terms of the spatial element of openness, the harm would be the nearly complete development of 5.5 ha of Green Belt land, representing 0.2% of the total 2,750 ha of Green Belt land within Castle Point, not a major loss of Green Belt but not negligible.
15. In visual terms, the site can barely be seen from any public viewpoint. The owner of the woodland fronting Windermere Road to the north-east of the site appears to allow the public to use trails through his land from which glimpses of the site may be seen but it is otherwise enclosed by development and woodland and is almost invisible from any public viewpoint. Because of the seclusion of the site, I conclude that the harm to the visual openness of the Green Belt would be limited.
16. Green Belt serves five purposes. The contribution which this site makes to these five purposes (and therefore the degree of harm to those purposes which its inappropriate development would cause) is examined in the evidence base for the (now withdrawn) New Castle Point Local Plan 2018-2033 dated March 2022. The relevant part of the evidence base is the three Green Belt Review documents².
17. This Green Belt review was carried out with reference to Planning Advisory Service guidance and in accordance with a spatial hierarchy of fifteen selected specific sites within thirty more broadly defined parcels. (The thirty parcels sum to the totality of the Green Belt in the Borough; the fifteen specific sites do not). Two of the five Green Belt purposes were considered not to be relevant to Castle Point.³ For each parcel, six degrees of contribution to each

² Core Documents F7, F8 and F9 in this appeal.

³ A view which differs from that taken by the Council and the Inspector in appeal APP/M1520/A/07/2034627 for an industrial development on part of the current appeal site, determined in January 2008 without the benefit of the arguments set out in the more recent Green Belt Review.

of the three remaining Green Belt purposes were defined; the greater the degree of contribution, the greater the harm to the purposes of the Green Belt which would be caused by inappropriate development.

18. The appeal site sits at the southern extremity of parcel 1. This parcel is assessed as making strong, very strong and moderate contributions to each of the first three of the Green Belt purposes identified in the NPPF. It is also assessed as forming part of a strategic Green Belt link of several parcels preventing the merger of South Benfleet and Thundersley and linking to Green Belt outside the borough, in Rochford and Basildon. But parcel 1 is one of the largest parcels within the Green Belt Review so those assessments tell us little about the harm to the Green Belt which would be caused by the development of this appeal site by itself.
19. For that, we must look at the individual site assessment. In Core Document F8, the site is known as SH17. It is assessed as making moderate, minor and minor contributions to each of the first three of the Green Belt purposes identified in the NPPF. It was said to form a relatively important part of the strategic gap between Thundersley and South Benfleet (a view also taken by an appeal Inspector in 2008⁴) but that development of this site would not act to reduce any existing strategic gap due to the prevalence of plot land development to the immediate east of the site.
20. Of the fifteen sites evaluated, five were assessed as causing lesser degrees of harm, two the same as SH17 and seven as more degrees of harm. Twelve of the fifteen assessed sites were taken forward as housing allocations in the (now withdrawn) New Castle Point Local Plan 2018-2033 and their allocations found sound by the examination inspector (and so their deletion from the Green Belt justified) before the plan was withdrawn. From this and the other considerations of purposes, I deduce that the degree of harm to the purposes of the Green Belt which would result from the inappropriate development of this appeal site is not great.
21. The assessed appeal site was not taken forward as a housing allocation. Part of the assessed appeal site was taken forward as an employment allocation but its employment allocation was found unsound (and so, its deletion from the Green Belt not justified). However, this outcome does not invalidate the conclusion I reach.
22. It is important to note that any aspect of 'quality' in terms of the landscape or countryside was not part of this Green Belt Review as it is not featured in any of the purposes of the Green Belt. It was instead the degree to which the parcel represents 'countryside' or whether it is more defined by land uses which are not considered to be appropriate in the Green Belt, which was the key to the assessment (a factor also taken on board by the appeal Inspector in 2008). Nevertheless, the Green Belt Review notes that the immediate surroundings of the site are predominantly developed in part by industrial uses such that the rural integrity of the site is compromised.
23. In conclusion, the proposal would represent inappropriate development which is harmful by definition. It would cause a nearly complete loss of the spatial dimension of openness to 0.2% of Castle Point's Green Belt, so representing a moderate degree of harm to its spatial extent. It would have a limited effect

⁴ APP/M1520/A/07/2034627

on the visual dimension of openness. The degree of harm to the purposes of the Green Belt would not be great. These harms must be given substantial weight in accordance with NPPF paragraph 148, when I come to consider the planning balance later in this decision.

Noise

a) Effects on safeguarded waste sites

24. Benfleet Scrap, whose yard adjoins the appeal site, is an important facility in the business of reuse, recycling and recovery of waste metal, a business to which the government's National Planning Policy for Waste attaches importance. Although not yet used to the full extent of its licence, its site has the fifth largest capacity of all the operational metal recycling sites in Essex. It is a safeguarded waste site within the Essex and Southend-on-Sea Waste Local Plan adopted July 2017.
25. It is very noisy, when operational. The dominant noise is from a baler (which crushes the scrap metal into bales). There is also noise from up to four excavators/grabbers which move (and sometimes drop) scrap metal. The effects of these on the site are quantified by two sets of survey material⁵. These show that the background noise level on the site (without the scrapyards in operation) is about 50dbA.
26. With the scrapyards in operation, but without the noise barrier proposed as part of the appeal scheme, the "rating level", incorporating the penalties prescribed by BS 4142:2014 +A1:2019 to reflect the characteristics of the noise, is recorded as attenuating from about 89 dBA next to the scrapyards' baler to about 74 dBA about 100m away on the north-eastern edge of the site in the 2021 survey and from over 92 dBA to about 77 dBA in the 2023 survey. (The latter includes lower penalties, so actually recorded noise levels about 6 dBA higher than the earlier survey). In terms of the categories of the Noise Policy Statement for England this represents a Significant Observed Adverse Effect Level (SOAEL) which should be avoided or prevented.
27. It is argued that the scrap yard is not currently operating within the conditions which apply to its operating licence or planning permission but that if it operated strictly within their terms its noise output would be less, or less noticeable. It is inevitable that occasional breaches will occur, through accidental circumstances if through nothing else. The Environment Agency's most recent Compliance Assessments identify no breaches. Those identified in previous compliance visits were dealt with by advice and guidance. No evidence was presented to deny that the two sets of surveys submitted by the appellant represent the real world with which any development proposal would have to deal.
28. The earlier survey shows a wider dispersion of noise across the whole site, whereas the later survey suggests that it is more directional, towards the north-east. The difference possibly reflects the completion of a 5m wall on the eastern boundary of the scrap yard, or other measures taken internally. The measured noise levels on the southern part of the site in the later survey still result in a SOAEL.

⁵ The first is contained within the Facade Noise Exposure Assessment Version 2 submitted in April 2022 based on survey material of November 2021. The second is within Josie Nixon's proof of evidence based on survey material of January 2023.

29. It is not an exaggeration to say that industrial noise from Benfleet Scrap pervades all parts of the appeal site. It also extends to a wider area beyond the Manor Trading Estate. A limited number of complaints about noise from Benfleet Scrap made by residents of surrounding areas 200-300m distant have not yet led to any restrictions on its operations. Those residential areas are separated from Benfleet Scrap by the intervening Manor Trading Estate or by the Robert Drake Primary School or by distances of 200-300m which have attenuated the sound but that attenuation would not occur to the same degree on the appeal site which lies immediately adjacent to the source of the noise.
30. It is clear from my site visit that unless the appeal proposal includes sufficient noise mitigation (in accordance with NPPF paragraph 187) to ensure that the acoustic environment on site would provide acceptable living conditions for residential development, then the level of justified complaint would be likely to lead to unreasonable restrictions being placed on the operation of Benfleet Scrap. That would be contrary to NPPF paragraph 187 and to the intentions behind policy 2 of the Waste Local Plan, headed "Safeguarding Waste Management Sites and Infrastructure".
31. This policy itself only provides a consultation mechanism between the local planning authority and the waste planning authority. But the supporting text makes it clear that existing and allocated waste sites and infrastructure will be protected from inappropriate neighbouring developments that may prejudice their continuing efficient operation. In any event, to comply with NPPF paragraph 130(f), planning decisions should ensure that developments create places with a high standard of amenity for future users.
32. The Waste Local Plan comments that sensitive uses should not be located adjacent to, or within, 250 metres of any part of a safeguarded site or within 400m of a Waste Recycling Centre. However, it does not contain any policy to that effect and goes on to point out that the actual buffer needed around each site will depend upon the nature of the proposed 'sensitive' use and on the specific impacts of the current waste operation.
33. I consider the effects of the proposal on the living conditions of potential future residents in the section below. Although I find that the noise environment would be poor for new residential development, there is no evidence to dispute the appellant's contention that the outcome on those parts of the site which could be made acceptable for residential development would be similar to that experienced by existing development in the neighbourhood.
34. Church Road, Keswick Road, Windermere Road, Manor Road and its offshoots are some way distant from Benfleet Scrap but enjoy no specific noise attenuation device other than distance. There is no evidence quantifying or qualifying their noise environment but I am surprised that there is not a greater level of complaint about it. Nevertheless the evidence is clear that such few complaints as there have been have not led to unreasonable restrictions being placed on the operation of Benfleet Scrap. I therefore conclude that, were residential development to be allowed on parts of the site with an effective noise barrier following the principles illustrated in the indicative master plan, complaints about the noise of the scrap yard would be unlikely to lead to unreasonable restrictions being placed upon its operation and so there would be no contravention of policy 2 of the Essex and Southend-on-Sea Waste Local Plan adopted July 2017.

b) The effects on the proposal of noise from the Manor Trading Estate.

35. In the case of the present appeal, the illustrative master plan used for modelling purposes suggests the creation of an acoustic buffer by constructing a 12m high noise barrier in the form of industrial and commercial buildings closely abutting the eastern and about half of the northern boundary of the scrap yard together with a noise barrier 2.4m high within the proposed development itself, between the proposed industrial buildings and the proposed residential development. The illustrative masterplan also orientates residential buildings to maximise acoustic buffering against noise originating from the scrap yard. In accordance with advice in Professional Practice Guidance on Planning and Noise (jointly produced by the Institute of Acoustics, the Chartered Institute of Environmental Health and the Association of Noise Consultants) site design would enable the majority of the properties' external amenities to be located on the sides furthest away from the noise source of the Manor Trading Estate. The residential dwellings would provide further screening, helping to improve the soundscape within external amenity gardens but that is accounted for within the modelling.
36. The appellant submitted two sets of modelling to assess what effect such a layout would have on the living conditions (both external and internal) of the residential uses proposed on the appeal site. No rival modelling was produced by the Council.
37. The first set of modelling submitted in April 2022 (based on survey measurements taken in November 2021) concludes that the proposals will allow parts of the site furthest from the acoustic barrier to meet the upper guideline acceptable in noisier environments for external amenity standards of BS 8233:2014 (after including penalties of 11dB recommended in accordance with BS 4142:2014 +A1:2019 to reflect characteristics of intermittency, tonality and impulsiveness in the noise experienced). It also concludes that, with appropriate sound insulation glazing and ventilation measures and building construction as exemplified within the consultant's report, the proposed residential accommodation would be more than capable of achieving the guideline internal noise criteria contained in BS 8233:2014. I consider the acceptability of reliance on such measures in my conclusions below.
38. A second modelling (by the same consultancy but by a different consultant) of the same indicative layout, based on survey measurements taken in January 2023 was presented in evidence to the Inquiry. This shows that a 12m high building barrier is predicted to attenuate noise from the scrap yard and adjacent Manor Trading Estate sufficiently to reduce noise levels to between 44-50dB which is below the desirable noise criteria for outside amenity areas in BS 8233: 2014. But BS 4142:2014 +A1:2019 recommends the inclusion of penalties within the assessment to reflect characteristics of intermittency, tonality and impulsiveness. This consultant recommends an 8dbA penalty. When an 8dbA penalty is added the evidence concludes that external facades would experience rating levels variously 9-10, 2 and 8dB(A) above the assessed background noise level of 50dbA.
39. A comparison of the predictive maps in each set of modelling shows a correlation of predictions. Expected noise levels at the eastern boundary of the site would be in the range of 50-55dBA. In the internal areas within the blocks of housing they would be in the range of 55-58 dBA. In the area between the

housing and the commercial units the external noise levels would be between 57 and 60dbA when the scrap yard is in operation.

40. Paragraph 7.7.3.2 of BS 8233:2014 advises that it is desirable that the external noise level of residential amenity areas does not exceed 50db LAeq with an upper guideline of 55db LAeq which would be acceptable in noisier environments. The BS accepts that in a city centre or urban area adjoining the strategic transport network even these guidelines would not be achievable but, as this site is not in a city centre nor adjoining the strategic transport network, that concession does not apply.
41. In effect, the BS is advising that where noise is inevitable, it can be tolerated, up to a point. As noted earlier, this site is in a noisy environment and so acceptance of the higher guideline could be said to be consistent with the recommendations of the BS. But, this is a somewhat circular argument for determining the guideline to be applied in a particular circumstance. This site is on the edge of countryside where tranquillity might be expected. There is no inevitability about development in this location. There is a choice to be made. That choice is to be exercised through the planning process in general and this appeal in particular. For that reason, in this particular case, I follow the normal BS 8233:2014 guideline rather than the upper guideline.
42. In the terms of the NPPF and the Noise Policy Statement for England it can be considered that only on the easternmost parts of the site would a LOAEL (Lowest Observed Adverse Effect Level) be the outcome of the development proposed even with a noise barrier and residential layout such as that included in the indicative masterplan. The extent of the LOAEL would be much less than the extent of residential development indicated in the illustrative masterplan.
43. Both of the appellant's analyses then go on to demonstrate how satisfactory internal noise conditions could be met in accordance with BS 8233:2014 but that would depend on occupants choosing to keep windows closed and so would place an unwelcome restriction on their freedom to enjoy their home as they choose. In any event the external environment would remain unsatisfactory when the scrap yard operates. I consider the weight to be given to these harms in my conclusions below.
44. Planning Practice Guidance recommends that, for a LOAEL, the action should be to mitigate and reduce to a minimum the harm caused. But, in this case, the LOAEL is the outcome after action (the noise barrier to be provided as part of the development) has been taken into account. The mitigation proposed as part of this appeal scheme would reduce external conditions in parts of the site from SOAEL to LOAEL but not to a No Observed Adverse Effect Level (NOAEL).
45. In both sets of modelling, it is the penalties added in accordance with BS 4142:2014+A1:2019 which lead to a finding that the external environment of the site would be unsuitable for residential development. Appraisal without the penalties would lead to a finding that the external environment would comply with BS 8233:2014 standards. But BS 8233:2014 advises that account must be taken of BS 4142:2014+A1:2019 and so my findings are based on appraisal including penalties.
46. The three experts whose evidence was provided to the Inquiry differ in their assessment of the penalties to be applied for intermittency, tonality and impulsivity. I understand intermittency to be the sort of sound made by a

bleeper warning that a lorry is reversing, whereas although the baler is switched on and off from time to time, when it is in operation, its noise is continuous, not intermittent. Therefore, I concur with the view which suggests no penalty for any intermittency in the noise from the baler.

47. The impulsive sound of dropped metal is also intermittent and so, could attract penalties for both intermittency and impulsivity. Measurements averaged over 16 hours would not necessarily capture the annoyance of LAmix incidents occurring every few minutes throughout the working day and the only recognised limiting criteria for LAmix incidents apply at nighttime when, in the circumstances of the appeal case, the scrap yard would not be operating. Consequently, penalties based on judgement are necessary to evaluate this characteristic of the noise environment. The annoyance of its intermittency is exacerbated by its irregular frequency, and so would merit a higher, rather than lower, penalty.
48. Notwithstanding the technical analysis of tonality in the appellant's more recent evidence, the insistent whine of the machinery which I experienced on site merits a higher, rather than lower penalty.
49. The application of penalties to the more objective modelling of noise contours is necessarily a matter of judgment. The three experts whose opinions were before the Inquiry recommended total penalties of 8, 11 and 13 dBA. Only the lowest of these judgements would place even a part of the site within the LOAEL category where residential development might be reasonably contemplated. For the reasons given above, I consider that a higher penalty would not be wrong. The suggestion, by the appellant's consultant, that with the building barrier in situ the penalty characteristics are likely to reduce due to attenuation, screening and masking does not alter my conclusion.
50. The illustrative layout would provide areas of public open space within the scheme in relatively quieter areas of the site. It is also the case that existing noise sensitive receptors in the area (such as the Hesten Day Centre and residential properties in Keswick Road) and Green Belt beyond would experience a significant noise reduction and improved soundscape as a result of a noise barrier to be incorporated within the scheme.
51. These considerations would provide mitigation but do not alter the conclusion that, even with the noise barrier proposed much of the external acoustic environment of the site (including BS4142 penalties) would exceed even upper guideline values of 55dB LAeq16hrs and would remain poor for residential use, albeit at a LOAEL, not a SOAEL. For the reasons explained earlier, the application of the standard guideline value of 50 dB LAeq16hrs is to be preferred, which would result in a conclusion that the noise environment of most of the site would remain poor for residential use, even with a noise barrier in place.
52. I recognise that in parts of the proposed development noise mitigation would result in a noise impact which would be less adverse than that which is currently experienced by many residents nearby (whose amenity will also be improved). However, my unaccompanied site visit to Manor Road and other residential streets nearby, whose experience of noise from Benfleet Scrap is mitigated by distance or intervening development, did not lead me to conclude that that provided a good acoustic environment for new residential development.

53. There is speculation that Benfleet Scrap is not operating at capacity, which could increase and that the additional operation of recently installed machinery (an aluminium crusher) would add to the noise environment. However, noise is not arithmetically additive in that sense; a lesser or equivalent noise source tends to be subsumed into the noise effects of a greater noise source, so it is likely that any increase in activity or increase in the number of machines in use would result in an increase in the number and frequency of impulsive noise incidents causing disturbance rather than an increase in the continuous sound levels emanating from the scrap yard. In any event, no evidence was produced to demonstrate the point.
54. I am aware that at a Council meeting in November 2018 Council officers recommended approval for submission to the Secretary of State of a New Local Plan 2018. That document is now withdrawn so carries no weight in itself but both parties agreed that its supporting evidence base is a material consideration in the current appeal.
55. It included an allocation of a site known as LP HO 21, Land East of Manor Trading Estate Thundersley which substantially corresponds to the current appeal site. Its recommended allocation was for a mixed use development including 95 homes. The November 2018 Council report notes that the site is open and affected by noise generated from the neighbouring industrial uses; that this impact means the western part of the site is not suitable for residential development, and that in consequence the New Local Plan 2018 allocated this portion of the site of some 1.4 ha for employment uses, with access to be taken from the existing trading estate. The remainder of the site comprising 3.3 ha was to be allocated for residential development, benefitting from an existing access from Keswick Road and from Church Road.
56. Whilst recognising the acoustic environment of the site, that officer advice was given without the benefit of the thorough noise survey and modelling now submitted with this application and appeal. In the event, the Council did not accept its officers' advice and the eventually submitted plan did not include the site as a housing allocation. In the light of the information subsequently submitted by the appellant in this appeal, I concur with the decision to exclude residential uses from the site and conclude that the effects on the proposal of noise from the Manor Trading Estate, specifically Benfleet Scrap, would provide a poor acoustic environment for much of the residential element of this proposal and so be contrary to NPPF paragraph 130(f).
57. There is however a distinction to be made between a decision on an allocation in a local plan which would positively promote a development and a decision on an application or appeal which considers the acceptability of a proposal taking into consideration all matters in the round. Advice in the NPPF (paragraph 185) is that planning decisions should avoid noise giving rise to significant adverse impacts on health and the quality of life. I have already observed that modelling of the indicative masterplan indicates that a noise barrier to be incorporated within the proposal could reduce external conditions on parts of the site from SOAEL (significant) to LOAEL (lowest observable) (albeit not to No Observed Adverse Effect Level (NOAEL)). On the parts of the site where this could be achieved, the proposal would thus comply with NPPF paragraph 185(a), and, with closed windows, would be capable of providing a good internal noise environment, even whilst not providing a good external environment to all dwellings.

58. However, the modelling provided by the appellant does not demonstrate that this could be achieved on as extensive a part of the site as that proposed in the indicative masterplan used for modelling purposes. I therefore conclude that although in principle it would be possible to reduce external conditions on parts of the site from SOAEL (significant) to LOAEL (lowest observable) (albeit not to No Observed Adverse Effect Level (NOAEL)), it has not been demonstrated that this would be possible on a sufficient extent of the site to accommodate the 68 residential units proposed.

Parking

59. This issue narrowed in scope during the process of the Inquiry. It is now accepted by all parties, and I concur, that the proposal would be able to provide adequate parking and servicing to meet the requirements of the new non-residential units proposed. To that extent it would comply with policy T8 of the Castle Point Borough Council Local Plan 1998. The remaining dispute concerns the displacement of the occupants of the open yards on the triangle of land to the east of Unit 30.
60. It is clear that, in the past, this area of land has been used for car parking, servicing and storage in association with the use or uses in Unit 30. But in recent years it has become divided into a number of yards which have been let separately. Whether this has been authorised by a specific planning permission or by the passage of time was not explored at the Inquiry; there appeared to be general acceptance that the position is what it is.
61. Some of the yards have been let to businesses with no connection to Unit 30. At least one has been let to a business occupying part of Unit 30. A photograph was produced in evidence showing a commercial vehicle parked in one of the yards which was lined with racking storing materials. The commercial vehicle was said to be loading, not parked. One yard is used by a scaffolding firm as its depot. Another yard is used by a classic car business to store its stock, rather than as employees' or visitors' parking. On my site visit it appeared that the yards were used indiscriminately for all aspects of their occupants' businesses, whether operational, storage, loading or parking.
62. A small part of the triangle of land in question is proposed to be used for the development of one of the industrial units proposed. The remainder would be used to relocate the existing service road approximately 5m eastwards so as to enlarge the service aprons attached to the businesses in Unit 30. These are currently used indiscriminately as storage, servicing or parking (whether visitor or employee) for the businesses concerned. I have no doubt that the enlarged aprons would be similarly used and so would improve the parking and servicing facilities available to the existing occupants of Unit 30, in line with what the Council seeks. I conclude therefore that there would be no breach of policy T8 of the Castle Point Borough Council Local Plan 1998 which is still extant.

Housing

63. The Council has identified sufficient housing development land for just 1.86 years' supply, well below the five years sought by government policy. The position is not expected to improve in the near future. In the past three years, the Council has delivered only 48% of the homes required. In the seventeen years to March 2018 it has only delivered 44% of its requirements. Only 11 local planning authorities (out of 328) have worse records of delivery and two

of those are the Council's immediate neighbours so the poor housing delivery record of the local area extends beyond the restricted confines of Castle Point.

64. The current housing requirement is 355 dwellings per annum. This proposal would deliver 68 new homes. This would be somewhat less than the 95 envisaged in the draft New Castle Point Local Plan 2018 or the 109 envisaged in the draft Strategic Housing and Economic Land Availability Assessment Update (the SHLAA) 2018 but represents nearly one-fifth (19.2%) of the Council's annual requirement.
65. To meet its full needs, the Council would require 291 affordable homes each year. In the last three years, only 12 affordable homes have been delivered. No affordable housing at all has been delivered in two of the last three years. Through a s106 agreement, this proposal would deliver at least 34 affordable homes (11.7% of the council's annual need) with an identified interest from a registered provider of social housing for all 68 dwellings to be provided as affordable housing (23.4% of the annual need). The planning obligation is necessary to secure this much-needed affordable housing, related to the development in that it would be provided on site and the proportion offered is fairly and reasonably related to the development and so it complies with CIL regulation 122.
66. About one third of all public representations made in response to the planning application favour the proposal. That represents an unusual amount of public support. Many make specific reference to the need for housing in general and affordable housing in particular. The figures show that the proposal would make a significant contribution towards meeting the Council's general and affordable housing needs. It is hardly surprising then, that both parties agree that this should be given substantial weight in the planning balance⁶. I concur. The proposal would contribute to the government's objective of significantly boosting the supply of homes and would comply with extant Local Plan policy H7 for the provision of affordable housing.

Employment land

67. The local authority's need for additional employment land has been recently scrutinised as part of the examination into the (now withdrawn) New Castle Point Local Plan submitted in 2019. The examining inspector concluded that there is no numerical need for more employment land in the Borough. There is no evidence to show that that does not remain the case.
68. He was not convinced of the need to rebalance the distribution of new employment land between Canvey Island and the rest of the Borough and felt that any benefits from actively managing patterns of growth in support of the transport objectives of the NPPF resulting from a proposed allocation of land (part of the present appeal site) for an extension to the Manor Trading Estate would be limited. He did not however deny the existence of such a benefit (which runs counter to the suggestions made by the Council and the Inspector in the 2008 appeal that businesses on the Manor Trading Estate wishing to expand could move to Canvey Island). The benefit is referred to in some of the

⁶ Very substantial weight was given to a proposal for 265 dwellings which the Secretary of State held would make a significant contribution towards meeting the Council's general and affordable housing needs in April 2017 (APP/M/1520/A/14/2216062) when it was adjudged to have an identified housing land supply of between 0.4 and 1.1 years. The current case would offer fewer dwellings in a situation of a marginally improved housing land supply and so substantial weight, rather than very substantial weight is the appropriate judgement.

representations made by the public on the current application. I recognise the benefit, albeit that it would be of limited significance because of the modest scale of the non-residential part of the current proposal.

69. The examining Inspector had serious reservations that the proposed allocation would not be delivered within the plan period because of the condition of the existing infrastructure of the estate and the level of investment needed to make the necessary improvements. This is a matter addressed in the current appeal.
70. The examining Inspector acknowledged that there is an issue with the quality of some of the borough's existing industrial areas. This is an issue which the Council's 2012 Employment and Retail Needs Assessment (ERNA) and earlier 2006 Employment Study recognise applies to the Manor Trading Estate amongst others. High occupancy of low value, poor quality units impedes the mobility of businesses and restricts their growth potential. Those conditions were noted in paragraph 11 of the 2008 appeal inspector's decision and are said still to apply at the Manor Trading Estate.
71. The examining Inspector was however content to rely upon Strategic Policy EC1 of the (now withdrawn) New Castle Point Local Plan to address issues of quality. He therefore concluded that the exceptional circumstances for the alteration of the Green Belt boundary to accommodate the extension to the Manor Trading Estate, were not adequately evidenced and justified and so, recommended deletion of the employment allocation from the plan. That finding is consistent with the 2008 appeal inspector's conclusion that the undoubted advantages to the business needs of the appellant and of occupiers of the existing building and some limited wider public benefits of the industrial development proposed in that appeal would not clearly outweigh the harm caused to the Green Belt by reason of inappropriateness. By contrast, the current proposal does not depend solely on employment provision to claim that very special circumstances exist to justify inappropriate development within the Green Belt.
72. The new plan has been withdrawn, so there is no Strategic Policy EC1 but the issue of quality remains. Policy ED7 of the Local Plan adopted in 1998 remains in force. That states that the Council will seek to encourage environmental improvements within employment areas. The appeal proposal would comply with this policy by proposing to implement works to the privately-owned roads which serve the estate and which would provide access to the industrial and warehousing components of the scheme.
73. The appellant has the aspiration that the current appeal proposal would kick start the decanting of firms in the established Manor Trading Estate so as to allow for the modernisation of its stock in the way envisaged by the ERNA and SEEDNA but there is no evidence that this would be an inevitable consequence of the appeal scheme. All that can be said with certainty is that within the part of the estate which the appellant controls, the development would provide the opportunity for decanting and expansion which is sought by a number of the businesses which made representations in support of the application.
74. As with the representations which supported the residential element of the scheme, it is unusual to have any representations in support of a proposal, let alone the number which are made here. These representations are evidence of a locally-expressed need for additional employment land. In addition the ERNA

identified a specific need for office space in mixed use schemes. Consequently, in contrast to the Inspector examining the now withdrawn New Castle Point Local Plan, I find that there is local, albeit not strategic, justification for some modest floorspace expansion of the Manor Trading Estate and that the proposal would comply with Local Plan policy ED7 which seeks to encourage environmental improvements within employment areas.

Other matters

75. A fortnight before the Inquiry opened the Forestry Commission served a revised Restocking Notice in respect of the site, following an appeal made against an earlier restocking notice issued following clearance in 2018 of the scrub (so described in appeal decision 2034627 of February 2008) and broad-leaved semi natural woodland (so described in the appellant's Updated Preliminary Ecological Assessment July 2021) which formerly covered the site. The restocking notice records that it has been established that trees were felled without a felling licence in contravention of the Forestry Act 1967. It requires four specified areas of the site to be evenly restocked with a total of 183 broadleaved trees and for the restocked areas to be maintained as such for ten years from planting.
76. The Forestry Act establishes a regulatory regime which operates in parallel with the Planning Acts. There are other such parallel regulatory regimes. It is a well-established rule that one regulatory regime does not normally override another and that one regulatory regime should not be used to impose the requirements of a different regulatory regime or to second-guess its operation. A developer must comply with the requirements of all the regulatory regimes relevant to a proposal.
77. The Council argued that the provisions of the restocking notice would prevent the achievement of the development proposed. Four areas of tree planting specified in the restocking notice would preclude the construction of some of the buildings shown in the development masterplan submitted in support of this appeal proposal including one of those proposed to incorporate or form part of the noise barrier which is intended to surround the Benfleet Scrap yard. However:
 - The appellant has stated an intention to seek a judicial review of the restocking notice. Even if this does not eventuate or is not successful;
 - The development masterplan is illustrative, not substantive or prescriptive, and there is no evidence to show that no other layout could be designed to deliver the scheme whilst complying with the restocking notice. All details are reserved for later consideration; none other than access onto Church Road is to be determined in this appeal and none other than that access have been submitted for consideration. Achievement of that access is not prevented by the restocking notice.
 - In response to my request for advice, both advocates advised me that they were not aware of any provision in law which precluded the appellant from seeking a licence from the Forestry Commission to vary the terms of the restocking notice.
 - I note that the restocking notice itself advises that, in the event that it is not complied with, the Forestry Commission may give notice requiring

steps to be taken to remedy the default. This implies both that enforcement is discretionary and, that steps to be taken to remedy any default could be steps other than those specified in the restocking notice itself.

These points lead me to conclude that I am not constrained by the restocking notice in the decision I take.

Conditions

78. The parties suggested that thirty-eight conditions would be required in the event of the appeal being allowed. Although some of these would have addressed unsatisfactory aspects of the proposal, they would not, in aggregate, lead me to a different conclusion to that which I reach below and so, I do not discuss them further.

The planning balance

79. I have concluded that the proposal would represent inappropriate development within the Green Belt which is harmful by definition. It would cause a nearly complete loss of the spatial dimension of openness to 0.2% of Castle Point's Green Belt. It would have a limited effect on the visual dimension of openness. The degree of harm to the purposes of the Green Belt would not be great. These harms must be given substantial weight in accordance with NPPF paragraph 148.
80. It is now agreed by all parties that the proposal would be able to provide adequate parking and servicing to meet the requirements of the new non-residential units proposed. The scheme would improve the parking and servicing facilities available to the existing occupants of Unit 30, in line with what the Council seeks.
81. The figures show that the proposal would make a significant contribution towards meeting the Council's general and affordable housing needs. Both parties agree that these considerations should both be given substantial weight in the planning balance. I concur. The proposal would contribute to the government's objective of significantly boosting the supply of homes and would comply with Local Plan policy H7 for the provision of affordable housing.
82. There is local, albeit not strategic, justification for some modest floorspace expansion of the Manor Trading Estate. The proposal would comply with Local Plan policy ED7 which seeks to encourage environmental improvements within employment areas.
83. The proposal would mitigate any harmful effects on demand for open space, sports facilities, primary school education, library facilities and doctors' surgeries and would provide a substitute school drop off point to replace that lost in Church Road by the access to the development. In order to accord with planning policy, it would provide benefits over and above mitigation in the form of biodiversity net gain and improvements to the Manor Trading Estate roads.
84. In Castle Point there is widespread acceptance that an adequate housing supply must involve the use of Green Belt land. In normal circumstances, the simple fact of providing housing would not amount to the very special circumstances necessary to justify inappropriate development within the Green Belt. It is housing supply in the face of a very poor performance on delivery

which is the consideration here. The provision of employment land and regeneration of the Manor Trading Estate provide a supplementary contribution to that consideration.

85. In theory the noise environment on the site could be controlled so as to make much of the external acoustic environment of the site acceptable for residential uses within the terms of NPPF paragraph 185(a), though not necessarily within the higher standard of NPPF paragraph 130(f) and for the rest to be limited to non-residential uses. However, the modelling provided by the appellant does not demonstrate that this could be achieved on as extensive a part of the site as that proposed in the indicative masterplan used for modelling purposes. It has not been demonstrated that noise reduction would be possible on a sufficient extent of the site to accommodate the 68 residential units proposed.
86. Consequently, I conclude that the potential harm to the Green Belt, by reason of inappropriateness, moderate harm to openness, and limited harm to purposes, to which I give substantial weight, combined with the harm to potential living conditions from noise in the external environment of the housing, would not be clearly outweighed by considerations of housing and affordable housing need, even supplemented by the minor benefits to the supply of employment land, environmental improvements within the Manor Trading Estate and biodiversity gain which the proposal could deliver. Consequently, I dismiss the appeal.

P. W. Clark

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Asitha Ranatunga	Counsel, instructed by Jason Bishop, Head of Law, Castle Point Borough Council
He called	
Edward Davis BSc IoADip CCENM	Pollution Planning Consultant
Alison Hutchinson MRTPI	Partner, Hutchinsons

FOR THE APPELLANT:

Emma Dring	Counsel, instructed by Russell Forde
She called	
Josie Nixon MSc BA(Hons) MIOA	Senior Acoustic Consultant, HA Acoustics
Justin Bass MSc MCILT MCIHT	Director, Intermodal Transportation Ltd
Russell Forde BEng DipTP MRTPI	Principal Director, Smart Planning

Joanna Lilliot and Glen Smith took part in the discussion on conditions and the planning obligation.

DOCUMENTS submitted at the Inquiry

- 1 Report to Council's Development Management Committee 7 June 2022 on application 21/1137/FUL for the development of land rear of 248 Hart Road, Thundersley
- 2 E-mail dated 7 November 2022 from Lawrence Hember of CHP confirming continued interest in the site
- 3 Bundle of CCTV stills demonstrating that only three grabbers were in operation at Benfleet Scrap during the site visit by Mr Davies, Ms Hutchinson, Ms Fisher Bright and the Ipa's Counsel on 20 January 2023

CORE DOCUMENTS

A. Submitted application

1. Relevant Submissions

1.1 21/0532/OUT Revised Application Form 28.04.2022

1.2.1 21/0532/OUT Location Plan Drawing No. 163839DP M006

- 1.2.2 21/0532/OUT Site Plan Drawing No. 16 3739DP/E102
- 1.2.3 21/0532/OUT Development Master Plan (25.11.2022) Drawing No.163839 P205B
- 1.2.4 21/0532/OUT Revised Location Plan Drawing No. 163839DP M005D
- 1.2.5 21/0532/OUT Revised Measurement Plan Drawing No. NC18 442 P204b
- 1.2.6 21/0532/OUT Integrated Acoustics (IAL) Noise Constraint Study July 2020
- 1.2.7 21/0532/OUT HA Acoustics Façade Noise Exposure Assessment HA AD96 V1
- 1.2.8 21/0532/OUT HA Acoustics Façade Noise Exposure Assessment HA AD96 V2
- 1.2.9 21/0532/OUT Schedule of Commercial Building Floor Area and Parking Provision Drawing No 16 3839 DP M007 A
- 1.2.10 Transport Assessment. April 2021

2. Statutory Consultee responses

- 2.1 21/0532/OUT Jacobs Noise Constraints Study
- 2.2 21/0532/OUT Minerals and Waste Planning 29.06.2021
- 2.3 21/0532/OUT Minerals and Waste Planning 03.09.2021
- 2.4 21/0532/OUT Minerals and Waste Planning 23 12.2021
- 2.5 21/0532/OUT Mineral and Waste Planning 26.04.2022
- 2.6 21/0532/OUT Essex Fire and Rescue 29.06.2021
- 2.7 21/0532/OUT Essex Fire and Rescue 10.08.2021
- 2.8 21/0532/OUT CPBC Legal
- 2.9 21/0532/OUT Anglian Water
- 2.10 21/0532/OUT CPBC Environmental Health
- 2.11 21/0532/OUT CPBC Environmental Health Additional comment
- 2.12 21/0532/OUT CPBC Waste and Recycling
- 2.13 21/0532/OUT Environment Agency
- 2.14 21/0532/OUT SuDS 24.06.2021
- 2.15 21/0532/OUT SuDS 03.09.2021
- 2.16 21/0532/OUT SuDS 09.02.2022
- 2.17 21/0532/OUT SuDS 23.03.2022
- 2.18 21/0532/OUT Natural England
- 2.19 21/0532/OUT Essex Highways
- 2.20 21/0532/OUT Infrastructure Officer
- 2.21 21/0532/OUT NHS

3. Officers Report

4. Decision Notice

B. Planning Appeal

- 1. Appeal Form
- 2. Statements of Case
 - 2.1 Appellants Statement of Case
 - 2.2 Planning Authority Statement of Case
- 3. Statement of Common Ground
- 4. Suggested Schedule of conditions

5. Planning Obligations
6. CIL Compliance Statement
7. Proofs of Evidence
 - 7.1.1 Appellant Proof - Russell Forde v1.0
 - 7.1.2 Appellant Planning Proof Appendices - Russell Forde (1)
 - 7.1.3 Appellant Noise AD961-2023 Proof
 - 7.1.4 Appellant Noise (AD961-2023) Appendices
 - 7.1.5 Appellant Highways Proof Text 31.01.23 Issued Final
 - 7.1.6 Appellant Highways Proof Appendices 31.01.23 Issued Final - Reduced size
 - 7.1.7 Access Plan 22.02.23
 - 7.1.8 Proof of Evidence Josie Nixon
 - 7.1.9 Acoustic Appendices. Josie Nixon
 - 7.1.10 Noise Rebuttal by Josie Nixon
 - 7.1.11 Noise Rebuttal by Josie Nixon Appendices
 - 7.2.1 Local Authority Proof A Hutchinson (Planning)
 - 7.2.2 Local Authority Proof Appendices of A Hutchinson
 - 7.2.3 Local Authority Proof of E Davis (Noise)

C. NPPF, National Guidance and Standards

1. NPPF 2021
2. National Planning Policy for Waste (October 2014)
3. DELIBERATELY BLANK
4. DELIBERATELY BLANK
5. Noise Policy Statement for England (DEFRA 2010)
6. Explanatory Note of the Noise Policy Statement for England (DEFRA, 2010)
7. Planning Practice Guidance: Noise (DCLG, 2013)
 - 7.1 Noise Hierarchy Table.
8. BS 8233:2014 Guidance on sound insulation and noise reduction for buildings (BSI)
9. BS 4142:2014+A2019 Methods for rating and assessing Industrial and Commercial sound
10. Planning and Noise, Professional Practice Guidance on Planning and Noise for New Residential Development, 2017
 - 10.1 Pro PG Planning and Noise Supplementary Document 2. Good Acoustic Design May 2017
11. DELIBERATELY BLANK
12. BS7445-1:2003 'Description and measurement of environmental noise. Guide to quantities and procedures'.
13. BS5228-1: 2009 +A1:2014 'Code of practice for noise and vibration control on construction and open sites – Noise
14. Traffic Signs Manual, 2019 - Chapter 6 Traffic Control

D. Local Planning policy and Guidance

- 1 Adopted Local Plan and Proposals Map (1998)
 - 1.1 Saving Direction
 - 1.2 NPPF Conformity Check

- 2 Essex and Southend Waste Local Plan (2017)
- 3 Castle Point Developer Contributions SPD
- 4 Residential Design Guidance SPD (Castle Point Borough Council 2008)
4.1 Adoption-Statement-for-the-Residential-Design-Guidance-Supplementary-Planning-Document-November-2012
- 5 Parking Standards : Design and Good Practice. (Essex County Council and EPOA 2009)

E. Housing Land Supply

1. Castle Point Annual Monitoring report 01.04.2021 – 31.03.2022
2. Castle Point Annual Monitoring Report-01.04.2020 to 31.03.2021
3. Castle Point Annual Monitoring Report-01.04.2018 to 31.03.2020

F. Evidence base

1. Addendum to the South Essex Strategic Housing Market Assessment (SHMA) (2017)
2. Housing Options Topic Paper (November 2018)
3. Strategic Housing Land Availability Assessment (SHLAA) 2018 Update Volume 3 Mapping Report
4. Strategic Housing Land Availability Assessment (SHLAA) Review 2018 Volume 2 Site Schedules
5. Castle Point Strategic Housing and Employment Land Availability Assessment (SHELAA) Sites – Development Viability Appraisals Report September 2018
6. South Essex Economic Development Needs Assessment (November 2017)
7. Castle Point Green Belt Review Part 1 (2018)
8. Green Belt review part 2 (2018)
9. Green Belt part 2 addendum (2021)
10. Green Belt Topic Paper (2018)
11. Employment and Retail Needs Assessment (2012)
12. SHMA (2016)
13. Castle Point Employment Study November 2006
13.1 Castle Point Employment Study November 2006 Executive Summary
14. SHLAA-Update-Report-2018- Volume-1--

G. Withdrawn Local Plan

1. Post Hearing letter dated 06.09.2021
2. Inspector's report dated 03.03.2022
3. Hearing Statements
 - (i) Matter 3: The Green Belt (8 April 2021) Questions 18 - 23
 - (ii) Matter 3: The Green Belt (8 April 2021) Questions 24 – 46
 - (iii) Matter 6: Economic Strategy and policies (8 April 2021) Questions 244 – 263
4. Extract from Main Modifications to Local Plan
5. Minute of decision to withdraw the New Local Plan (15 June 2022)
6. Local Plan Viability Assessment
7. Deliberately Blank
8. Deliberately blank

9. Report of 28.11.2018 Special Meeting of Full Council
10. Extract from Minutes of 28.11.2018 Special Meeting of Full Council
11. Pre-submission Plan 2018-2033 December 2019 With Modifications proposed as at October 2020

H. Relevant Decisions and Legal Judgements

1. Application CPT/16/02/FUL
 - 1.1 Submitted Plan.
 - 1.2 Decision notice
2. Application CPT/366/06/OUT
 - 2.1 Submitted application and Plans.
 - 2.2 Officer report,
 - 2.3 Decision notice
 - 2.4 Associated appeal decision APP/M1520/A/07/2034627
3. Application 18/0834/FUL, Benfleet Scrap Ltd,
 - 3.1 Submitted application and Plans.
 - 3.2 Officer report
 - 3.3 Decision notice
 - 3.4 Judicial Review Judgement
 - 3.5 Court of Appeal Judgement
4. Application 20/0159/FUL – Road Improvement Scheme, MTE
 - 4.1 Submitted application, Plans and supporting documents.
 - 4.2 Officer report,
 - 4.3 Decision notice
5. Appeal Ref: APP/C1570/W/21/3274573 - Land north of Bedwell Road, Elsenham, Essex
6. Essex County Council Decision on Certificate of Lawfulness
 - 6.1 Application ESS/48/22/CPT
 1. Delegated report ESS-48-22-CPT
7. Appeal Reference; APP/ V1505/W/22/3298599 Land north of Kennel Lane, Billericay, Essex
8. Application CPT/638/94 Rear of 30 Brunel Road Submitted Plan
 - 8.1 Decision notice
9. Application CPT/01/95 Rear of 30 Brunel Road Submitted Plan
 - 9.1 Decision notice

I. Miscellaneous

1. Local Plan Development Scheme (November 2022)
2. Control of Pollution Act 1974 Waste Disposal Licence 16 Brunel Road (Benfleet Scrap).Licence Reference No. 398/98

3. Environmental Protection Act 1990. Waste Management Licence Reference: EAWML/71298
4. Application Variation V002 issued 19 07 2017
5. Working Plan for Waste Disposal Licence March 1998
6. Letter from Secretary of State 23 March 2018 threatening to intervene in plan making
7. Tree Preservation Orders TPO/10/2018, TPO12/2018 and TPO13/2018
8. Licence No. SMD0016
9. EPR Compliance Assessment Report ID: 71088/0308611
10. EPR Compliance Assessment Report ID: 71088/0396219
11. EPR Compliance Assessment Report ID: 71088/0422856
12. EPR Compliance Assessment Report ID: 71088/0342248

J. Earlier Draft Local Plans

- 1 Draft Local Plan 2014 - Economic Strategy E3
- 2 Draft Local Plan 2014 Proposals Map Extract
- 3 Draft Local Plan 2016 - Economic Strategy E3
- 4 Draft Local Plan 2016 Proposals Map Extract
- 5 Pre-Publication Local Plan 2018 - Face sheet and Contents
- 6 Pre-Publication Local Plan 2018 - Economic Strategy
- 7 Pre-Publication Local Plan 2018 - Policy HO21 MTE
- 8 Draft Local Plan 2018 Proposals Map
- 9 Draft-Housing-Sites-Housing-Sites-Options-Topic-Paper-2018
- 10 Pre-Submission Local Plan December 2019 - face sheet and contents
- 11 Pre-Submission Local Plan December 2019 - Economic Strategy
- 12 Pre-Submission Local Plan 2019 Proposals Map.

K. Restocking Notice

- 1 Restocking Notice Map - 1st Draft - Keswick Road 22.10.2018
- 2 REDACTED ANONYMISED Annex 3 - Record of Meeting With Objector
- 3 REDACTED Annex 4 - Reference Committee Report
- 4 REDACTED - Minister Decision - Restocking Notice. Manor Trading Estate 21.10.2022
- 5 REDACTED - Notification to Objector Representation - Minister Decision - RN24.18-19 Manor Trading Estate 25.10.2022 Document K5 REDACTED - Notification to Objector Representation - Minister Decision - RN24.18-19 Manor Trading Estate 25.10.2022
- 6 REDACTED Response to objection to Restocking Notice 25.10.2022
- 7 Restocking Notice - REDACTED Land on the north side of Church Road, Benfleet 13.02.2023
- 8 Restocking Notice Map - Signed - Land on the north side of Church Road, Benfleet 13.02.2023
- 9 Restocking Notice Covering Letter - Redacted - Land on the north side of Church Road, Benfleet 13.02.2023
- 10 Restocking Plan Overlay (Forestry Commission Base)
- 11 Appellants Restocking Notice Areas Plan 16.3839-M011
- 12 Appellants Adjusted Restocking Notice Area Plan 16.3839-M013

- 13 Appellants Reposition of Contaminated Patch 16.3839-M012
- 14 Appellants Open Areas Plan 16.3839-M010A
- 15 Appellants 23-02-24 GPS to FC RN10- 22-23 Restocking Offer
- 16 Council's Note on the Implications of restocking notice

Appeal Decision

Inquiry Held on 28 February to 2 March 2023

Site visit made on 2 March 2023

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2023

Appeal Ref: APP/M3645/W/22/3309334

Land West of Limpsfield Road, Warlingham CR6 9RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Neal MacGregor of CALA Homes (South Home Counties) Ltd against Tandridge District Council.
 - The application Ref 2021/2178, dated 17 December 2021.
 - The development proposed is construction of 100 dwellings (40% affordable) with associated infrastructure, landscaping and re-provision of sports facilities.
-

Decision

1. The appeal is allowed and planning permission is granted for construction of 100 dwellings (40% affordable) with associated infrastructure, landscaping and re-provision of sports facilities at Land West of Limpsfield Road, Warlingham CR6 9RD in accordance with the terms of the application, Ref 2021/2178, dated 17 December 2021, subject to the conditions in the attached schedule.

Procedural Matters

2. The appeal has been lodged in response to the Council's failure to issue its decision within the prescribed period. The Council appeal submissions outline that had it been in a position to determine the application, it would have refused planning permission on the basis of the proposal being considered inappropriate development in the Green Belt, its effect on the openness of the Green Belt and conflict with local and national policy relating to Green Belt where no very special circumstances existed to support the proposal.
3. I closed the Inquiry in writing on 16 March 2023 following the receipt of a signed and completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990. The agreement sets out details for securing planning obligations in respect of affordable housing provision, off-site Public Rights of Way improvements, management of open space and play area, sustainable urban drainage system and travel plan monitoring and I return to these matters later.

Main Issues

4. The main issues are:

- (i) Whether the proposal would be inappropriate development in the Green Belt and the effect of the proposal on the openness of the Green Belt and its purposes;
- (ii) whether or not there is any 'other harm' that would result from the appeal proposal; and
- (iii) Whether or not any harm to the Green Belt by reason of inappropriateness, and any 'other harm' identified as arising from the appeal proposal, would be clearly out-weighed by 'other considerations', so as to amount to very special circumstances.

Reasons

Green Belt considerations

Inappropriate development

- 5. The appeal site comprises of a small paddock, sports ground, including a pavilion, parking and playing pitches and adjacent agricultural fields which forms part of the open countryside. It is situated within the District's designated Green Belt.
- 6. The main parties' appeal submissions and Statement of Common Ground (SoCG) state that, whilst the re-provision of the sports facilities would not constitute inappropriate development in the Green Belt, the residential development as proposed would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework). It is then accepted by the main parties that the development as a whole constitutes inappropriate development in the Green Belt.
- 7. Based on the evidence provided, I agree with this conclusion. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness of the Green Belt

- 8. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. The Framework advises at Paragraph 137 that openness and their permanence are essential characteristics of Green Belts. Whilst there was some disagreement between the main parties on how openness is defined, the concept of openness generally has both a spatial and a visual dimension.
- 9. It is clear from the evidence provided and from my observations during my site visit that, given the screening provided by the mature landscaping around the site and relatively flat topography of the site and immediate surroundings, the proposed development would not be highly visible in the wider landscape. Whilst the re-provision of the sports ground on the adjacent agricultural fields, including a new pavilion, parking and playing pitches, would alter the appearance of the existing landscape, it would in my view have a limited impact on the sense of openness in this part of the site.

10. Nonetheless, on a more local level, the scale and form of the proposed residential development on the small paddock and existing sports grounds would not amount to a subservient form of development in this location. The main parties agreed that the perceived change to openness would be largely restricted to within the appeal site itself, the neighbouring residential properties and the Public Rights of Way adjacent and through the site, including the public bridleway running along the southern boundary of the site.
11. The small paddock alongside Limsfield Road and existing sports ground immediately adjoins residential properties on the edge of Warlingham. These residential properties with their varied boundary enclosures together with existing pavilion, are clearly evident when viewed from the south. The occupants of neighbouring properties, the users of the public bridleway and Limsfield Road, as they pass the site, currently enjoy views of it in its current largely undeveloped form.
12. Nonetheless, the combination of the site's topography, existing built-up backdrop and abundance of foreground vegetation mean that the appreciation of its openness in both spatial and visual terms, in the context of the wider Green Belt is currently very limited. Furthermore, the part of the appeal site, on which the residential development is proposed, is currently very well-contained from its wider countryside surroundings by existing mature vegetation and earth bunding along the western and southern boundaries of the site.
13. The appeal proposal would introduce a built development footprint and volume in the form of homes and supporting development including public highways, driveways, gardens and boundary enclosures. These would extend across a large part of this currently undeveloped site. This change would be accompanied by increased activity from prospective occupants and visitors reasonably associated with a residential use. In combination, the appeal proposal would reduce both the visual and spatial sense of openness.
14. However, the appellant's landscape assessment and viewpoints demonstrate that the existing high level of containment is capable of being maintained throughout the year and in places strengthened through careful landscape and design treatment. Overall, I concur with the appellant's assessment that very localised spatial and visual effects to openness would arise. Moreover, the proposed public open space within the residential development would ensure that a degree of openness within the site itself would be retained, albeit it would be framed by new homes. Therefore, I consider the residential development would result in a moderate impact on the sense of openness.
15. In light of these characteristics, the proposed change arising from the overall development would amount from a low to a moderate level of harm to the openness of this particular Green Belt.

Purposes of the Green Belt

16. The Council has previously assessed the contribution that the appeal site makes to the purposes of the Green Belt through various Green Belt Assessments to support its emerging Local Plan. In light of the appeal site's edge of settlement location and largely undeveloped nature I agree with the conclusion of the Council's Green Belt Part 3 Exceptional Circumstances and

Insetting Assessment (June 2018)¹ that it contributes to purpose (a) to check the unrestricted sprawl of large built-up areas; and also contributes to purpose (c) to assist in safeguarding the countryside from encroachment. It is common ground that the appeal site does not contribute to the other purposes of the Green Belt, with which I concur.

17. In terms of purpose (a), whilst the Council's witness identified no conflict regarding this purpose, the 2018 Green Belt Assessment records that the site "contributes to this purpose", but does not quantify the degree of impact on this purpose. The Council's Landscape Capacity and Sensitivity Study (April 2017) (CD8.22) assessed the appeal site as having a slight landscape sensitivity and value and a high capacity to accommodate housing development.
18. Although the proposed development would extend the existing built-up area into undeveloped Green Belt land, it would not project any further southwards or westwards than the existing built-up form. Moreover, the resulting pattern of infill development would be consistent with the existing irregular settlement form of Warlingham and the site's outer boundaries would remain physically and visually well contained by either built development, existing vegetation and earth bunding. For these reasons, the appeal proposal would have a limited impact on purpose (a) which seeks to check the unrestricted sprawl of large built-up areas.
19. In terms of the contribution that the site makes to purpose (c), I agree with the main parties that encroachment into the countryside would result. Nonetheless, based on the evidence before me and my site observations that encroachment would be limited to the site itself and parts of its immediate setting along Limpsfield Road, by reason of the site's physical and visual screening and its containment within wider viewpoints.
20. Consequently, I conclude that the appeal proposal would have a limited adverse impact on the purpose of safeguarding the countryside from encroachment.
21. In summary, in terms of these Green Belt considerations, I conclude that the appeal proposal is inappropriate development which is harmful by definition. The appeal scheme would also cause a low to a moderate level of harm to the openness of the Green Belt and limited harm to the purposes of including this site within it. In line with the Framework these harms attract substantial weight.
22. Policy DP10 of the Tandridge Local Plan 'Part 2: Detailed Policies' (2014) (LP) defines the extent of the District's Green Belt and contains specific control over any inappropriate development within it, in accordance with the aims of the Framework. Paragraph 147 of the Framework directs the decision-maker to resist inappropriate development in the Green Belt except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

¹ Core Document CD8.21

Other Harms

Landscape character and appearance

23. In terms of its character and appearance, the appeal site's existing character is typical of many of the features of the larger urban landscape character area² within which it sits. The site enjoys a high level of containment from the wider surrounding countryside as a result of the combination of peripheral vegetation and adjacency in part to the built-up area.
24. The appeal site does not fall within a valued landscape within the meaning of paragraph 174 of the Framework. The existing character of the site would change significantly as a result of the development proposal on the outdoor sports facilities and open undeveloped area of land and a change in the nature of the site would be an inevitable consequence of this.
25. However, in its wider setting, a substantial area of countryside would remain beyond the residential site. Overall, the appeal proposal would not cause the substantial erosion of the countryside forming this part of the District. Despite the loss of the appeal site to development, the prevailing overall character and setting of Warlingham's urban area would be maintained.
26. Furthermore, the appellant has demonstrated through their landscape evidence that a suitable mitigation strategy could be secured to limit the visual impact of the residential development throughout the year when viewed from the public bridleway and footpaths and the site's immediate surroundings. There would also be an opportunity to soften the existing edge to the existing built-up area. The retention and enhancement of existing field boundaries and hedgerows would help to integrate the development into the landscape and the additional landscaped buffer and earth bunding along the western edge of the housing site would provide new strong defensible boundary between the residential development and the Green Belt.
27. In terms of the re-provision of the sports facilities on the two agricultural fields on the western part of the site. The site is bounded by existing sports facilities and pitches at Warlingham Rugby Football club to the north, Greenacres Sports club to the south-east, the former Shelton sports ground to the south as well as woodland and fields to the west. Whilst the re-provision of the sports facilities would alter the appearance of the existing agrarian landscape, it would not in my view be significantly out-of-keeping with the surrounding uses and prevailing character of the area in this location.
28. I am therefore satisfied that the resulting development has scope to sit comfortably and successfully assimilate with its existing residential and countryside context. The important finer details of the scheme can be adequately controlled by planning conditions to ensure this. Although the appeal scheme will change the character and appearance of the site, on this particular occasion this does not translate to unacceptable harm to the character and appearance of the area.
29. Consequently, I conclude that the proposed development would not have an unacceptable harmful effect on the character and appearance of the area. The development would accord with the overall aims of Policy DP7 of the LP and Policy CSP18 of the Tandridge District Core Strategy (2008) (CS) which seek,

² Surrey Landscape Character Assessment – Tandridge Character Area (2015) (CD8.23)

amongst other things, to ensure development is of a high quality design that respects the local character and context and integrates effectively with its surroundings. In addition, it would accord with the aims of the Framework which states that decisions should recognise the intrinsic character and beauty of the countryside (paragraph 174).

Traffic and highway safety

30. It is common ground that being directly adjacent to Warlingham, the appeal site is accessible to a good range of services and facilities. However, the appeal proposal would still give rise to a notable increase in the level of traffic which would rely on the surrounding local highway network, including Limpsfield Road. Set against this, the appeal proposal would secure improved connectivity across the appeal site from existing residential areas to the wider bus routes, public footpath and cycle network.
31. The submitted details of the proposed access off Limpsfield Road and the associated changes are uncontested by the Local Highway Authority and National Highways. The appellant's extensive assessment of the highway impacts³ are also agreed, including the proposal having no adverse impacts on the nearby Warlingham gyratory junction as a result of the development and no objections on highway grounds to the likely traffic generation from the proposed sports facilities as compared to the existing sports facilities.
32. Furthermore, the imposition of the agreed schedule of planning conditions and planning obligations covering access, sustainable transport, pedestrian connectivity, and parking would adequately safeguard against any unacceptable highway related consequences of the appeal proposal. They would also ensure that the prospective occupants of the new housing and users of the new sports facilities enjoy a good level of accessibility to local services and facilities. My assessment of these matters leads me to the same conclusion as the main parties and Local Highway Authority.
33. In this context, whilst I appreciate the concerns raised by the interested parties about the access and the capacity of the local highway network, these are not substantiated by any substantive evidence. Based on the uncontested submitted highway evidence from the appellant, coupled with my own site observations, at different times of the day, I do not find that there will be an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network will be severe.
34. The resulting improvements to pedestrian connectivity across the appeal site from existing residential areas to the wider bus routes, public footpaths and cycle network is a moderate benefit.
35. Overall, in the context of paragraph 111 of the Framework, Policy DP5 of the LP and Policy CSP12 of the CS, the predicted traffic and highway effects of the appeal scheme do not indicate to me that it should be refused. Consequently, subject to the imposition of suitably worded planning conditions to manage access and highway related details, there is no conflict with the development plan or the Framework in this regard.

³ Core Documents CD1.29 and CD1.30

Community infrastructure capacity

36. The appeal proposal will generate additional demands on healthcare and educational capacity. Interested parties have raised concerns about the capacity of these local services to support such increased demands. However, the main parties have identified that the appropriate contributions from the appeal scheme toward appropriate infrastructure to support the development can be secured through the Council's Community Infrastructure Levy (CIL) scheme⁴. I am satisfied that the adopted CIL scheme would allow the Council to secure appropriate educational and healthcare mitigation to address this at an appropriate stage in the delivery of the appeal scheme. Moreover, there is no substantiated evidence before me to corroborate the interested parties' concerns about educational and healthcare capacity to lead me to reject the main parties assessment on this matter.
37. Consequently, in the absence of harm there is no conflict with Policy CSP11 of the CS or the Framework in these regards. However, as these contributions towards educational and healthcare facilities would be mitigation, they do not constitute material benefits.

Living conditions

38. The submitted design and layout plans shows the proposed residential development would be located to the west of the existing dwellings on Limpsfield Road and to the south of Hamsey Green Gardens. Occupiers of these properties are currently able to look out across existing sports grounds and small paddock and, from the submitted evidence and my site inspection, it is clear that the appeal proposal would change those vistas.
39. Crucially, current Government guidance on determining planning applications indicates that planning is concerned with land use in the public interest rather than the protection of purely private interests. In terms of resulting levels of outlook, disturbance, privacy, daylight and sunlight, the submitted drawings demonstrate that there is sufficient scope to secure appropriate separation distances, building heights and landscaping through the submitted design and layout plans and planning conditions. I find that although there would be change for those existing occupants, this would not amount to a situation which would lead to unacceptable living conditions.
40. Consequently, I conclude that the proposal would not result in significant harm to the living conditions of the occupiers of the neighbouring properties. Accordingly, there would be no conflict with Policy DP7 of the LP and Policy CSP18 of the CS which seek, amongst other things, to ensure development does not significantly harm the amenities of neighbouring properties. In addition, it accords with the Framework that development should seek to create places that promote health and well-being, with a high standard of amenity for existing and future users (paragraph 130).

Ecology, Biodiversity and Trees

41. Although the appeal proposal will result in the loss of largely undeveloped sports grounds and paddock as well as the change of use and development of the existing agricultural fields, the main parties' evidence confirms that the existing sports ground and agricultural fields are of limited ecological value due

⁴ Core Documents CD1.2, CD1.52 and CD1.53

to the nature of the existing activities and management of the playing pitches and agricultural fields. However, the hedgerows and established trees along the boundaries are identified as supporting greater biodiversity.

42. The appeal scheme shows that the boundaries would be retained as a green link that would connect to the proposed open space. The appellant's evidence identifies opportunities to increase biodiversity and create new species rich habitats to support new foraging activity for species on the site as well as those originating from beyond the site. I also acknowledge that linkages to existing wildlife corridors would be improved as part of the green infrastructure proposals that would provide some compensatory improvements to the Green Belt in this particular location.
43. At the time of the submission of the appeal there was an outstanding matter relating to dormouse and reptile surveys which had been seasonally constrained. This additional ecological survey information has now been submitted by the appellant and the Surrey Wildlife Trust have indicated in their subsequent response, that they have no objections to the proposal, subject to appropriate conditions and mitigation. The ecological, landscaping and Green Infrastructure provision would offer the opportunity to promote the health and well-being of the local people and the biodiversity in the area, key social and environmental objectives of the Framework.
44. The submitted ecological evidence demonstrates that appropriate mitigation can be secured to avoid any residual harm. Furthermore, a biodiversity net-gain of around 22% for habitats and 10% for hedgerows is proposed⁵ and this could be delivered as part of the green infrastructure proposals. The Framework only requires a net-gain, and the proposal therefore goes significantly beyond current policy requirements. Consequently, this aspect of the biodiversity proposals is a moderate benefit of the appeal scheme.
45. The submitted arboricultural assessment, method statement and tree protection plan demonstrates that appropriate mitigation can be secured relating to the existing trees and hedgerows on the site.
46. Overall, the appellant has demonstrated that, subject to the above-mentioned conditions, the appeal proposal would not conflict with Policy CSP17 of the CS, Policy DP19 of the LP or paragraph 180 of the Framework.

Public Rights of Way

47. The existing public footpaths Nos. 52 and 110 and bridleway No. 88 run through or adjacent to the appeal site. Interested parties have raised concerns about the impact on the Public Rights of Way (PROW), including the diversion of footpath No. 52 to accommodate the new playing pitches and pavilion. However, no objections were received from Surrey County Council Countryside Access Officers to the proposal, subject to appropriate conditions and measures. I am satisfied that the submitted legal agreement would secure appropriate PROW improvements and mitigation to address this at an appropriate stage in the delivery of the appeal scheme.
48. The appeal scheme would also change the existing visual and auditory experiences of those who use the existing PROW. However, the appeal proposal would retain the public vistas through the new sport facilities and establish

⁵ Core Documents CD2.6 and CD2.7

some new public views through the proposed open space within the development. These public vistas and the improved connectivity would, in part, offset the contextual changes which would be experienced by users of public footpaths Nos. 52 and 110 and bridleway No. 88. In addition, there would be scope through planning conditions to achieve a high-quality environment through the careful treatment of layout, design and landscaping.

49. Consequently, subject to the above-mentioned legal agreement and conditions, the appeal proposal would not conflict with Policy CSP13 of the CS and Policy DP5 of the LP that seek, amongst other things, to ensure proposals retain or enhance existing footpaths and protect the Rights of Way network. In addition, it would accord with the aims of the Framework that seeks to provide safe and suitable access for all users (paragraph 110).

Flood risk and surface water drainage

50. The site is located in Flood Zone 1 as defined in the Environment Agency's Flood Mapping for the area, where there is a low risk of flooding.
51. The increased areas of hardstanding and development of the site would inevitably increase the need for appropriate measures to deal with potential flood risk, surface water and foul water drainage. The appellant has provided a Flood Risk Assessment and Drainage Strategy setting appropriate measures for the site. I am mindful that the Environment Agency and the Lead Local Flood Authority raised no objections to the proposal, subject to appropriate planning conditions, including the use and maintenance of Green Infrastructure and Sustainable Urban Drainage Systems.
52. Consequently, in the absence of any substantive evidence to the contrary, I consider that the appellant has adequately demonstrated that the proposed development would not adversely impact on flood risk and surface water drainage, in accordance with the requirements of Policy DP21 of the LP that seeks, amongst other things, to ensure proposals reduce the potential risk of flooding. In addition, it would accord with the aims of the Framework that seeks to direct development away from the areas at highest risk of flooding (paragraph 159).

Summary of harmful effects

53. In summary, I find no other harm to add to the harm to the Green Belt as described earlier.

Other considerations

Emerging housing allocation

54. The area within the appeal site that is proposed for residential development is allocated for housing in the submission version of the emerging Tandridge Local Plan 2033 (January 2019) (ELP). This draft allocation is supported by a Policy HSG15 that identifies the appeal site as HSG15A. The emerging allocation is supported by the Council, which is of the view that some Green Belt release is required to meet the current housing requirement. As a result, the emerging policy sets a direction of travel that would see the appeal site removed from the Green Belt and allocated for housing.

55. That said, the Council at the Inquiry consider that the status of the emerging housing allocation in the ELP now needs to be tempered by the publication of the Government's Written Ministerial Statement of 5th December 2022 (WMS) and the subsequent proposed changes to the Framework published for consultation on 22 December 2022. The Council witness considered it would be premature to make a decision giving weight to the emerging allocation in light of these proposed changes. Whilst this may be so, the WMS sets out proposals for consultation rather than immediate changes to government policy and the proposed changes to the Framework has only recently completed its consultation period.
56. The Council have also acknowledged in their recent advice to the Council's Planning Policy Committee on 19 January 2023 (CD8.8), that the proposed changes to the Framework would have no effect on the ELP, which is being examined under the Framework 2012 and the transitional arrangements introduced in the Framework 2018. Consequently, I can only afford limited weight to these matters in making my decision.
57. In relation to the ELP, the Council acknowledges in its recent advice and draft minutes to the Council's Planning Policy Committee on 19 January 2023⁶, that it intends to continue to proceed with the ELP and carry it forward to adoption. Whilst the ELP has been at examination for some time since 2019, the main parties indicated that the Local Plan Inspector in his preliminary findings following the initial hearings (December 2020) (CD5.2) raised no specific concerns to the principle of the housing allocation HSG15A and that there were no unresolved objections to the principle of the proposed allocation from the statutory consultees.
58. Interested parties have raised concerns about the ELP, including the density of the housing development now proposed as part of the appeal scheme and that proposed allocation HSG15A needs to be constructed in conjunction with the proposed allocation HSG15B on land immediately to the south of the appeal site. However, the Council and appellant indicated during the Inquiry that the estimated housing density figure outlined in Policy HSG15 was indicative only based on the standard density calculation and that there was no requirement in the policy for two sites to be developed together.
59. Given the above-mentioned, in light of the stage in the preparation of the ELP, evident lack of unresolved objections to the principle of the proposed housing allocation on the appeal site in Policy HSG15 in the ELP and the consistency with the Government's objectives to significantly boost the supply of the homes in the Framework, having regard to the advice provided in paragraph 48 of the Framework, I give this matter moderate weight in my decision.

Interim Policy Statement for the Housing Delivery

60. In September 2022, the Council adopted an Interim Policy Statement for the Housing Delivery (IPSHD) to enable increased housing delivery and boost housing supply in the District in the short and medium term. This interim criteria based policy forms part of the Council's Housing Delivery Test and Action Plan (CD8.7), which acknowledges that the IPSHD will be an important material consideration in the determination of planning applications.

⁶ Core Documents CD8.8, CD8.9 and CD9.1

61. The IPSHD sets out that applications will be invited to come forward in certain circumstances including housing sites included in the emerging Local Plan where the examiner did not raise concerns. The Council's evidence at the Inquiry stated that the appeal site would meet the criteria in the IPSHD.
62. However, the IPSHD does not form part of the development plan nor is a supplementary planning document, that has been subject to public consultation. Therefore, whilst it is matter to which I can only give limited weight, given its non-statutory status, it is nonetheless a matter which weighs in favour of the proposal.

Past and future housing land supply and delivery

63. It is common ground that the Council cannot demonstrate a five year housing land supply. The Council's latest Annual Monitoring Report (CD8.12) identifies a housing land supply of 1.57 years, based on a standard method local housing needs figure for the district, as compared to the appellant's assessment at just 1.38 years (CD8.28). The submitted evidence also demonstrates that in terms of overall housing delivery, the Council have delivered only 38% of its required housing over the past three years and as a result the District is the 6th poorest performing out of the 321 local authorities nationally. The result of the Housing Delivery Test (the HDT) shows that the Council has failed to deliver its annual housing requirement in previous years, with the Council delivering only 65% in 2018, 50% in 2019 and 50% in 2020 respectively.
64. The particular appeal scheme's significant contribution to boosting the Borough's overall housing land supply and delivery for an appropriate mix of households within the next 5 years is not disputed by the Council. Irrespective of the definitive supply figure, it is clear that the identified future housing land supply is substantially short of the 5-year requirement.
65. The HDT results demonstrate that such inadequate housing delivery has been persistent. Furthermore, the submitted evidence does not indicate that there are other more suitable alternative sites for housing development either in the Green Belt or elsewhere which would provide at least some prospect of an improving picture whilst the ELP is being examined should this appeal be dismissed.
66. The persistent shortfall in housing delivery means the requirement for a HDT Action Plan (September 2022) (CD8.7) has been triggered as a sanction to address these serious failings, that includes bringing forward sites on brownfield and Green Belts sites from the ELP, in line with the IPSHD.
67. In short, the evidence before me conveys at this particular moment in time the continuation of what is already an acute deficiency and shortfall in the local housing supply and delivery. The capability of the appeal proposal to contribute significantly to addressing the identified extremely serious housing land supply and delivery deficits weighs significantly in favour of this appeal.

Ability to meet affordable housing needs

68. The Council's updated Strategic Housing Market Assessment Affordable Housing Needs Assessment (June 2018) (CD8.11) and the appellant's Affordable Housing Needs Update Note (CD8.28) outline there is an identified affordable housing need of 310-391 home per year in Tandridge. However, the Council's latest Annual Monitoring Report (CD8.12) indicates that an average of just 68

affordable homes have been completed annually in Tandridge since 2006. This is exacerbated by the uncontested affordable housing evidence from the appellant which demonstrates an enormous shortfall in delivery of homes over the next 5-year period equating to about 53 affordable homes per annum.

69. This existing position is a clear symptom arising from the continuing overall housing land supply and delivery deficiencies of the Borough. There is a persistent trend of a significant number of people being unable to access their own affordable home in the District unless suitable, technically unconstrained, well located housing sites which are capable of meeting those needs, are brought forward.
70. The appeal scheme proposes the delivery of 40 affordable units of a range of types and sizes to reflect the varied needs of the Borough. This is in excess of the Council's requirements that up to 34% of dwelling will be affordable which is set out in Policy CSP4 of the CS. The significance of this particular appeal scheme's level of contribution to boosting an appropriate mix of affordable housing in the Borough within the next 5 years is not disputed by the Council.
71. The submitted legal agreement contains planning obligations which are capable of securing the appropriate level and mix of proposed affordable housing provision, management of the nomination rights and local criteria to support the delivery of the affordable home for local people in Tandridge. The legal agreement, as a mechanism to ensure that the appeal scheme delivers the important housing benefits of the appeal proposal weighs very heavily in favour of the appeal proposal.
72. In summary, the evidence before me demonstrates an ongoing acute and continuing extremely bleak outlook for local affordable housing provision. The capability of the appeal proposal to contribute significantly to addressing the existing and predicted very serious affordable housing shortfall within the next 5 years attracts significant weight in favour of this appeal.

Re-provision of Sport facilities

73. The site currently accommodates Hamsey Rangers Football Club, with a sports clubhouse, parking and football pitches. The re-provision of the sports facilities would including a new pavilion, parking and football playing pitches catering for a range of age groups. The size of the playing area would increase from 2.45ha to c.3.7ha with the number of pitches increasing from four/five to six/seven (depending on the pitch configuration) with improved drainage.
74. Interested parties have raised concerns about the new sport facilities, including the loss of the existing playing pitches and that the new pavilion provided would be smaller than the existing clubhouse, particularly its mixed-use space for social and community events. There is concern that the space provided in the new pavilion would make the running of the Warlingham Day Nursery, which currently operates its business from the existing clubhouse, and the current range of community activities and events, unviable to operate and as such would undermine the future financial sustainability of the sports club.
75. However, I am mindful that I received no objections from Sports England to the new sports facilities, subject to appropriate condition to ensure the phasing of the new sports facilities in conjunction with the new housing development on the existing sports grounds. Sports England response dated 16 August 2022

(CD1.70) concludes following an assessment of the proposal that the replacement sports playing fields, pavilion and ancillary provision will be better than the existing site and therefore meet the requirements in paragraph 99 of the Framework.

76. In addition, the appellant has confirmed that, in a letter dated 26 January 2023 from owners of the existing sports ground, the John Fisher Old Boys Association (CD8.28), gave their support for the new sports facilities which they consider would deliver a huge improvement, both in terms of the quality of the playing pitches as well as the associated club infrastructure.
77. The Framework seeks replacement sports and playing pitches facilities of equivalent or better provision in terms of quantity and quality in a suitable location. The re-provision and enhancement of the sports facilities meets these current policy requirements and as such this aspect of the proposal is a moderate benefit of the appeal scheme.
78. Consequently, in the absence of any substantive evidence to the contrary, the appellant has demonstrated that, subject to the above-mentioned conditions, the appeal proposal would not conflict with Policy CSP13 of the CS, Policy DP18 of the LP or paragraph 99 of the Framework.

Other Benefits

79. Aside from provision of market and affordable housing to meet local housing need and facilitating re-provision of the sports facilities, the contributions towards new public open space, while necessary to mitigate the impact of the additional population from the development, would also be available to all residents in the local area. These contributions together with the provision of a local equipped area of play within the development are social benefits of the scheme which carry moderate weight.
80. The economic benefits of development would include investment in construction and related employment for its duration. There would also be an increase in subsequent local household expenditure and demand for services. The additional population would increase spending in the local economy to provide long term support for local shops and services, supporting a prosperous economy. This is a key objective of the Framework and are economic benefits that carry moderate weight.
81. The commitment to higher energy efficiency, on-site renewable energy provision, high standards of design and sustainable transport measures are clear environmental benefits, representing a move towards a low carbon economy and promoting more sustainable means of travel. These are key objectives of the Framework and are environmental benefits that carry moderate weight.

Other Matters

82. Whilst concerns about prematurity have been raised, I consider the development is not so substantial or that its cumulative effect so great that it would undermine the plan making process. Whilst the ELP is at an advanced stage, it has been at examination for some time and neither the main modifications nor the Inspector's report has yet been published. Therefore, looking at the ELP as a whole, having regard to the advice provided in the Framework (paragraph 49), I give this matter limited weight in my decision.

83. I have considered the Council's argument that the granting of planning permission would set a precedent for other similar developments. However, each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission on these grounds in this case.
84. Various references have been made in evidence and submissions to other planning decisions and judgements, all of which have been considered. Each turns on its own individual facts and, whilst generally relevant to varying degrees, none dissuade me from the assessments and conclusions based upon the particular circumstances of this appeal.
85. I have taken into account the objections received from Warlingham Parish Council, Save Warlingham's Green Belt Group and interested parties to the proposal. These include loss of Green Belt land contrary to national and local planning policies, prematurity and undermining the ongoing ELP process, unsustainable location, accessibility of the site to local services and facilities, capacity of local infrastructure, schools, doctors and local facilities, impact of the proposal on the character of the area, sports and recreational facilities and the amenities of local residents, particularly during the construction period, impact on footpaths/bridleway, access, parking, traffic, highway safety, flooding and drainage, external lighting, noise and air pollution, loss of habitats, biodiversity and trees.
86. However, I have addressed the matters relating to the Green Belt, landscape character and appearance, traffic and highway safety, living conditions of the neighbouring properties, community infrastructure, footpaths and bridleway, ecology, biodiversity and trees, flooding and drainage, sports facilities and the ELP in the main issues above.
87. In terms of securing a sustainable pattern of development, based on the evidence before me and my observations during my site visits, the site would be well-related to day-to-day services and facilities in Warlingham and is accessible by a range of transport modes, including a good bus service running pass the site along Limpsfield Road. Opportunities exist to improve pedestrian, cycling and public transport links as part of the proposed development.
88. Concerns relating to the impact on the external lighting and construction noise and disturbance can be addressed through the imposition of planning conditions. The Noise Assessment (CD1.37) submitted with the application and reviewed by the Council demonstrates that the scheme would not harmfully affect noise quality. The same can be said of air quality, subject to a carefully considered design and layout, appropriate conditions and mitigations.
89. The other matters raised did not form part of the Council's reasons for refusal. I am satisfied that these matters would not result in a level of harm which would justify dismissal of the appeal and can be dealt with by planning conditions or through the Section 106 Agreement, where appropriate. In addition, I have considered the appeal entirely on its own merit and, in the light of all the evidence before me, this does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

Section 106 Agreement

90. Paragraph 57 of the Framework and Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) require that planning obligations should only be sought, and weight attached to their provisions, where they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
91. The signed and completed Section 106 Agreement makes various commitments to mitigation, additional to arrangements for the provision of affordable housing and contribution of £55,000 towards PROW improvements and £4,600 towards travel plan monitoring. These provisions include for the on-going management and maintenance of the open spaces, play area and the Sustainable Urban Drainage System within the development.
92. I am satisfied that the proposed contributions and provisions set out above are necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development, in accordance with the Framework and CIL Regulations. The contributions and provisions in the Section 106 Agreement and how they would be spent are supported by the relevant local plan policies, representations from the Council's consultees, and appeal statements and the Statement of Common Ground between the main parties. As, however, these obligations constitute mitigation, they do not constitute material benefits.

Whether Very Special Circumstances exist

93. I have found that the appeal proposal represents inappropriate development in the Green Belt, which is harmful by definition. It would also cause low to a moderate level of harm to openness and limited harm to the two purposes of including the appeal site in the Green Belt. In accordance with paragraph 148 of the Framework, any harm to the Green Belt must be given substantial weight, weighing against the appeal proposal.
94. In terms of other harms, my findings in respect of the effect on character and appearance, traffic and highway safety, living conditions, community infrastructure, footpaths and bridleway, flood risk and drainage are of neutral consequence and add no other harms to my assessment. The proposal accords with the overall aims of the relevant development plan policies set out in the LP and CS. Other potentially adverse effects would be overcome or satisfactorily mitigated by planning conditions and the Section 106 Agreement.
95. On the other hand, the appeal scheme would assist in addressing the acute and persistent housing supply shortfall and would deliver affordable housing in an area of high need. I attach substantial weight to the critically needed housing benefits of the scheme. The appeal scheme would provide other benefits including the re-provision of enhanced sports facilities, a net gain in biodiversity and the accumulation of economic, social and environmental benefits that add moderate weight in favour of the proposal. Emerging policy also seeks to release the appeal site from the Green Belt for housing and is a matter that adds further moderate weight in favour of the proposal. Overall, in my view, I consider that collectively the other considerations in this particular case are of a very high order.

96. In that context, I find the harm to the Green Belt by reason of inappropriateness, and any other harm identified as arising from the appeal proposal, would be clearly out-weighted by the other considerations identified. Accordingly, the very special circumstances necessary to justify the development have been demonstrated and therefore a conflict with Policy DP10 of the LP, and Paragraph 148 of the Framework, would not occur. Further, given the existence of very special circumstances, it follows that the application of the Framework's Green Belt policies does not provide a clear reason for refusing planning permission.⁷

Conditions

97. Having regard to the Framework and Planning Practice Guidance, I have considered the suggested planning conditions submitted and agreed by the Council and the appellant in the SoCG⁸ and during roundtable discussion at the Inquiry. In addition to the standard time limit condition, I have specified the approved plans and details as this provides certainty (1 & 2). Those conditions relating to the detailing of the external materials and finishes, site levels and hard and soft landscaping works are necessary in order to safeguard the character and appearance of the area (3, 4, 5 & 6). A condition relating to the proposed play area on the site is necessary in order to safeguard the amenities of future occupants of the development (7).
98. A condition relating to a detailed Tree Protection Plan and Arboricultural Method Statement and the protection of the existing trees and hedges on the site are necessary in order to ensure their survival and to protect the visual amenity of the trees and hedges on the site (8 & 9). A condition relating to the submission of a Landscape and Ecological management plan, updated badger survey and reptile mitigation strategy are necessary to ensure the protection and enhancement of biodiversity on the site (10, 11 & 12). A condition relating to a sensitive lighting management plan is necessary to protect any protected species in the area (13).
99. For the construction period, in order to mitigate the environmental impact of development works and to protect the amenities of occupants of neighbouring properties, the submission of a Construction Transport Management Plan, Construction Environmental Management Plan and a condition relating to piling, deep foundations and other intrusive groundwork are necessary (14, 15 & 16). Details of surface water and sustainable urban drainage systems arrangements are necessary in order to ensure adequate drainage facilities are provided and to mitigate against potential flooding and the pollution of the water environment (17 & 18).
100. A range of highway improvements are necessary to limit highway impact and to encourage and promote sustainable transport including access visibility zones (19), parking and vehicle turning arrangements (20 & 21), cycle parking and e-bike charging points, (22 & 23), revised travel plan (24), car club vehicle (25) and a package of measures in general accordance with the Highway Arrangements Plan drawing no.170523-09 Rev C (26). Conditions relating to electric vehicle charging points are necessary in order to promote sustainable transport and reduce greenhouse gas emission (27 & 28).

⁷ See Footnote 7 of the Framework

⁸ Core Document 8.39

101. A condition relating to the installation of the solar thermal systems and solar photovoltaic modules is necessary in order to promote on-site renewable energy provision and reduce greenhouse gas emission (29). A condition relating to the construction and phasing of the sports facilities is necessary to ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use on the site (30).
102. In light of my findings, given that the proposal is acceptable on its own merits for the reasons above, there are no exceptional circumstances in this instance that would justify the removal of permitted development rights in connection with the residential development that are reasonable and necessary to make the development acceptable.
103. I consider all the conditions to be reasonable and necessary to the development of the site. I have reworded some of them for consistency and have reordered them for clarity. Some of the particular requirements involve work to be done before development can start on site or before the development can be occupied. These measures are so fundamental to the acceptability of the proposal that it would be otherwise necessary to refuse planning permission.

Planning Balance

104. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites, as such the tilted balance in paragraph 11d) of the Framework is engaged. The benefits of the development as described above would be collectively very extensive. Consequently, overall, in my view, the adverse impacts arising from this development would not significantly and demonstrably outweigh the scheme's benefits. The proposal would therefore represent a sustainable form of development when assessed against the Framework read as a whole, which is a further material consideration in favour of the development. Therefore, there is no justified basis to resist the appeal proposal.

Conclusion

105. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Reuben Taylor KC	King's Counsel, Landmark Chambers
Matthew Taylor	Planning Director, Lichfields
Andrew Cook	Executive Director, Pegasus

FOR THE COUNCIL:

Clifford Thurlow	Interim Chief Planning Officer, Tandridge District Council
Paul Batchelor	Senior Planning Officer, Tandridge District Council

INTERESTED PARTIES:

Sarah Johnson	Save Warlingham's Green Belt Group
Lisa Dunning	Save Warlingham's Green Belt Group
Lauren Gates	Save Warlingham's Green Belt Group
Cllr Robin Bloore	Local Councillor
Cllr Keith Prew	Local Councillor
Cllr Jeremy Pursehouse	Local Councillor
Gintare Vaiciuliene	Interested Party
David Durrant	Interested Party
Margaret Lambert	Interested Party
Rod Hay	Interested Party

INQUIRY CORE DOCUMENTS LIST

CD1 Planning Application Documents and Plans

Application Submission Documents and Plans

CD1.1 Five Year Housing Land Supply Assessment December 2021

CD1.2 Benefits Statement December 2021

CD1.3 Planning Statement December 2021

CD1.4 Landscape and Visual Impact Assessment (LVIA) December 2021

CD1.5 Design and Access Statement (DAS) December 2021

CD1.6 Application Forms

CD1.7 ANCILLARY BUILDINGS SINGLE GARAGE 2 ELEVATIONS AND FLOORPLANS REV B

CD1.8 House Type Alder Floorplans and Elevations

CD1.9 House Type Bayberry Floorplans and Elevations

CD1.10 House Type Blackthorn Floorplans and Elevations

CD1.11 House Type Chestnut Floorplans and Elevations

CD1.12 House Type Fir Floorplans and Elevations

CD1.13 House Type Fir 2 Floorplans and Elevations

CD1.14 House Type Larch Floorplans and Elevations

CD1.15 House Type Rowan Floorplans and Elevations

CD1.16 House Type Walnut Floorplans and Elevations

CD1.17 House Type Whitebeam Floorplans and Elevations

CD1.18 House Type Willow Floorplans and Elevations

CD1.19 Ancillary Buildings Bin Store- Plots 40-50, 46-54 & Club Elevations and Floorplans

CD1.20 Ancillary Buildings Cycle Store- Plots 40 - 54 Elevations and Floorplans

CD1.21 Ancillary Buildings Bin & Cycle Store- Plots 92- 100 Elevations and Floorplans

CD1.22 Ancillary Buildings Sub Station Elevations and Floorplans

CD1.23 Location Plan

CD1.24 Coloured Street Scene Planning Drawing

CD1.25 ANCILLARY BUILDINGS DOUBLE GARAGE 1 ELEVATIONS AND FLOORPLANS

CD1.26 ANCILLARY BUILDINGS SINGLE GARAGE 1 ELEVATIONS AND FLOORPLANS

CD1.27 ANCILLARY BUILDINGS DOUBLE GARAGE 2 ELEVATIONS AND FLOORPLANS

CD1.28 Planning Application Summery Dec 21

CD1.29 Transport Statement plus Appendix A -O

CD1.30 Transport Statement Appendix P

CD1.31 Travel Plan

CD1.32 Arboricultural Assessment and Method Statement

CD1.33 Tree Protection Plan

CD1.34 Cala Homes – Feasibility Report on Limpsfield Road Development

CD1.35 Cala Homes – Feasibility Report on Limpsfield Road Development (1)

CD1.36 Landscape Management Plan

CD1.37 Environmental Noise Survey and Acoustic Design Statement Report

CD1.38 Flood Risk Assessment and Drainage Strategy

CD1.39 Flood Risk Assessment and Drainage Strategy Appendix A - C

CD1.40 Flood Risk Assessment and Drainage Strategy Appendix D - J

CD1.41 Flood Risk Assessment and Drainage Strategy Appendix K

CD1.42 Flood Risk Assessment and Drainage Strategy Appendix L -P

CD1.43 Manual for managing trees on development sites
CD1.44 House Type 1BB Front Gable Floorplans and Elevations
CD1.45 House Type 1BB Side Gable Floorplans and Elevations
CD1.46 Archaeological Desk-based Assessment
CD1.47 HER Data Map
CD1.48 HER Data
CD1.49 HER Events Map
CD1.50 Biodiversity Checklist
CD1.51 Energy and Sustainability Statement
CD1.52 CIL Form 1
CD1.53 CIL Form 2
CD1.54 Local Validation Checklist
CD1.55 Statement of Community Involvement
CD1.56 Preliminary Ecological Appraisal (Playing Pitches)
Consultee Responses
CD1.60 Surrey County Council Countryside Access Officer consultee response
21 February 2022
CD1.61 TDC Planning Policy consultee response 24 February 2022
CD1.62 Surrey County Council Highways consultee response 29 September
2022
CD1.63 Surrey County Council Highways consultee response 16 March 2022
CD1.64 London Borough of Croydon 08 March 2022
CD1.65 Environment Agency 17 June 2022
CD1.66 Natural England 01 March 2022
CD1.67 Surrey County Council Flood Risks and Planning (LLFA) 02 March 2022
CD1.68 Sports England 16 August 2022
CD1.69 Sports England 25 August 2022
CD1.70 Sports England 16 August 2022
CD1.71 Surrey Policy 11 February 2022
CD1.72 Surrey Wildlife Trust consultee response 16 March 2022
CD1.73 Surrey Wildlife Trust consultee response 18 August 2022
CD1.74 National Highways consultee response 26 October 2022
CD1.75 Surrey Wildlife Trust consultee response 1 December 2022
CD1.76 Sport England Correspondence and site construction access plan dated
20 September 2022
CD1.77 Sport England Correspondence dated 21 September 2022

CD2 Additional/Amended Reports and/or Plans submitted after validation

CD2.1 Alternative Sites Report March 2022
CD2.2 Illustrative Landscape Masterplan (Rev P03) 10-08-2022
CD2.3 Overall Coloured Site Layout Plan (Rev D)
CD2.4 Agricultural Land Classification Report
CD2.5 Ecological Impact Assessment
CD2.6 Biodiversity Net Gain Assessment
CD2.7 Biodiversity Net Gain Metric 3.0
CD2.7 HOUSE TYPE AFFORDABLE FLATS 1- 1B & 2B PLANS & ELEVATIONS
CD2.8 HOUSE TYPE AFFORDABLE FLATS - 1B PLANS & ELEVATIONS
CD2.9 HOUSE TYPE AFFORDABLE FLATS - 1B & 2B PLANS & ELEVATIONS
CD2.10 HOUSE TYPE BELLFLOWER FLOORPLANS AND ELEVATIONS
CD2.11 HOUSE TYPE CLOVER FLOORPLANS AND ELEVATIONS
CD2.12 HOUSE TYPE ARUM FLOORPLANS AND ELEVATIONS
CD2.13 Site Layout Planning Drawing

CD2.14 Coloured Site Layout Planning Drawing Rev N
CD2.15 SITE LAYOUT PLANNING DRAWING Sports Pitches
CD2.16 Tenure Plan Rev E
CD2.17 Storey Heights R
CD2.18 Dwelling Types
CD2.19 Parking Plan
CD2.20 Refuse Plan Rev C
CD2.21 Materials Plan
CD2.22 ENCLOSURE PLAN Rev C
CD2.23 Fire Strategy Plan Rev C
CD2.24 Sports Pavilion Elevations and Floorplans Rev H
CD2.25 Hard Landscape 1 of 5 Rev P02
CD2.26 Hard Landscape 2 of 5 Rev P02
CD2.27 Hard Landscape 3 of 5 Rev P02
CD2.28 Hard Landscape 4 of 5 Rev P02
CD2.29 Hard Landscape 5 of 5
CD2.30 Soft Landscape 1 of 5 Rev P03
CD2.31 Soft Landscape 2 of 5 Rev P03
CD2.32 Soft Landscape 3 of 5 Rev P03
CD2.33 Soft Landscape 4 of 5 Rev P04
CD2.34 Soft Landscape 5 of 5 Rev P04
CD2.35 HOUSE TYPE GARDENIA FLOORPLANS AND ELEVATIONS
CD2.36 OVERALL SITE LAYOUT PLANNING DRAWING
CD2.37 Site Construction Access Plan (Area Calculations) @A1
CD2.38 Dwelling Types (Housing Mix) Plan Rev C
CD2.39 Site Layout Rev V
CD2.40 Proposed Highway Arrangements Plan Rev C
CD2.41 Proposed Highway Arrangements Plan Rev C
CD2.42 Proposed Access Arrangements Plan 2 Rev B
CD2.43 Hedge Punctuation: Method Statement for Reptiles
CD2.44 Hedge Punctuation: Non-licenced Method Statement for Dormouse

CD3 Committee Report and Decision Notice

N/A

CD4 The Development Plan

CD4.1 TDC Core Strategy (October 2008)

CD4.2 TDC Local Plan Part 2: Detailed Policies (July 2014)

CD5 Emerging Development Plan

CD5.1 Tandridge Our Local Plan 2033 (Regulation 22 Submission) January 2019

CD5.2 ID16 Emerging Local Plan Inspector Preliminary Conclusions Advice December 2020

CD5.3 TED48 TDC Letter - Update on Transport Modelling and Alternative Option 27 August 2021

CD6 Relevant Appeal Decisions Note

CD6.1 APP/C2741/W/19/3227359 – North of Boroughbridge Road, York

CD6.2 APP/Q3115/W/19/3230827 – Oxford Brookes University, Wheatley Campus

CD6.3 APP/V1505/W/22/3298599 – Land North of Kennel Lane, Basildon

CD6.4 APP/C2741/W/21/3282969 – North Lane , Huntingdon, York

CD6.5 APP/P3040/W/17/3185493 – Land north of Asher Lane, Ruddington, Rushcliffe

CD6.6 APP/B1930/W/20/3265925 – Land off Bullens Green Lane, Colney Heath, St Albans / Welwyn Hatfield

CD6.7 APP/X1925/W/21/3273701 – Land south of Heath Lane, Codicote, North Hertfordshire

CD7 Relevant Judgements

CD7.1 Wychavon DC v Secretary of State for Communities and Local Government and Butler (2008) EWCA Civ 692

CD8 Other Documents

Documents relating to National Planning Policy:

CD8.1 National Planning Policy Framework (NPPF) (2021)

CD8.2 Planning Practice Guidance (PPG) Housing Supply and Delivery (2019)

CD8.3 Written Ministerial Statement 6 December 2022 - Update on the Levelling up Bill

CD8.4 Levelling-up and Regeneration Bill - Consultation on reforms to national planning policy (2022)

CD8.5 National Planning Policy Framework (NPPF) - Showing Proposed Changes (2022)

Documents relating to Local Planning Policy:

CD8.6 TDC Planning Policy Committee Paper 22 September 2022

CD8.7 TDC Housing Delivery Test Action Plan & Interim Policy Statement for Housing Delivery (September 2022)

CD8.8 TDC Planning Policy Committee Paper 19 January 2023

CD8.9 TDC Planning Policy Committee Paper 19 January 2023 - Addendum

Housing Need, Delivery and Supply:

CD8.10 The Objectively Assessed Housing Needs (OAN) of Tandridge (September 2018)

CD8.11 SHMA Affordable Housing Needs Assessment Update (June 2018)

CD8.12 TDC Authority Monitoring Report 2021-2022

CD8.13 TDC Authority Monitoring Report 2020-2021

CD8.14 TDC Authority Monitoring Report 2019-2020

Green Belt and Landscape:

CD8.15 Green Belt Assessment (Part 1) (December 2015)

CD8.16 Green Belt Assessment (Part 1) Appendix D Parcel Assessments (2015)

CD8.17 Green Belt Assessment (Part 2) Areas for Further Investigation (2016)

CD8.18 Green Belt Assessment (Part 2) Areas for Further Investigation (2016) Appendix 1

CD8.19 Green Belt Assessment (Part 2) Areas for Further Investigation (2016) Appendix 2 Extract

CD8.20 Green Belt Assessment (Part 3) Exceptional Circumstances and Insetting (June 2018)

CD8.21 Green Belt Assessment (Part 3) Appendix 1 (2018) - Extracts

CD8.22 Tandridge Landscape Capacity and Sensitivity Study Addendum (April 2017) Extract

CD8.23 Surrey Landscape Character Assessment - Tandridge Character Area (2015)

Proofs of Evidence:

- CD8.24 Local Planning Authority's Summary of Proof of Evidence
- CD8.25 Local Planning Authority's Proof of Evidence
- CD8.26 Appellant's Summary Proof of Evidence of Martin Taylor
- CD8.27 Appellant's Proof of Evidence of Martin Taylor
- CD8.28 Appellant's Proof of Evidence of Martin Taylor - Appendices
- CD8.29 Appellant's Landscape Proof of Evidence of Andrew Cook
- CD8.30 Appellant's Landscape Proof of Evidence of Andrew Cook - Appendices List
- CD8.31 Appellant's Landscape Proof of Evidence of Andrew Cook – Appendix 1
- CD8.32 Appellant's Landscape Proof of Evidence of Andrew Cook – Appendix 2
- CD8.33 Appellant's Landscape Proof of Evidence of Andrew Cook – Appendix 3
- CD8.34 Appellant's Landscape Proof of Evidence of Andrew Cook – Appendix 4
- CD8.35 Appellant's Landscape Proof of Evidence of Andrew Cook – Appendix 5
- CD8.36 Appellant's Landscape Proof of Evidence of Andrew Cook – Appendix 6
- CD8.37 Appellant's Landscape Proof of Evidence of Andrew Cook – Appendix 7
- CD8.38 Appellant's Rebuttal Proof of Evidence of Martin Taylor

Statement of Common Ground:

- CD8.39 Statement of Common Ground

Other Documents:

- CD8.40 Inspectors Note 23 of Examination of the Mole Valley Local Plan 2020-2037

CD9 Appeal documents received after the Inquiry opened

- CD9.1 Tandridge Planning Policy Committee Draft Minutes (19 January 2023)
- CD9.2 Cllr Robin Bloore Statement
- CD9.3 Appellant Opening Statement
- CD9.4 Council Opening Statement
- CD9.5 Save Warlingham Green Belt Group Statement
- CD9.6 Sports England email 28 February 2023
- CD9.7 Council Closing Statement
- CD9.8 Appellant Closing Statement

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, subject to other plans approved pursuant to other conditions herein under:

DRAWING	REFERENCE	DATED
Site Location Plan	170526/LP	17/12/2021
Site Layout	170526/SL/PL Rev V	02/08/2022
Overall Site Layout	170526/OSL/PL Rev B	02/08/2022
Coloured Site Layout	170526/CSL/PL Rev N	02/08/2022
Overall Coloured Site Layout	170526/OCSL/PL Rev D	02/08/2022
Site Layout – Sports Pitches	170526/SL/PL/SP Rev P	15/08/2022
Sports Pavilion Plan	170526/SP/EP Rev H	15/08/2022
Dwelling Types (Housing Mix) Plan	170526/SL/PL/DT Rev C	02/08/2022
Storey Heights Plan	170526/SL/PL/SH Rev C	02/08/2022
Tenure Plan	170526/SL/PL/TP Rev E	02/08/2022
Parking Plan	170526/SL/PL/PP Rev E	02/08/2022
Refuse Plan	170526/SL/PL/RP Rev C	02/08/2022
Materials Plan	170526/SL/PL/MP Rev C	02/08/2022
Fire Strategy Plan	170526/SL/PL/FS Rev C	02/08/2022
Enclosure (Boundary Treatments) Plan	170526/SL/PL/EP Rev C	02/08/2022
Substation Plan – Elevations and Floorplans	170526/AB/SS/EP Rev A	14/12/2021
Cycle Store Plan – Elevations and Floorplans	170526/AB/CS/EP Rev A	14/12/2021
Bin Store Plan – Elevations and Floorplans	170526/AB/BES/EP Rev A	14/12/2021
Bin and Cycle Store Plan – Elevations and Floorplans	170526/AB/BCS/EP Rev A	14/12/2021
Affordable Flats – 1B – Elevations and Floorplans	170526/HT/1B-FLATS/EP Rev C	25/03/2022
Affordable Flats – 1B & 2B – Elevations and Floorplans	170526/HT/FLATS/EP Rev D	25/03/2022
Affordable Flats 1 – 1B & 2B – Elevations and Floorplans	170526/HT/FLATS-1/EP Rev C	25/03/2022
Alder – Elevations and Floorplans	170526/HT/ALD/EP Rev C	14/12/2021
Arum – Elevations and Floorplans	170526/HT/ARU/EP	25/03/2022
Bayberry – Elevations and Floorplans	170526/HT/BAY/EP Rev C	14/12/2021
Bellflower – Elevations and	170526/HT/BEL/EP Rev C	25/03/2022

DRAWING	REFERENCE	DATED
Floorplans		
Blackthorn – Elevations and Floorplans	170526/HT/BLA/EP Rev C	14/12/2021
Chestnut – Elevations and Floorplans	170526/HT/CHE/EP Rev C	14/12/2021
Clover – Elevations and Floorplans	170526/HT/CLO/EP	25/03/2022
Fir – Elevations and Floorplans	170526/HT/FIR/EP Rev B	14/12/2021
Fir 2 – Elevations and Floorplans	170526/HT/FIR2/EP Rev B	14/12/2021
Gardenia – Elevations and Floorplans	170526/HT/GAR/EP	25/03/2022
Larch – Elevations and Floorplans	170526/HT/LAR/EP Rev C	14/12/2021
Rowan – Elevations and Floorplans	170526/HT/ROW/EP Rev B	14/12/2021
Walnut – Elevations and Floorplans	170526/HT/WAL/EP Rev B	14/12/2021
Whitebeam – Elevations and Floorplans	170526/HT/WHI/EP Rev D	14/12/2021
Willow – Elevations and Floorplans	170526/HT/WIL/EP Rev B	14/12/2021
Bungalow Side Gable – Elevations and Floorplans	170526/HT/1BB/SG/EP Rev B	14/12/2021
Bungalow Front Gable – Elevations and Floorplans	170526/HT/1BB/FG/EP Rev B	14/12/2021
Single Garage 1 – Elevations and Floorplans	170526/AB/SG1/EP Rev A	14/12/2021
Single Garage 2 – Elevations and Floorplans	170526/AB/SG2/EP Rev B	13/01/2022
Double Garage 1 – Elevations and Floorplans	170526/AB/DG1/EP Rev A	14/12/2021
Double Garage 2 – Elevations and Floorplans	170526/AB/DG2/EP Rev A	14/12/2021
Tree Protection Plan	19020-3	-
Illustrative Masterplan (Landscape)	DLA-2072-L-11-P03	10/08/2022
Hard Landscape Plan – Sheet 1 of 5	DLA-2072-L-01-P02	09/08/2022
Hard Landscape Plan – Sheet 2 of 5	DLA-2072-L-02-P02	09/08/2022
Hard Landscape Plan – Sheet 3 of 5	DLA-2072-L-03-P02	09/08/2022
Hard Landscape Plan – Sheet 4 of 5	DLA-2072-L-04-P02	09/08/2022
Hard Landscape Plan – Sheet 5 of 5	DLA-2072-L-05-P02	09/08/2022

DRAWING	REFERENCE	DATED
Soft Landscape Plan – Sheet 1 of 5	DLA-2072-L-06-P03	09/08/2022
Soft Landscape Plan – Sheet 2 of 5	DLA-2072-L-07-P03	09/08/2022
Soft Landscape Plan – Sheet 3 of 5	DLA-2072-L-08-P03	09/08/2022
Soft Landscape Plan – Sheet 4 of 5	DLA-2072-L-09-P04	25/08/2022
Soft Landscape Plan – Sheet 5 of 5	DLA-2072-L-10-P04	25/08/2022
Indicative Site Construction Access Plan	170526/SL/PL/MPAC	-
Proposed Highway Arrangements Plan	170523-09 Rev C	-
Proposed Highway Arrangements Plan	170523-10 Rev B	-
Proposed Access Arrangements Plan	170523-01 Rev C	-

- 3) Prior to any above ground works (excluding demolition) details of the materials to be used in the construction of the external surfaces of the buildings and dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.
- 4) A) Prior to the commencement of facade works, detailed drawings/plan/section/elevation at 1:20 of the following shall be submitted to the Local Planning Authority for approval in writing:
 - Typical window (reveal, header, sill);
 - Communal entrances;
 - Typical Balcony/balustrade; and
 - Parapets.
 B) The development shall only be implemented in accordance with the details approved under part A) above.
- 5) No development shall start in relation to the construction of the dwellings until details of the levels of accesses and finished floor levels of the building(s) hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.
- 6) Notwithstanding the details already submitted, no development shall start until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. These details shall include:
 - a. proposed finished levels or contours
 - b. means of enclosure

- c. car parking layouts
- d. other vehicle and pedestrian access and circulation areas
- e. hard surfacing materials
- f. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.).

Details of soft landscape works shall include all proposed and retained trees, hedges and shrubs; ground preparation, planting specifications and ongoing maintenance, together with details of areas to be grass seeded or turfed. Planting schedules shall include details of species, plant sizes and proposed numbers/densities.

All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion or occupation of any part of the development (whichever is the sooner) or otherwise in accordance with a programme to be agreed. Any trees or plants (including those retained as part of the development) which within a period of 5 years from the completion of the development die, are removed, or, in the opinion of the Local Planning Authority, become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation. The hard landscape works shall be carried out prior to the occupation of the development.

- 7) Prior to the construction of the play areas hereby approved, a scheme detailing the play equipment, boundary treatment and ground surface area treatment of the outdoor play spaces shall be submitted to the Local Planning Authority and approved in writing. The play equipment will be designed to be fully inclusive to ensure the areas are accessible to all and will be implemented upon occupation of the relevant part of the development in accordance with the approved plans, to be retained permanently thereafter.
- 8) Notwithstanding the details already submitted, no development shall start until a detailed Tree Protection Plan and Arboricultural Method Statement, in full accordance with sections 5.5 and 6.1 of BS5837:2012 Trees in relation to design, demolition and construction - Recommendations [appropriate and specific to the approved scheme], to include details of the protection of all retained trees from works associated with demolition, construction and landscaping, and all works within the root protection area, or crown spread [whichever is greater], of any retained tree, has been submitted to and agreed in writing by the Local Planning Authority. These details shall include a system of arboricultural supervision and monitoring where works within root protection areas are required. Thereafter, all works shall be carried out and constructed in accordance with the approved details and shall not be varied without the written consent of the Local Planning Authority.
- 9) No trees or hedges shall be pruned, felled or uprooted during site preparation, demolition, construction and landscaping works [except as shown on the documents and plans hereby approved] without the prior written consent of the Local Planning Authority. Any retained trees or hedges which are removed, or which within a period of 5 years from the

completion of the development die are removed, or, in the opinion of the Local Planning Authority, are dying, becoming diseased or damaged shall be replaced by plants of such size and species as may be agreed in writing with the Local Planning Authority.

- 10) Prior to the commencement of development the applicant should submit to the Local Planning Authority for approval a Landscape and Ecological Management Plan (LEMP) to details the management measures required to deliver the biodiversity net gain identified in the biodiversity net gain assessment. The LEMP should include, but not be limited to following:
 - a. Description and evaluation of features to be managed including the public rights of way and adjacent hedgerows
 - b. Ecological trends and constraints on site that might influence management
 - c. Aims and objectives of management including any new Green Belt boundaries
 - d. Appropriate management options for achieving aims and objectives
 - e. Prescriptions for management actions, together with a plan of management compartments
 - f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period
 - g. Details of the body or organisation responsible for implementation of the plan
 - h. Ongoing monitoring and remedial measures
 - i. Legal and funding mechanisms by which the long-term implementation of the plan will be secured by the applicant with the management body(ies) responsible for its delivery
 - j. Monitoring strategy, including details of how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
 - k. Invertebrate Habitat Enhancement Plan
 - l. Ecological Enhancement Plan
- 11) Prior to the commencement of the development an updated badger survey of the proposed development site should be carried out. If potential evidence of a badger sett is recorded, then the Applicant should submit a Badger Mitigation Strategy to the Local Planning Authority for approval. Thereafter the development shall be undertaken in accordance with the approved Badger Mitigation Strategy.
- 12) Prior to commencement of development a reptile mitigation strategy should be submitted to and approved in writing by the Local Planning Authority. The strategy should be prepared by a suitably qualified ecologist and appropriate to the local context. The reptile mitigation strategy should include, but not be limited to following:
 - a. Location and map of the proposed translocation site

- b. Assessment of the habitats present, including their ecological function to reptiles
 - c. Assessment of the translocation site reptile population size, evidenced by recent reptile surveys following best practice, and an assessment of habitat quality
 - d. Analysis of reptile carrying capacity of translocation site
 - e. Details of management measures that are required
 - f. Work schedule (including an annual work plan capable of being rolled forward over a five-year period)
 - g. Details of the body or organisation responsible for implementation of the reptile mitigation strategy
 - h. Ongoing monitoring and remedial measures
 - i. Legal and funding mechanisms by which the long-term implementation of the reptile mitigation strategy will be secured by the applicant with the management body(ies) responsible for its delivery.
- 13) Prior to commencement of development a Sensitive Light Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with these details.
- 14) No development shall commence until a revised Construction Transport Management Plan is submitted to include details of:
- a. parking for vehicles of site personnel, operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials
 - d. programme of works (including measures for traffic management)
 - e. HGV deliveries and hours of operation
 - f. vehicle routing
 - g. measures to prevent the deposit of materials on the highway
 - h. on-site turning for construction vehicles
 - i. provision of boundary hoarding behind any visibility zones
- has been submitted and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.
- 15) Prior to the commencement of development the applicant should submit to the Local Planning Authority for approval a Construction Environmental Management Plan (CEMP). The CEMP should include, but not be limited to:
- a. Map showing the location of all of the ecological features
 - b. Risk assessment of the potentially damaging construction activities
 - c. Practical measures to avoid and reduce impacts during construction
 - d. Location and timing of works to avoid harm to biodiversity features

e. Responsible persons and lines of communication

f. Use of protected fences, exclusion barriers and warning signs.

Thereafter the development shall be undertaken in strict accordance with the approved CEMP.

- 16) Piling, deep foundations or other intrusive groundworks (investigation boreholes/tunnel shafts/ground source heating and cooling systems) using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 17) The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the Sustainable Urban Drainage System (SuDS) Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, National Planning Policy Framework and Ministerial Statement on SuDS. The required drainage details shall include:
 - a. Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy.
 - b. Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
 - c. A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
 - d. Details of drainage management responsibilities and maintenance regimes for the drainage system.
 - e. Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.
- 18) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.
- 19) No part of the development shall be commenced until the proposed vehicular / pedestrian access to Limpsfield Road has been constructed and provided with visibility zones in accordance with the Access Arrangements Plan drawing no. 170523-01 Rev C and thereafter the

visibility zones shall be kept permanently clear of any obstruction between 0.6m and 2.0m above ground level.

- 20) Prior to the occupation of each dwelling hereby approved space shall be laid out within the site for each of the residential dwellings in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking/turning areas shall be retained and maintained for their designated purposes.
- 21) The development hereby approved shall not be first occupied until space has been laid out within the site for the sports facility in accordance with the approved plans for 100 vehicles (including 5 disabled bays) and 3 coach spaces to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking/turning areas shall be retained and maintained for their designated purposes.
- 22) The residential development hereby approved shall not be first occupied until facilities for the secure, covered parking of bicycles and the provision of a charging point for e-bikes next to the facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.
- 23) The sports facility hereby approved shall not be first occupied until facilities for the secure, covered parking of 40 bicycles and the provision of a charging point for e-bikes next to the facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.
- 24) A revised Travel Plan shall be provided and approved in writing with the Local Planning Authority and thereafter implemented prior to first occupation and each and every subsequent occupation of the development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.
- 25) The development hereby approved shall not be first occupied until at least 1 car club vehicle has been provided for occupiers to use in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter the club vehicle/s shall be retained and maintained for their designated purpose.
- 26) Prior to first occupation the following package of measures shall be implemented at the applicants expense through a S278 Agreement in general accordance with the Highway Arrangements Plan drawing no.170523-09 Rev C.
 - a. Design and provision of a toucan crossing including facilities for cyclists to join the carriageway, dropped crossings and tactile paving and all associated costs (legal order, advertisement consents, signals design and installation), civil engineering and traffic management works, commuted sums for future maintenance.

- b. Two vehicle activated speed signs (VAS) to be constructed on Limpsfield Road at the applicants expense with the location to be agreed with the Highway Authority.
 - c. Widening of the existing footpath from the proposed site access towards Warlingham Village centre to 2m where this can be achieved.
 - d. The existing footway from the pedestrian/emergency access (between 176 and 178 Limpsfield Road) to be widened to 3m as far as the proposed site access to provide a shared pedestrian/cycleway.
 - e. Provision of pedestrian refuge island with dropped kerbs and tactile paving
 - f. Provision of tactile paving across Crewes Avenue and Crewes Lane.
 - g. Relocation of existing bus stop which is currently adjacent Verdayne Gardens.
 - h. The relocated bus stop and the stop outside 182 Limpsfield Road will be subject to the following improvements:
 - i. raised kerbing of 140mm for approximately 9m subject to site conditions and location to be agreed with Surrey County Council's (SCC's) Passenger Transport Projects Group.
 - ii. bus cage markings and bus stop clearway
 - iii. investigation as to whether bus shelters can be provided, then the shelter, style and location to be agreed with the SCC's Passenger Transport Projects Team and provided with lighting and seating with arm rests.
 - iv. bus flag and pole
 - v. Real Time Passenger Information (RTPI)
- 27) The residential development hereby approved shall not be occupied until each of the proposed dwellings are provided with a fast-charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.
- 28) The sports facility hereby approved shall not be occupied until 20 of the available parking spaces have been fitted with a fast charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) plus a further 20 spaces to be provided with a power supply to provide additional fast charge socket (Feeder pillar or equivalent premising future connection 230v AC 32 Amp single phase dedicated supply).
- 29) Prior to the occupation of each dwelling hereby approved the solar thermal systems and solar photovoltaic modules as specified in the application details shall be installed in relation to that dwelling and this system shall thereafter be retained in perpetuity in accordance with the approved details.
- 30) Prior to the commencement of the development hereby permitted, a scheme and phasing plan for the relocation and reprovision of the playing

pitches, pavilion and ancillary facilities hereby permitted shall be submitted to the Local Planning Authority for approval, in consultation with Sport England.

This scheme and phasing plan should ensure that on the existing John Fisher Sports Club site a minimum of three playing pitches (of which at least one should be 11 v 11 sized), the existing pavilion and car parking facilities are available and accessible for safe and continual use until the new playing field area containing the Over 18 (Senior) 11 v 11, Youth U15/U16 11 v 11 and Youth U13/14 11 v 11 playing pitches, which shall all include the appropriate 3m run-off areas, the pavilion and ancillary facilities hereby permitted as set out in drawing numbers 170526/SL/PL/SP rev P and 170526/SP/EP Rev H and the Sport Turf Consulting report dated 1st July 2022 are constructed and available for use. The playing field, pavilion and ancillary facilities shall be maintained, available for use and accessible in accordance with the approved details.

On the completion of the 50th dwelling, the playing field area containing the Youth U13/14 11 v 11 and both Mini-Soccer U9/U10 7 v 7 playing pitches hereby permitted shall be constructed and be available for use as set out in drawing numbers 170526/SL/PL/SP rev P and 170526/SP/EP Rev H and the Sport Turf Consulting Report dated 1st July 2022. The playing field shall be maintained, available for use and accessible in accordance with the approved details.



Appeal Decision

Inquiry held on 8-9 and 12-16 and 20 December 2022

Site visit made on 15 December 2022

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th March 2023

Appeal Ref: APP/X0415/W/22/3303868

Land between Lodge Lane and Burtons Lane, Little Chalfont, Amersham, HP4 4AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr D Cox against the decision of Buckinghamshire Council.
 - The application Ref PL/21/4632/OA, dated 30 November 2021, was refused by a notice dated 25 April 2022.
 - The development proposed is demolition of all existing buildings and the erection of residential dwellings including affordable housing, custom build (Use Class C3), retirement homes and care home (Use Class C2), new vehicular access point off Burton Lane, improvements to existing Lodge Lane access including works to Lodge Lane and Church Grove, new pedestrian and cycle bridge and associated highway works, a local centre including a community building (Use Classes E(a)(b)(e), F2(b), land safeguarded for educational use (Use Classes E(f) and F1(a), public open space and associated infrastructure (matters to be considered at this stage: Burtons Lane and Lodge Lane access).
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Decision

1. The appeal is allowed and outline planning permission is granted for demolition of all existing buildings and the erection of residential dwellings, including affordable housing, custom build (Use Class C3), retirement homes and care home (Use Class C2), new vehicular access point off Burton Lane, improvements to existing Lodge Lane access including works to Lodge Lane and Church Grove, new pedestrian and cycle bridge and associated highway works, a local centre including a community building (Use Classes E(a)(b)(e), F2(b), land safeguarded for educational use (Use Classes E(f) and F1(a), public open space and associated infrastructure (matters to be considered at this stage: Burtons Lane and Lodge Lane access), on land between Lodge Lane and Burtons Lane, Little Chalfont, Amersham HP4 4AJ, in accordance with the terms of the application, Ref PL/21/4632/OA, dated 30 November 2021, subject to the conditions included in the schedule to this decision.

Procedural Matters

2. The Development Plan includes the Saved Policies of the Chiltern District Local Plan (1997) including Adopted Alterations 2001 (the LP) and the Core Strategy for Chiltern District (2011) (the CS).
3. A joint draft Chiltern and South Bucks Local Plan was withdrawn following concerns from the Examining Inspector with regard to the duty to cooperate

with neighbouring authorities. Its policies carry no weight in this decision although the main parties consider that its background evidence is a material consideration. In my view, any weight is limited as it has not been formally tested.

4. The appeal was accompanied by a schedule of planning obligations under the provisions of Section 106 (S106) of the Town and Country Planning Act 1990 (as amended). This is provided in the form of a deed of agreement between the appellant and the Council and its provisions were discussed at the Inquiry. With the agreement of the parties, an engrossed version, dated 30 December 2020 was submitted shortly after the Inquiry closed.
5. The appeal is in outline, with only means of access to be determined at this stage. All other matters are reserved for future consideration. The application was accompanied by Parameter Plans, dealing with Land Use and Green Infrastructure, Building Heights, Access and Movement and Demolition. These plans were amended in advance of the Inquiry. Following discussion with the parties during the Inquiry, I am satisfied that the revisions do not prejudice the interest of any parties.
6. Given the scale of the proposed development, the appeal was accompanied by an Environmental Statement as required by Regulation 5(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. I am satisfied that the revised plans do not prejudice the EIA.

Main Issues

7. The Council's Decision Notice sets out eleven reasons for refusal. Following the close of the Inquiry, having heard all the evidence, I am content that affordable housing provision is no longer a main issue. I have also refined the wording of the main issues relating to landscape, character and appearance.
8. The appeal site lies within the Green Belt. There was no dispute in this regard that the appeal scheme constitutes inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework). It also lies adjacent to, but outside the Chilterns Area of Outstanding Natural Beauty. With all that in mind, and having heard all the evidence to the Inquiry, I consider that the main issues in this case are:
 1. the effect of the proposal on openness and purposes of including land within the Green Belt;
 2. the effect of the scheme on the character and appearance of the area, including the landscape and scenic beauty of the Chilterns Area of Outstanding Natural Beauty and the Burtons Lane to Doggett's Wood Lane Area of Special Character;
 3. the effect of the proposal on highway safety;
 4. whether or not the proposal would lead to an unacceptable loss of protected species and protected habitats;
 5. whether or not the scheme includes the infrastructure necessary, directly required and related in scale and kind to the proposed development;

6. the effect of the development proposed on the Chilterns Beechwoods Special Area of Conservation and Ashridge Commons and Woods Site of Special Scientific Interest;
 7. whether or not the proposal would lead to an unacceptable loss of best and most versatile agricultural land;
 8. whether the appeal scheme would increase the risk of surface water flooding; and
 9. whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations such as to provide the very special circumstances required to justify development in the Green Belt.
9. In advance of the Inquiry, Statements of Common Ground (SoCGs) on planning, ecology, highways and housing land supply were agreed between the main parties, with technical notes agreed on flood risk and air quality. Accordingly, the parties through the SoCGs have indicated that the reasons for refusal relating to each of these matters have been addressed. The main parties also agreed that the issue of best and most versatile agricultural land is a matter for the planning balance. The S106 addresses other matters as well, including the amount of affordable housing.
10. However, these matters remain as main issues and I made it clear in my Inspector Note sent out before the start of the Inquiry that I was content to receive further comments on them during the Inquiry, particularly from interested parties. Accordingly, these issues are addressed in this decision although its primary focus is on the Green Belt, Landscape and Design (Issues 1, 2 and 9).

Reasons for the Decision

11. The appeal site extends to some 29.7 hectares (ha), with its eastern half formerly occupied by Little Chalfont Golf Club which was closed several years ago. The club house and parking area, accessed from Lodge Lane, are still in place, with its fairways identified by incidental bands of landscaping and occasional tees. The western half of the site comprises open pasture. Based on the Agricultural Land Classification system, this is classified as Grade 3 agricultural land. Homestead Farm, a private dwelling, is set within a generous garden and located on the north western edge of the site. It is understood that the fields have not been used for many years for agricultural purposes. There are bands of Ancient Woodland at Stonydean Wood in the centre of the site, and Netherdown Spring Wood which runs along the southern edge of the site.
12. The appellant states that the design of the proposed scheme has been landscape led, involving a 'Re-imaging of Metroland'. Two residential development parcels would be located on the northern slope of the dry valley located north, east and west of Stonydean Wood. A primary school, retirement and care accommodation would be located towards the northern edge, with a centrally located community hub. A proposed pedestrian link at the northern end of the site would extend over the rail line, allowing direct access to the centre of Little Chalfont. Overall, around 12.5ha of the site would be developed.

13. The scheme would retain the belts of Ancient Woodland with landscape 'buffers', enhance biodiversity, introduce a Suitable Alternative Natural Greenspace (SANG) and would include play space and allotments/community orchard.
14. The Parameter plans identify that the residential areas would be of 2.5/3-storeys in height, with densities varying from 35-65 dwelling per hectare (dph). The mixed use central hub would be up to 3-storeys (16 metres) in height and the primary school 2-storeys. Access points from Burtons Lane and Lodge Lane would serve the development, although there would be no connection between the two. Instead, movement across the site would be reserved for pedestrians/cyclists.

Green Belt

15. Although there is no definition of 'openness' within the National Planning Policy Framework (the Framework), the Government Planning Practice Guidance (PPG) refers to assessments of openness as being informed through consideration of spatial and volumetric aspects, the duration of the development and the degree of activity likely to be generated.¹
16. The scale of development proposed would have spatial and visual impacts on the site when compared to the extent of the existing development, which comprises a club house, car park and a collection of buildings around Homestead Farm.
17. The site's context is determined by its relationship with surrounding development. The site is separated from Little Chalfont by the Metropolitan railway line, which broadly defines the settlement boundary. Although there is development to the south, including Honours Yard, a vehicle depot, and housing on Long Walk, these are included in the Green Belt. To the east, beyond Lodge Lane, the site is open to the Chilterns Area of Outstanding Natural Beauty (AONB) and to the west, along Burtons Lane, there is low density residential development which forms part of the Area of Special Character (ASC).
18. The site's allocation (SP BP6), within the withdrawn joint local plan carries no weight. However, I recognise that the Green Belt assessments which informed the allocation do carry significant weight. These assessments included the appeal site as part of larger sites.
19. Scores were recorded for Purposes a)-d) of the Green Belt, as defined by Paragraph 138 of the Framework. In turn these purposes are; a) checking the unrestricted sprawl of large built up areas, b) prevention of neighbouring towns merging into one another, c) assisting in safeguarding of the countryside from encroachment, d) preserving the setting and special character of historic towns and e) assisting in urban regeneration. Purpose e) was not assessed.
20. There is a consistent thread throughout each of the assessments that identifies that the northern part, within which the appeal site lies, contributes less to each of these Purposes when compared to the southern part. Low and moderate scores were recorded for Purposes b) and c) respectively. These are matters confirmed by my site visit.

¹ Reference ID: 64-001-020190722

21. I find that large parts of the site have a semi urban context defined by its proximity to the busy rail line and surrounding residential areas, which extend along Burtons Lane, the inclusion of the existing golf clubhouse and car park and proximity of the Honours Yard depot. The eastern part of the site, which was the former golf course, reflects its recent use and cannot be regarded as 'countryside' as such.
22. Although the appeal scheme would result in development extending south towards Chorley Wood, its impacts would be limited as acknowledged by the Council². One assessment identified that release of the parcel would not undermine the performance of the wider Green Belt³. This is consistent with my findings given the site's context. Extensive areas of Green Belt would still be retained between Little Chalfont and Chorley Wood.
23. Whilst the scheme partly involves development on agricultural land, the site's containment by existing housing along Burtons Lane on its west side, Lodge Lane to the east and the proposed SANG to the south beyond which is Long Walk would prevent encroachment into surrounding countryside.
24. Paragraph 148 of the Framework confirms that when considering planning applications, substantial weight should be given to any harm to the Green Belt. Although I regard the site's contribution to the Green Belt Purposes, as limited, it remains largely undeveloped and open. The appeal scheme would result in a loss of openness in both spatial and visual terms but this harm would be limited due to the site's existing context and strong boundaries.
25. For these reasons, I conclude that the appeal scheme conflicts with Policies GB2 of the LP, Policy CS1 of the CS and Paragraphs 137, 138, 147, 148, 149 and paragraph 150 of the Framework, which together and among other things seek to protect the Green Belt from development through concentrating development within existing settlements.

Character and appearance

Landscape effects

26. The site lies in Landscape Character Area (LCA) 18.3 Little Chalfont Rolling Farmland. This is characterised by rolling topography resulting from its varied geology and comprises arable farmland enclosed by boundary hedges with belts of Ancient Woodland with a scattered settlement pattern. Significantly, this description does not refer to dry valleys, although this is identified as a characteristic of the adjacent AONB.
27. The appeal site includes features consistent with LCA18.3. These include a rolling topography, with a 'plateau' at around 120m AOD⁴ within its north section. This drops to the west towards Stonydean Wood, housing in Village Way and Loudhams Wood Lane, and to the east towards Lodge Lane. To the south, it drops to a shallow, dry chalk valley which extends along the southern edge of the appeal site. From the bottom of the dry valley, the site rises to include an area of former pasture that is almost entirely surrounded by woodland and hedgerow belts.

² Mr Fannon XX

³ CD8.5

⁴ Above Ordnance Datum

28. The appeal site includes some features which distinguish it from the LCA, with areas of pasture rather than arable farmland, the 'landscaped' features of the former golf course, views of surrounding residential development and Honours Yard and the domestic curtilage of Homestead Farm. These features are consistent with the Council's landscape assessment which informed the now withdrawn plan and which identifies that the suburban edge of Little Chalfont filters into the site⁵.
29. Both the main parties agree that the site is not a valued landscape within the meaning of Paragraph 174a) of the Framework and the Guidelines for Landscape and Visual Assessment (GLVIA). Although this view is not shared by an interested party⁶, the concept of a valued landscape is not defined in the Framework. The leading court case⁷ on what constitutes a valued landscape is the Stroud judgement, which deals with whether the countryside in question has demonstrable physical attributes (rather than just popularity) which would take the site beyond mere countryside. In other words, whether the attributes take the landscape beyond the 'ordinary' or 'everyday'. Whilst the main parties differ on the degree to which the appeal site includes features typical or representative of the Little Chalfont Rolling Farmland landscape, they do not raise the area to the level of a valued landscape in Framework terms. I have no reason to disagree.
30. For sites not identified as 'valued', landscape guidance⁸ advises that their value may be derived from an assessment of characteristics which include natural and cultural heritage, landscape condition, distinctiveness, recreational and functional value.
31. The site does not represent a rare landscape for this part of the LCA, despite the presence of Ancient Woodland. It has no recreational value since the closure of the private golf course, and no footpaths traverse it. The site does have natural heritage features derived from its topography, including the dry valley and the belts of Ancient Woodland. The site does not include features of any cultural interest.
32. The presence of these natural features has to be balanced against the absence of other features to which the Guidance refers and those features which are uncharacteristic of the LCA18.3 which I have referred to above. For these reasons, I find that the site has a medium landscape value.

Character of the site

33. The Landscape and Visual Impact Assessment submitted with the application (LVIA) identifies that the proposed development would alter the field pattern within the site and, through the creation of the development platforms, would alter the profile of its natural topography, leading to the loss of natural grassland. The new and widened access points on Burtons Lane and Lodge Lane would also alter the character of the site's boundaries.
34. The form of development proposed across the northern part of the site would represent an extension of Little Chalfont in an area largely free of development.

⁵ CD8.7 Landscape Assessment for GB options

⁶ Michelle Bolger Landscape Architects

⁷ Stroud District Council v SSCLG and Gladman Developments Ltd

⁸ CD5.6 TGN 02/21 - the Landscape Institute 2021

These changes would be permanent and irreversible and would have a major adverse impact but would be restricted to just the northern part of the site.

35. However, these changes have to be balanced against other aspects of the appeal scheme. These include the protection and enhancement of the Ancient Woodland, the retention of the southern field, the creation of the SANG, recognised by Natural England, additional planting and Biodiversity Net Gain (BNG), calculated at around 20%. For these reasons, I conclude therefore that overall, the effects would be moderate adverse.

Trees and Hedgerows

36. The scheme would involve the loss of trees and hedgerows. The Council contends that the appellant's LVIA underplays the extent of this loss.
37. Across the site as a whole, there would be a loss of one Category A tree, 15 Category B and 53 Category C trees. Although a significant proportion of trees outside the belts of Ancient Woodland would be lost, these are primarily Category C and many are less than 10 metres in height making only a limited contribution to the character of the area at the present time. For these reasons, I find that their loss would not undermine the site's overall character. The landscape impact in this regard would be minor adverse.
38. Hedgerows form structural features both on the site's boundaries and within the site. Of the 13 hedgerows surveyed⁹, five would be completely removed whilst three would be partially removed. However, several of these make only a limited contribution to the site's landscape character, representing golf course features delineating fairways, its boundaries and the boundary of Homestead Farm.
39. Others though are structurally important including H8 and H13¹⁰. Although my attention was drawn to the age of Hedgerow H8, the plans originally identified that a significant length would be removed but this has been altered by the revised Parameter plan, resulting in a net hedgerow loss of around 20 metres required to enable the through pedestrian and cycle route. H13 would only be partially removed to enable the road access into the site from Burtons Lane.
40. The proposed scheme would involve significant areas of hedgerow planting and enhancement of existing features as part of the SANG. I am satisfied that the amount of retained and additional hedgerow planting would retain hedgerows as an important feature of this site.
41. The Council objects to the proposed replacement planting on the basis that even after 15 years it would not reach comparable levels of scale, species complexity or visual enclosure when compared to that existing. However, I find that these matters could be satisfactorily addressed through an appropriate species mix and spacing addressed by a planning condition. For these reasons, the landscape impact in this regard would result in only a minor adverse change.

⁹ CD1.18.5 Appx 12.7. I have used references from this study

¹⁰ CD18.5 Vol1 Chapter 13

Dry Valley

42. A defining principle adopted by the appellant for the scheme design is the retention of the dry valley¹¹. All the parties at the Inquiry agreed that this is a sensitive receptor. I have no reason to disagree. It extends from just west of Burtons Lane, through the southern part of the site, and turns north east into the AONB, above which is the embanked rail line.
43. The LVIA does not define the extent of the dry valley required to be free of development to ensure that it remains a legible feature within the scheme. The valley does not have a consistent profile through the site, with the steepest part being the northern slope lying immediately east of Stonydean Wood. Beyond this point the contours broaden, most markedly to the east abutting Lodge Lane. However, the southern slope is more consistent in profile, allowing for clearer definition of the valley profile which would be retained free from development.
44. The Masterplan identifies that the western development parcel would not extend below the 115 metre contour, with only a finger of housing proposed below this height, located just west of Stonydean Wood. The eastern development parcel extends down to around the 107 metre contour. Due to the gentler gradient of land in this area of the site, the extent of land free from development lying above the contour increases in area. This would maintain the definition of the dry valley in the site when viewed from Lodge Lane.
45. Inquiry time was spent on comparing the extent of land free from development in the appeal scheme with that included in the site capacity study¹² for the housing allocation in the now withdrawn plan. However, comparison is unwarranted given that the draft allocation was for a completely different scheme from that before me, which included development on the southern slope on Honour's Yard and on what is now proposed to be the SANG. This would have potentially resulted in a different form of enclosure around the dry valley. That is not the situation in this scheme, where development is confined to just the northern slope.
46. The dry valley would remain as a legible natural feature through the site. Although the extent of land free from development would narrow by Stonydean Wood, the buffer areas retained free from development around the Ancient Woodland belts would allow views from both the proposed access points through the valley.
47. The valley's most sensitive point lies at its interface with the AONB, by the Lodge Lane access. Here, however, the extent of the dry valley retained free from development allows for an area of transition from the site to the AONB. The landscape impacts of the appeal scheme on this feature would be minor adverse.

Lodge Lane and the setting of the AONB

48. Lodge Lane follows the profile of the dry valley, extending down from Long Walk before rising from beneath the rail bridge to the junction with Church Grove. It is of insufficient width for two-way traffic and does not include pedestrian footways and lighting. It lies between the site boundary and the

¹¹ CD 1.11 Design and Access Statement

¹² CD7.3A

AONB, falling within its setting. Notwithstanding the presence of the rail bridge, the lane is a single entity, characterised by wooded embankments which increase in height and steepness north of the bridge. The lane's landscape character is defined by the extent of tree coverage and the tapestry of its understorey; these are characteristics recognised by the Conservation Board¹³.

49. The Conservation Board objects to the carriageway widening which it maintains, would have an urbanising effect leading to an adverse impact on the setting of the AONB.
50. The widened access point would involve the removal of trees and hedgerows. These include two B grade trees, with the remainder either C category or 'U' value, which do not make a significant contribution to the landscape character or qualities of the AONB. In any event, the tree cover that would be retained to both sides of the proposed access on this frontage means that there would be only minor effects on the setting of the AONB at this point.
51. More extensive works of around 240 metres in length are proposed for the lane north of the proposed access, involving widening of the carriageway by around 0.7 metres. This would necessitate the removal of about 1 metre width of embankment, including the removal of trees within Group W13, and their understorey, and the erection of a retaining wall of around 140 metres length¹⁴.
52. During the Inquiry I was presented with additional information on the anticipated loss of trees along this part of Lodge Lane¹⁵ which identified that seven and not fourteen trees would be removed from Group W13. I understand the concerns of both the Council and the Conservation Board, but this is a well treed bank which benefits from mature trees located across its full extent. The loss of seven trees along the lowest levels of the bank would have a negligible adverse impact on the setting of the AONB at this point, given the number of trees on the western edge of the lane.
53. I recognise that the proposed retaining wall would initially have an urbanising effect but this would not prevent a newly planted understorey from growing over time.
54. There would be minor effects with no material harm to the setting of the AONB by Year 15 (Y15), arising from the proposed works to both the widened access and carriageway.

Conclusions on landscape effects

55. Overall, I find that the site has a medium landscape value, given that it includes features uncharacteristic of its LCA. It has a medium susceptibility to the appeal scheme, given that over 50% of the site would remain free from built development and its most distinctive landscape features, including belts of Ancient Woodland and boundary hedgerows, would be enhanced and protected. The proposed development would broadly respect the form of the dry valley.

¹³ Conservation Board letter 23 August 2022

¹⁴ CD 1.22A

¹⁵ CD7.22 Waterman Tree Note

56. In my view, by Y15, the proposed mitigation planting and retained landscape features would allow the integration of the proposed development leading to an overall moderate adverse impact.
57. Overall, the proposed works to Lodge Lane would not result in material harm to the distinctive profile of this lane and the setting of the AONB.

Visual effects

58. The Zone of Theoretical Visibility (ZTV) is drawn tightly around the perimeter of the site, reflecting its self-containment which results from its topography and extent of existing tree belts. This is confirmed by the LVIA, which identifies that beyond its immediate context, views of the appeal scheme would have a negligible effect.
59. I address the viewpoints and those receptors most affected, based on the accompanied site visit completed during the Inquiry. As a general point I acknowledge that the most significant effects would be experienced during construction, but I restrict my comments to its Y15 effects.

Lodge Lane

60. By Y15, the proposed works for the western edge of Lodge Lane would have had sufficient time to mature. The approach from either direction would be largely masked by both existing trees and mitigation planting. Accordingly, views would be limited for pedestrians with both cyclists and motorists having only glimpses of the eastern parcel.
61. To the south of the rail bridge, the signage, lighting and road markings associated with the new access would be visible, but only directly at the access point. At this point, clear views of the road and the eastern development parcel would be possible.
62. Although the Council assesses the impact on these views as being moderate to major adverse, I find that the effects on pedestrians, the most sensitive receptor would by Y15, be limited.

AONB

63. Walkers along footpath PROW LCF/11/1 through New Hanging Wood within the AONB, are sensitive receptors. From within the wood, the impact of the new access its road signage and lighting and the eastern parcel, would be largely masked by the depth and density of surrounding woodland. At this point, any impact on views would be negligible.

Loudhams Wood Lane

64. Receptors would be the occupiers of properties with rear windows facing towards the site. These properties are separated from the appeal site by a thick belt of mature vegetation.
65. The Parameter plans identify that new development along the western development parcel would be up to 2.5 storeys in height. The proposed height, together with the separation between the receptors and the development parcel, would be sufficient to minimise views, with any impact being minor adverse.

Burtons Lane

66. Presently, there is an existing footway along the east side of Burton's Lane, adjacent to the western edge of the appeal site. The scheme would involve the removal of a significant tree and a length of boundary hedgerow to create the road access but development would be set behind a thick landscape belt on this boundary. These changes would afford northbound footway users direct views of the western development parcel, but only on the approach to the proposed access. Further south the retained hedgerows would restrict views into the site.
67. Walking south, whilst intermittent views of the development may be possible through the boundary hedge, the dominant view would be towards the retained dry valley and Loudhams Wood.
68. For these reasons, despite the sensitivity of pedestrians, the impact on views would be limited.

Village Way

69. Receptors would be the occupiers of several properties at the end of the road, with rear windows facing towards the site. A thick tree belt extends across the boundary between their rear gardens and the appeal site. The appeal scheme includes residential development of around 2.5-3 storeys immediately to the rear, on rising land.
70. Despite the change in level between existing properties and the appeal site, and the height of the proposed dwellings, views would be limited due to the depth of existing screening. Furthermore, even were the proposed MUGA¹⁶ to include floodlights, these would only be glimpsed. I conclude that the impact on views from the existing residential properties would be limited.

Dark Skies

71. South of the existing urban edge of Little Chalfont, the appeal site represents an area of dark skies. The Conservation Board has raised an objection to the potential loss of dark skies and its impact on wildlife corridors.
72. I am satisfied, however, that the degree of natural enclosure around the site, together with the use of conditions controlling matters such as light spillage and intrusion, could sufficiently mitigate any wider harm in this regard.

Conclusions on visual effects

73. The visual effects of the appeal scheme are largely contained within a ZTV of limited extent. The most sensitive receptors would be residents of surrounding properties with views of the scheme which, largely through a combination of topography and existing planting, would be limited. Footpath/footway users within the AONB would experience only limited adverse effects.

Burtons Lane Area of Special Character (ASC)

74. The western part of the site lies adjacent to the Burton's Lane ASC identified in the South Bucks Townscape Study. This includes Green Suburban Roads or Woodland Roads. Common to each of these typologies are large detached

¹⁶ Multi Use Games Area

residential properties set in spacious plots along broad avenues of mature trees. These areas have densities of around 5 dph.

75. The Council's objection is twofold in respect of the scheme's impacts on the ASC. Firstly, notwithstanding the scheme's density, the objection relates to the proposed disposition¹⁷ of development within the site. In particular, that the western parcel's set back from the frontage to Burtons Lane is excessive and that the separation distance between the western parcel and the rear of properties on Loudhams Wood Lane would undermine a strong perimeter block structure.
76. Secondly, the Council identifies the ASC as having a 'high landscape sensitivity', resulting in the appeal scheme having a moderate adverse impact on this area¹⁸.
77. In my view, the nature of development suggested by the Parameter plans allows for a break between the surrounding urban form and the character of what is proposed. Separation of the scheme from the frontage to Burtons Lane and from the rear of properties in Loudhams Wood Lane with additional landscaping, allows the scheme to sit as a new form of development without comparison to the ASC. In this way, its physical impact on the character of the ASC would be significantly reduced.
78. For these reasons whilst I recognise that the ASC has a degree of sensitivity, the disposition of the western parcel would respect this. I consider that the scheme would not adversely impact on the character or appearance of the ASC.

Overall conclusions on character and appearance

79. The Council states that the appeal scheme's character and appearance would conflict with several policies.
80. Policy CS22 seeks to protect the setting of, and views to and from the AONB. Although the Council refers to LP Policy LSQ1, this refers solely to development within the AONB and has only limited application to the proposed scheme which lies outside its boundaries. The proposed access works and the widening of Lodge Lane are limited in extent and would have only a limited effect on the setting of the AONB and would not undermine its landscape and scenic beauty.
81. Local Plan Policy GB30 seeks to protect the rural landscape and Policies GC4 and TW6 require the protection of hedgerows and that there should be no loss of trees. The Council identifies that the scheme would conflict with the site's natural features including hedgerows, trees and woodland. However, the areas of Ancient Woodland would be protected and, although there would be a loss of trees and hedgerows across the site, this would principally affect Category C or unclassified trees and could be off-set by mitigation planting. I acknowledge however, that the development would erode the site's natural landscape features in conflict with Policy GB30 of the LP, but this would be largely contained to just one area of the site.
82. That said, there would be no conflict with Policy CS32, as it would open the site up to public access, include a SANG and connect to the footpath network within

¹⁷ Mr Fannon PoE

¹⁸ Ms Huijer PoE para 4.4.9.13

the local area. The scheme would therefore contribute to the area's green infrastructure.

83. To conclude, whilst I find that there would be no conflict with Policy LSQ1 and H4 and only limited conflict with Policies TW6, GC1, GC4 and GB30 of the LP and Policies CS22 and CS32 of the Core Strategy, the degree of impact on the site's overall character and appearance would be limited in extent.

Highway Safety

84. The Council's original objection concerned the appellant's traffic modelling for junctions in the local area. Following receipt of new evidence, the main parties completed a Statement of Common Ground which identified that there were no outstanding areas of disagreement. However, a number of interested parties maintain objections which I address below.

Lodge Lane

85. During my site visits, the lane was only occasionally used by pedestrians, cyclists and vehicles, although I appreciate that these only provide a snapshot in time.
86. I recognise that its widening could lead to an increase in traffic which could travel at higher speeds than at present despite the retention of the existing 40mph speed limit. However, despite these changes the risks of greater conflict with pedestrians would be limited due to inclusion within the scheme of pedestrian/cycle access routes which lead to the centre of Little Chalfont and the rail station.
87. Whilst interested parties suggest that the design of the widening scheme may not fully adhere to the advice included in Manual for Streets, the County Council, as the Highway Authority with responsibility for highway safety, is satisfied with the proposed layout and does not object. I am satisfied that these matters were fully addressed by the Stage 1 RSA¹⁹ and that there would be no material harm in this regard.

Traffic Impact Analysis

88. Other concerns relate to an apparent 'downward adjustment' in trip numbers for the morning peak, with the modelling assuming that large numbers of vehicles 'bypass' the centre of Little Chalfont. Furthermore, other assumptions appear to 'double discount' the number of 'local' trips to the proposed community hub within the site.
89. I recognise that the traffic modelling underwent successive iterations on the traffic movements around the Church Grove/Amersham Road/Stoney Lane junction. This resulted in traffic figures being revised and substituted with historic manual counts and then tested using various adjustments based on other modelling evidence. I am satisfied that the 'lost' figures have now been appropriately accounted for.
90. In respect of the size of the proposed store, the 1,000 square metres floorspace included in the appeal scheme include a range of uses from Ea), Eb) Ef) and F2b), covering retail, café/restaurant, medical services and meeting hall, and not just retail space as the interested party suggests. As a result, I

¹⁹ Road Safety Audit

am satisfied that concerns over a material increase in traffic coming to the site from outside the area to shop in the proposed store, are unlikely to arise.

Capacity of Roughwood Lane

91. I accept that there would be an increase in traffic arising from the appeal scheme on local roads. However, I do not accept that this could lead to an unacceptable increase on the volume of traffic using Roughwood Lane as a consequence of 'rat-running' to the A413 when the A404 is blocked. Traffic counts²⁰ identify that this lane has sufficient capacity to accommodate the additional traffic arising in such circumstances. I find that there would be no material harm in this regard, during times of stress on the strategic road network.

Cycle route along the east side of Burtons Lane

92. The Parish Council expressed concerns over whether there would be sufficient space along the east side of the Burtons Lane for the proposed pedestrian/cycle path.
93. The works required would extend for around 500 metres along the east side of Burtons Lane and would be contained within highway land, lie outside the boundary of the appeal site and do not require planning permission. The accompanied site visit identified that five trees would need to be removed, but that space of around 3 metres width could be developed, which would be sufficient for the shared path. The shallow drain along this side of the lane could be culverted to ensure sufficient space was created.
94. Although there would still be pinch points along the route, it could accommodate both pedestrians and cyclists safely. The route would provide direct access from the site to the centre of Little Chalfont. I am satisfied that these arrangements could deliver the shared space as suggested by the appellant. These matters would form part of a separate agreement negotiated under the Highway Act 1980.
95. In consideration of all these matters, I conclude that the appeal scheme does not conflict with Policies CS25 and CS26 and the Council's Highways Development Management Guidance,²¹ which together and among other things seek ensure that the development of transport infrastructure keeps pace with growth.

Whether or not the proposal would lead to an unacceptable loss of protected species and protected habitats

96. In advance of the Inquiry, the main parties agreed a SoCG relating to this matter. In light of that, the Council did not pursue during the Inquiry the related reason for refusal included in its decision. The SoCG identifies that protected species including Bats, Badgers, Reptiles including Slow Worms and Grass Snakes, common amphibians, breeding birds and a common assemblage of invertebrates are found across the site. These species are found in a range of common habitats including grassland, scrub, ruderal vegetation, woodland, native hedgerows and garden.

²⁰ IDX5

²¹ Buckinghamshire County Council Highways Development Management Guidance: Managing the transport and travel impact of new developments (July 2018)

97. Notwithstanding the outstanding concerns of one of the objectors, I am satisfied that the completed surveys included with the appeal for both protected species and habitats are sufficient to allow for an informed view on the likely impacts of the proposed development. I acknowledge concerns regarding the potential for bat roosts in trees on Lodge Lane. However, it is unknown at this stage whether a particular tree would be affected by the proposed widening scheme. Further surveys would be required in line with the Bat Conservation Trust's guidelines which could identify rarer bats if the appeal was to succeed. That could be secured by condition.
98. In respect of Great Crested Newts (GCN), whilst surveys were required for all water bodies within 500 metres of the site boundary, it would seem not all of these were surveyed. The interested party's report²² acknowledges that these ponds would be 'below average' in terms of their potential as habitats for GCN and each lies at some distance from the site. Migration of GCN across a road, through residential properties and the rail line to the site, would therefore be unlikely.
99. The BNG calculation is derived from the extent of semi natural habitats to be retained along with those habitats of the highest ecological interest. This amounts to uplifts of around 29.68% in relation to habitat units and 42.13% for hedgerow units. Although the interested party took issue with the calculations adopted by the appellant, it was acknowledged that only a marginally different score results.
100. Although enabling legislation was enacted in November 2021, there is no legal requirement to secure BNG until the Government issues guidance for a 10% biodiversity net gain. Nevertheless, the S106 includes the proposed mitigation measures as a benefit of the scheme.
101. For these reasons, I conclude that the appeal scheme does not conflict with CS Policy CS24 which seeks to conserve and enhance biodiversity.

Infrastructure

102. The Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 57 of the Framework set a number of tests for planning obligations: they must be necessary to make the development acceptable in planning terms, be directly related to the development, and be fairly and reasonably related in scale and kind to the development.
103. The completed S106 requires that 40% of the dwellings proposed are secured as affordable housing units, with an appropriate mix in line with the Council's local housing needs. Provision would be phased, linked to occupation of the market housing and that first lets would be through the Bucks Home Choice Scheme. Other provisions include mortgage protection for First Homes. These arrangements are supported by Policies CS8 and CS10 of the CS.
104. Other covenants secure provision of the SANG and its management by a dedicated management company responsible for open space, the sustainable drainage scheme (SuDS) and communal areas, pursuant to CS Policies CS31 and CS32.

²² BIOSCAN

105. The S106 also includes financial contributions towards transport measures for housing and the retirement home, the car club (at £250.00 per dwelling and £1,000 for the retirement home) and a travel plan and monitoring fee of £5,000. These measures are supported by Policies CS24, CS25 of the CS and Saved Policies TR2 and TR5 of the LP, which seek the provision of a genuine choice of transport modes.
106. Arrangements for the procurement of a registered care home operator are secured by the Agreement, as are provisions to restrict occupation of the home to those who are aged 55 years and over, with financial contributions for a basic care package. These provisions are in line with Policy CS12 of the CS.
107. Other covenants require the provision of a LEAP, LAP and NEAP²³ within the site, and that the SANG should be at least 10ha in area. These provisions are appropriate given the scale of development proposed and are supported by Policy CS31 of the CS.
108. The Agreement includes the provision of land within the scheme for up to 15 self- and/or custom-build dwellings. Although there is no local policy support for such, it is supported by legislation²⁴ and Paragraph 62 of the Framework.
109. The scheme includes the safeguarding of land for a new primary school, the delivery of which would be tied to trigger points based on housing delivery. There is some doubt, as to whether this would proceed, or whether an existing local school would be extended to accommodate the identified need. Covenants included in the S106 include financial contributions towards education provision based on a formula for each dwelling, depending on their size. This is supported by CS Policies CS29 and CS31.
110. The S106 also includes the provision of land for a community building within the site, in accordance with CS Policy CS29. The Parish Council requested that instead, the money could be directed towards the refurbishment of the existing community hall in Little Chalfont²⁵. Whatever the merits of that possibility, I can only consider the arrangement that is proposed as part of the appeal scheme.
111. The agreement includes a financial contribution of £3,000 towards signage/wayfinding to encourage access to the AONB, in line with Policy CS32 of the CS, as well as contributions towards the Chiltern Beechwoods SAC SAMM26, which I address later in this decision.
112. Other obligations secure employment opportunities for local people during the construction period. Although there is no locally adopted policy to support this, it is consistent with Paragraph 81 of the Framework which seeks, among other things, to support economic growth and activity.
113. The S106 includes the provision of infrastructure which is necessary, directly required and fairly and reasonably related in scale to this development. I am satisfied that each of these covenants fall within the provisions of Regulation 122 of the CIL Regulations and Paragraph 57 of the Framework.

²³ Locally Equipped Area for Play, Local Area for Play, Neighbourhood Equipped Area for Play

²⁴ The Self Build and Custom Build Act 2017

²⁵ IDX 26

²⁶ Strategic Access Management and Monitoring Strategy for the Chiltern Beechwoods SAC

Chilterns Beechwoods Special Area of Conservation (SAC) and Ashridge Commons and Woods Site of Special Scientific Interest (SSSI)

114. Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) as competent authority I am required to undertake an Appropriate Assessment of the development on the basis of its Likely Significant Effects on the Chiltern Beechwoods SAC as a European Site. The mitigation proposed to address these effects are the provision of SANG and Strategic Access Management and Monitoring.
115. Having regard to the submissions of Natural England and relevant planning policy, including the Council's Chiltern Beechwoods Special Protection Area Avoidance Strategy Supplementary Planning Document, I consider that the proposed measures would adequately mitigate the recreational effects of the proposed scheme, either alone or in combination with other plans and projects, so that there would be no adverse effect upon the integrity of the SAC and its SSSI. The mitigation would be secured and managed via the s106 Agreement.
116. These covenants are supported by Saved Policy NC1 of the LP. The provision of the SANG within the site, and its management plan, as included within the Agreement, are supported by CS Policy CS24.
117. I am satisfied that each of these covenants fall within the provisions of Regulation 122 of the CIL Regulations and Paragraph 57 of the Framework.
118. The Council's objection related to the accuracy of trip modelling for the appeal scheme and its implications for air quality. This has been resolved²⁷.
119. Results from the updated traffic modelling identifies that at each of the receptor points results are predicted to be below the nitrogen dioxide (NO_x) annual mean objective in 2026 and the same for particulate matter (related to the size of particles in the atmosphere). Both main parties agreed a Technical Note²⁸ on this matter and the Council did not pursue its original objection during the Inquiry.
120. Natural England was consulted as part of the appeal and confirmed that its only concern related to impacts on the pathway derived from recreational activities arising from the scheme on the SAC. Air quality has been discounted²⁹. No substantiated evidence is before me to counter this view.
121. I am content, therefore that there would be no adverse impact on human health or biodiversity including on the Chiltern Beechwoods SAC.
122. In the absence of other evidence to the contrary, I am satisfied that the revised modelling fully addresses the Council's original objection. For this reason, I conclude that that the appeal scheme would not conflict with CS Policies CS25, CS26 and Saved Policy GC9 of the LP.

Flood Risk

123. The appeal site lies within Flood Zone 1 with a low risk of fluvial flooding, although it includes two flow routes. The route which follows a west-east direction through the site results in some ponding on its eastern edge. The

²⁷ SoCG on Transport Matters

²⁸ CD1.43

²⁹ Environmental Statement

appeal scheme includes an infiltration based system, with run-off attenuated within basins located across the site. The critical issue is whether the appeal scheme would lead to an increase in flood risk beyond the site.

124. A Technical Note³⁰ submitted with the appeal addresses the substance of the Council's original objection, including updated modelling, infiltration rate testing, the location of the SUDS basins and surface water drainage calculations. In light of that Technical Note, the Council did not pursue its objections in this regard.
125. In the absence of any evidence to the contrary, I am content that the development would not lead to an increase in flooding off-site and find no conflict with Policy CS4 of the CS and its related guidance³¹.

Best and Most Versatile (BMV) Land

126. The appeal site comprises Grade 3 agricultural land, although no evidence has been presented on whether this falls predominantly within Grade 3a or 3b: Grade 3a land is classed as BMV agricultural land, whilst grade 3b is not.
127. I was advised, that across the local area, there are considerable tracts of Grade 3 land³². In the scheme of things therefore, the loss of around 14ha as a consequence of the development proposed would not, even were the whole site classed as BMV agricultural land, materially prejudice the supply of such land in the local area, which could adversely impact on the economics of food supply. That said, that the appeal scheme has the potential to result in the loss of BMV land, albeit limited in extent, falls to be considered as a disbenefit the scheme, and would be contrary to Policy CS4 of the CS and Paragraph 174b) of the Framework, which together and among other things seek to protect agricultural land from development.

Other Considerations

Provision of market and affordable housing

128. The parties agree that the Council³³ only has 2.5 years supply of housing land for the period 2021-2026. However, this is declining, and from the current year stands at 1.81 years supply (2022-27). This represents a chronic position.
129. In these circumstances, both the main parties afford the proposed provision of 215 units of market housing and 152 affordable housing, very substantial weight³⁴.
130. The undersupply of housing has persisted for over a decade, resulting in an overall housing need in the Chilterns Area of 2,068 homes for the period 2016-2036, or around 104 dwellings each year.
131. For the last 15 years, the median and lower quartile levels of affordability within the District have been considerably higher in Buckinghamshire than the wider south-east. In respect of median house prices and lower quartile prices, the Little Chalfont ward has been significantly higher than for the rest of

³⁰ Hydrock Technical Design Note 3 November 2022

³¹ Sustainable Construction and Renewable Energy SPD 2015

³² CD 1.18 EIA Main chapter

³³ The SoCG on housing land identifies that this is appropriately measured across the administrative area of the former Chiltern District

³⁴ Mr Fannon PoE

Buckinghamshire. A similar pattern is found for median private rents, which are higher across Buckinghamshire than the rest of the south-east.

132. During this same period, only 13% of housing completions within the Little Chalfont ward were defined as 'affordable', despite the policy requirement of 40% provision during most of this period. Within the last five years, there has been a 79% shortfall in the provision of affordable housing, compared to the HEDNA³⁵ 2016.
133. To address the extent of historical undersupply, the appellant estimates that around 180 new affordable dwellings are required each year. This compares to just 120 affordable dwellings included in extant permissions. These figures were not contested by the Council during the Inquiry.
134. The appeal scheme is policy compliant in terms of affordable housing provision and would make a significant contribution to addressing both market and affordable housing need. The suggested mix of units is in accordance with the Council's housing needs.
135. I acknowledge the Council's position that the most appropriate way to address these shortfalls would be through a plan-led approach. However, following the withdrawal of the joint plan, it is unclear when a new plan will be adopted, with officers indicating that this could be 2026. After this date, an application would still have to be determined. In contrast, the appellant anticipates that in the event of this appeal being allowed development could proceed in 2024³⁶, with around 80% of the whole scheme being built out by 2029.
136. The Council has cast doubt on the scheme's 'deliverability', as defined by the Framework, due to the lack of information before the Inquiry on the Agreement in respect of the footbridge over the rail lines³⁷. However, the Inquiry was informed that heads of terms have been agreed with London Transport,³⁸ and for this reason I am satisfied that it could be delivered in advance of the completion of the new local plan.
137. Finally, the Council has not advanced an argument to demonstrate that this level of housing need could be met through the recycling of derelict or urban land in line with Paragraph 138e) of the Framework.

Custom and Self Build Housing

138. Provision for this form of housing is included in statute³⁹, which requires that Councils publish local registers of custom house builders who wish to acquire suitable land on which to build their own home. It requires that Authorities must give suitable permissions to allow a supply of serviced plots to meet demand. These requirements have been given greater impetus by the recommendations of the Bacon Report⁴⁰ and the Framework.
139. The parties differ on the degree of weight they each ascribe to the provision of the 15 units proposed, with the Council affording medium weight and the appellant substantial weight.

³⁵ Housing and Economic Development Needs Assessment 2016

³⁶ Mr Kindred XX

³⁷ Mr Kindred EiC

³⁸ As advised by Mr Kindred for the appellant during the Inquiry

³⁹ Self Build and Custom Housebuilding Act 2015

⁴⁰ CD E41

140. The Council has no adopted or interim policy for this form of housing, despite the imperative accorded to its delivery by statute. I understand the Council's reservations on the use of the 'Build Store plot' web site, but it accepts that there is an unmet need of 347 units for the period 2016-2021 and it is agreed between the parties that the local connection test cannot be applied retrospectively.
141. Evidence⁴¹ demonstrates that cumulatively across the Base Periods, the Council has continually failed to meet the demand for self-build homes identified in the Register. These figures were not contested by the Council. In these circumstances, the provision of 15 units would be a significant benefit, given the Government's commitment to this sector and the continued shortfall across the Council's area.
142. My attention was drawn to an appeal decision where an Inspector faced with a similar situation gave substantial weight to this matter⁴². I too afford this matter substantial weight in this appeal. Fifteen units would meet local demand and widen housing choice.

Accommodation for the elderly and retired

143. The appeal scheme includes a 100 bed retirement scheme and a 60 bed care home. Whilst the Council does not dispute that there is a need for this type of accommodation, its main concern relates to the excessive amount of accommodation proposed compared to local need, affordability and the likely care regime.
144. The appellant's evidence⁴³ identifies the scale of social care needs for the period 2020-2035 across the former Chiltern District. This identifies that the population aged over 65 years is projected to increase by around 18%, with a marked increase for the cohorts aged 85-89 years and 90+ years of around 45% and 60% respectively. Within this increase, the number of people who cannot perform at least one domestic task and one self-care task, thereby requiring some degree of support would increase significantly as well. This points to the level of need within the former Chiltern District area, which reflects the priority that this form of accommodation is accorded by national policy⁴⁴.
145. In the context of these figures, the application of different modelling systems to identify demand for accommodation vary. However, a consistent picture emerges of the likely level of demand, based on the demographic modelling applied by the appellant. For the period 2020-2035, a projected need for 186 extra care housing units to rent, and 223 units for leasehold, is identified within the former Chiltern District area.
146. Both parties accept that up to 2025, around 276 units of accommodation are required⁴⁵, although the Council indicates that its modelling for the new Authority area amounts to just 30 additional residential home and 228 nursing home beds by the year 2037.

⁴¹ Mr Moger PoE

⁴² CD6.5

⁴³ Iain Warner PoE

⁴⁴ PPG Ref ID:63-001-20190626 identifies the need for this form of specialist accommodation as critical

⁴⁵ Mr Kindred PoE

147. Whilst I understand the Council's concerns regarding the lack of detail relating to the levels of care and its affordability, I am satisfied that the appeal scheme could make a considerable impact on addressing the under-supply of units based on the anticipated increase in population alone.
148. I am also mindful, given the chronic undersupply of housing land, that the provision of additional units of accommodation could release under occupied housing across the Council area.
149. Even though the appellant has not clarified the 'care regime' and the mix between rent and leasehold, there is an established need for both care and retirement accommodation in the local area. I afford this aspect of the proposal substantial weight.

Economic benefits

150. The appellant identifies direct and indirect economic benefits⁴⁶ which could be delivered by the appeal scheme. These include 470 construction jobs, resulting in around £46 million Gross Value Added (GVA) for each year during the construction period. A further £12 million could be derived from the additional spend arising from the new residents of the proposed scheme in local shops and services.
151. Whilst these measures would be related to the construction period, sustained economic advantages include 118 full time equivalent jobs from employment in the community hub, the retirement and care homes, and £5.2 million generated in GVA.
152. I recognise that these benefits are derived from the application of simple metrics, but I am in no doubt that significant economic advantages would arise from the delivery of the scheme.
153. Other benefits may arise from the provision of housing, particularly affordable housing, supporting the local economy by broadening the pool of local labour who could afford to work locally. This could address employers' concerns currently unable to attract local labour because of rising house prices.
154. Whilst the main economic benefits of this scheme would be considerable, they would be largely temporary, being derived from the construction period and would not meet the Council's local employment strategy which seeks high skilled and high value employment. However, in the context of the recent downturn in the national economy⁴⁷, when considered together with the longer term employment provision on the site and the contribution that future residents would make to the economy through local expenditure, I afford the economic benefits moderate weight.

Biodiversity Net Gain

155. The scheme includes a significant BNG of around 20%.

Open Space and Community benefits

⁴⁶ Ms Collins PoE

⁴⁷ Ms Collins PoE

156. The appellant identifies that Little Chalfont includes an under provision of community facilities and open space⁴⁸. The appeal scheme includes an over-provision of open space and community benefits, reflecting both quantitative and qualitative improvements which could help address these shortfalls. In addition, the provision of pedestrian routes through the site would allow public access from the station and town centre to the AONB.
157. Whilst I acknowledge the importance of these measures, given the wealth of accessible countryside around the town, these advantages can only be accorded limited weight.

Planning Balance and Overall Conclusion

158. The appeal scheme constitutes inappropriate development which is, by definition, harmful to the Green Belt. To this must be added further harm as a consequence of the appeal scheme through loss of openness of the Green Belt and harm to its Purposes included in Paragraph 138b) and c) of the Framework, limited harm to the setting of the AONB, some, albeit limited harm in terms of the character and appearance of the area generally, and limited harm through the loss of BMV land. Paragraph 148 of the Framework confirms that any harm to the Green Belt is to be given substantial weight.
159. Inappropriate development in the Green Belt should not be approved other than in very special circumstances, which will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. As set out above, there are substantial benefits arising from the scheme. These include the provision of a choice of housing which includes market, affordable, retirement and care and custom/self-build homes at a time when there is pressing need, not least as a consequence of the Council's chronic five year housing land supply. These meet the social objectives of the Framework. The extent of housing need is so large that it could not be addressed through the reuse of urban land.
160. The economic objectives of the Framework would be achieved by the scheme. Although much of the economic benefit would be temporary, arising during the construction period, there would be sustained employment in the services and facilities on the site, together with increased spend in local shops and services. In accordance with Paragraph 81 of the Framework, these benefits attract significant weight.
161. The environmental benefits of the Framework would be achieved through the large contribution of BNG and, to some extent, through the provision of the SANG. The extent of the BNG attracts substantial weight. Although provided as mitigation, the SANG would be available for use by existing local residents and a limited benefit may accrue in this regard. I also consider that the provision of other benefits related to open space and community space above the policy requirements, and footpaths and cycle routes through the site, attract limited weight.
162. Taken together, these other considerations are considerable and clearly outweigh the identified harm to the Green Belt and other harm, such as to amount to the very special circumstances needed to justify the development.

⁴⁸ Mr Kindred PoE table 9.3

163. In the absence of a five year supply of housing land, the most important policies for determining this appeal are out of date and the so-called tilted balance, as set out in Framework paragraph 11d)ii), is engaged. In other words, permission should be granted unless the presumption in favour of sustainable development can be displaced. That is not to say, however, that any conflict with relevant policies should be disregarded. That will depend on their consistency, or otherwise, with the policies in the Framework.
164. The fact that policies are deemed out-of-date does not mean that they carry no weight. To carry weight policies must be consistent with the Framework, as explained in Paragraph 219 which, amongst other things, states that the closer that local policies are to those in the Framework, the greater the weight that may be given to them. As such it is perfectly possible for policies which are deemed out-of-date for reason of an inadequate land supply to still carry significant weight.
165. The most important policies relate to the outstanding matters of Green Belt and landscape impacts. I share the parties' views that LP Policy H4 is not applicable in this instance, given the site's location beyond the boundaries of the ASC.
166. Policy CS1 sets out a settlement strategy focussing new development within existing settlements. That accords with the broad principles of sustainable development which underpins the Framework. However, this strategy is predicated on a housing allocation dating from 1997 which is no longer relevant. Given this context, I accord the appeal scheme's conflict with the policy only moderate weight.
167. Policy GB2, which reiterates the presumption against inappropriate development in the Green Belt, was drafted before the adoption of the current Framework. It is central to the main issue in this appeal. However, it does not refer to the 'very special circumstances' which could allow inappropriate development in the Green Belt. For this reason, I accord the appeal scheme's conflict with the policy only limited weight.
168. I regard LP Policy LSQ1 and Policy CS22 as broadly consistent with Paragraph 176 of the Framework. I find that Policy LSQ1 is, however not directly related to the issues before me.
169. I find no conflict between the appeal scheme and Policy CS32 as it would make a significant contribution to GI in this part of the Borough. Policy GC4 is more restrictive than Paragraph 131 of the Framework on the protection of trees. Accordingly, it is not entirely consistent with the Framework. As such, I place only moderate weight on the scheme's conflict with this policy.
170. Policy GB30 requires development to adhere to the scenic beauty of its wider context. This is a Green Belt policy but seeks to introduce landscape considerations. This fudges the issue between a well-established national policy and landscape considerations. Accordingly, I accord the conflict of the appeal scheme and this policy limited weight. Policy TW6 seeks to resist the loss of woodland. It goes beyond Paragraph 131 of the Framework and I accord the conflict between the appeal scheme and the policy moderate weight.
171. LP Policy GC1 sets out detailed parameters required to achieve good design and is similar in intent to Policy CS20. I regard these as broadly consistent with

Paragraph 130 of the Framework and accord the appeal scheme's conflict with these policies significant weight.

172. In summary, I find no conflict between the scheme and Policies LSQ1, CS32 and H4. I accord only limited weight to the conflict with Policies GB2 and GB30 and CS22 with moderate weight accorded to conflicts with Policies CS1, CS20, GC1, GC4, and TW6.

Planning Balance

173. The determining issue in this appeal is the conflict between the Green Belt and housing development. Whilst I accord substantial weight to any harm to the Green Belt, the site does not strongly meet the Green Belt purposes. Although there would be spatial harm to openness from the scheme, its visual effects would be largely contained. The conflict with Policies GB2 and CS1 would be limited given their inconsistencies with the Framework.
174. The site has a medium landscape value and although there would be a high magnitude of change on part of the site, this can be balanced against the retention of its natural character on the remainder including the protection and enhancement of the belts of Ancient Woodland. The legibility of the dry valley would not be unduly compromised. Although there is conflict with landscape policies GC4, CS20, TW6 and GB30 the landscape harm arising from the scheme would be of a minor/moderate adverse scale.
175. The loss of around 15ha of Grade 3 agricultural land can be balanced against the prevalence of agricultural land in the local area which would not be affected by these proposals.
176. Whilst I accord significant weight to the design policies GC1 and CS20, the degree of harm on the ASC would be limited.
177. Whilst the scheme would conflict with Policy CS22, the harm arising from the proposed works to Lodge Lane and the widened access into the site lie outside the AONB and would be limited in extent and localised. These works would not undermine its setting and scenic beauty.
178. Set against these limited harms to both the Green Belt and landscape, the scheme would deliver a choice of housing addressing a chronic and deteriorating undersupply. These are substantial benefits which in themselves clearly outweigh the substantial harm arising from its location in the Green Belt.
179. The Council advances a case against the scheme that the permanence of the Green Belt should be protected from death by a 'thousand cuts'. This argument requires balance against the absence of any Green Belt review, despite the Council's commitment included in its adopted local plan. This matter has been compounded by the withdrawn joint local plan⁴⁹. Whilst the emerging plan is a new opportunity to address this matter its adoption is several years away in contrast to the delivery timescale of this scheme.

Conclusions

180. The appeal scheme would make a substantial contribution to addressing the Authority's chronic under supply of housing land in a location which allows

⁴⁹ IDX17

access to services by walking and cycling. Other considerations, for example, its economic and environmental benefits are important matters in support of the scheme.

181. When considered overall, whilst I accord substantial weight to the harm arising to the Green Belt through inappropriateness and other harm, this is clearly outweighed by the very special circumstances of this scheme.
182. Overall, I conclude that the benefits of the appeal scheme would significantly and demonstrably outweigh the harm identified when assessed against the policies of the Development Plan, when taken as a whole. As such the proposed development benefits from the Framework's presumption in favour of sustainable development.
183. Accordingly, the appeal is allowed and planning permission is granted.
184. I recognise that this outcome will be disappointing to those opposing the development. However, the views of local people, very important though they are, must be balanced against other considerations, including national and local planning policy. In coming to my conclusions on the various issues that have been raised, I have taken full and careful account of all the representations that have been made, which I have balanced against the provisions of the development plan, the National Planning Policy Framework and other material considerations. On balance though, the evidence in this case leads me to the view that the appeal should succeed.

Conditions

185. I have considered the suggested conditions in light of the related discussion at the Inquiry and the advice in both the Framework and the Government's Planning Practice Guidance. The conditions and wording set out in the schedule at Annex D below reflect that discussion, although I have amended a number to make them more concise, precise and enforceable. In a number of instances, I have not included the suggested list of overly prescriptive bullets on the basis that it would be a matter for the local planning authority, in the first instance, to come to a view as whether the submitted details were sufficient to achieve the stated reason for the condition. The numbers referred to below relate to the corresponding condition in the schedule.
186. In addition to the standard conditions relating to outline schemes (1-3), it is necessary, in order to provide certainty, to identify the plans to which the decision relates, but only insofar as they relate to the matter of access. (4). The application was accompanied by an Environmental Statement, based on certain parameters. The Environmental Statement, and those parameters, informed the evidence to the Inquiry. In order to ensure that the development would not give rise to environmental or other impacts any greater than those already assessed within the Environmental Statement and other evidence, conditions are necessary to secure compliance with those parameters/quantum of development. (5-9).
187. Conditions 10-32 are necessarily worded as either pre-reserved matters, or pre-commencement/reserved matters stage conditions, as a later trigger for their submission and/or implementation would limit their effectiveness or the scope of measures which could be used to protect legitimate interests.

188. The scale of the development scheme requires the submission of a phasing plan to ensure that key aspects of the scheme are carried out in a logical and timely manner in order to secure delivery of planned outputs and to minimise adverse effects on local residents and infrastructure. (10) Similarly a Masterplan and Design Code is required with the aim of securing high quality development, pursuant to Local Plan Policy GC1 and Core Strategy Policies CS4 and CS20. (11) A strategic landscaping plan is also required in order to ensure a strategic and comprehensive approach to the landscaping of the site, in accordance with Local Plan Policies GC1, GC4 and NC1 and Core Strategy Policies CS4, CS20, CS24 and CS32. (12)
189. Given the potential archaeological interest of the site, as identified in the appellant's Historic Environment Assessment, further on-site evaluation is required, pursuant to Local Plan Policy AS2 and Core Strategy Policy CS4. (13)
190. The following conditions are necessary in the interest of highway safety, pursuant to Local Plan Policies TR2 and TR3 and Core Strategy Policies CS4, CS25 and CS26: (14, 16, 35, 36, 37, 38)
191. In line with policy objectives to promote more sustainable modes of travel (Local Plan Policies TR2 and TR3 and Core Strategy Policies CS4, CS25 and CS26) and in the interest of pedestrian and cyclist safety, it is necessary to secure the intended footway and cycleway links. (15)
192. Details of refuse storage and recycling facilities are necessary in the interest of residential amenity, in accordance with Core Strategy Policies CS4, CS25 and CS26. (17)
193. Pursuant to Core Strategy Policies CS4, CS5, CS26 and CS31, a detailed Energy and Sustainability Strategy for the development is required in order to reduce domestic energy consumption and CO2 emissions. (18) The same policies justify a condition relating to specified water efficiency measures. (19)
194. It is necessary to ensure the provision of a range of housing that meets different accessibility needs in accordance with the requirements of Core Strategy Policy CS20. (20)
195. A Construction Environment Management Plan (CEMP) is necessary in order to minimise the impacts of construction on local residents, local businesses and those travelling through the area, and to protect the environment, pursuant to Local Plan Policy GC7 and Core Strategy Policy CS4. I have incorporated suggested conditions relating to the management of construction traffic, construction accesses and construction waste into the CEMP requirements. Given the dark sky location of the site, I have added a requirement for site lighting details during construction. (21)
196. A Construction Ecological Management Plan is necessary to minimise environmental impacts during the construction period, in accordance with Core Strategy Policies CS4 and CS24. (22)
197. Conditions are required to safeguard ecological and arboricultural interests, increase biodiversity and in the interests of visual amenity, pursuant to Local Plan Policies GC4, NC1 and TW6 and Core Strategy Policies CS4, CS20, CS24 and CS32. (23, 25, 28, 29, 31, 32, 40, 43)

198. Given the proximity of the eastern part of the site to the rail line, surveys are required in relation to both noise and vibration in order to assess any mitigation requirements that might be necessary to provide acceptable living conditions for future occupiers. (24)
199. In accordance with Local Plan Policy GC9, conditions are necessary to ensure that any site contamination, or the potential for such, is detected and remediated accordingly and that any risks from contamination are properly dealt with to protect the health of future occupiers and to prevent pollution of the environment. (26, 33, 34)
200. In accordance with Local Plan Policy CS4, details of a sustainable surface water drainage scheme are required, together with details for ongoing management which are essential to ensure that the scheme continues to perform as intended, in order to avoid pollution and to prevent increased risk from flooding. (27)
201. The scheme includes an area of land to be safeguarded for playing pitches. It is necessary to ensure that the land is properly drained so that it is suitable for the intended purpose. (30)
202. In order to ensure necessary connectivity with Little Chalfont in the interest of accessibility and sustainability, it is necessary to prevent occupation of development within the eastern part of the site until the proposed pedestrian/cycle bridge over the railway line has been completed and made available for use. (39). I have combined and simplified the two suggested conditions in this regard.
203. The identified benefits of the scheme include the provision of retirement homes and a care home to meet an identified local need. That consideration contributed to the very special circumstances in this case, which justify development in the Green Belt. In order to ensure that the identified need is met, it is necessary to ensure that the accommodation is not used for other purposes. (41)
204. It is also necessary to ensure that the local centre is only used for purposes falling within specific use classes in the interests of both highway safety and in terms of creating a sustainable community. (42)
205. In the interest of highway safety, it is necessary to ensure that, once provided, the visibility splays at the junction of the site accesses with the existing highway network are kept clear of obstruction. (44)
206. I have not imposed the suggested condition requiring the submission of a landscaping scheme, since landscaping is one the reserved matters and any scheme would, by virtue of one of the other conditions, need to comply with a strategic landscape plan to be submitted. Neither have I imposed the condition requiring electric vehicle parking spaces, since it would duplicate the provisions of Section S of the Building Regulations.

Stephen Wilkinson

INSPECTOR

Annex A

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr S. Bird, King's Counsel for the Authority	Instructed by Ms Katherine Stubbs, Solicitor to Buckinghamshire Council
He called	
Ms N. Huijer BA, Dip LA, CMLI	Landscape Architect
Mr J. Fannon MRUP, MSc, MRTPI	Planning Consultant
Ms K. Stubbs	Solicitor to the Council
Mr C Duncan	Highways

FOR THE APPELLANT:

Mr S. White, King's Counsel for the appellant, and Mr M Fraser, Counsel for the appellant	Instructed by Ms Alison Tero of CBRE
He called	
Mr A Kindred MSc BA (Hons) MRTPI	Director CBRE
Ms R Taylor BA (Hons) MSc, Dip Arch, RIBA	Partner, JTP
Mr M D Chard BA(Hons), Dip (Hons), MAUD, CMLI	Landscape Director, Barton Wilmore now Stantec
James Stacey BA (Hons), DipTP, MRTPI	Managing Director, Tetlow King
Iain Warner BSc (Hons) DipTP	Director, Tetlow King
Andy Moger BA(Hons) MA MRPTI	Director, Tetlow King
Ms M Collins BA (Hons)	Director, Hatch Regeneris
Ms S Herbert	Senior Associate, Town Legal

Ms A Tero BA(Hons) MA	Executive Director, CBRE – Planning
Mr P Bell BEng (Hons) MCIT, MILT, MCIHT	Managing Director, Motion – Highways
Jacob Hepworth Bell BSc (Hons), MEnvSc, MCIEEM	Director Ecology Solutions

INTERESTED PERSONS:

Mr C Ingram Parish Councillor	Speaking for Little Chalfont Parish Council and the Community Association
Mr B Gallagher Parish Councillor	Speaking for Little Chalfont Parish Council and the Community Association
Mr M Parker	Resident
Mr K Haedjer	Resident

Annex B**Documents handed up during the Inquiry**

Document Reference	Document Title
IDX – Inquiry Documents	
IDX1	Opening Statement (Appellant)
IDX2	Opening Statement (Council)
IDX3	Parish Council and Resident Association Verbal Presentation – Interested Party
IDX4	Mr Haider Verbal Presentation – Interested Parties
IDX4.1	Mr Haider Verbal Presentation – Interested Parties (Appeal Decision Land East of Bredon Road, Mitton).
IDX5	Mr Bell Written Response to Mr Haider (Interested Party)
IDX6	Minor Parameter Plan Changes (Annotated Version)
IDX7	Billericay Appeal Decision (9 December 2022)
IDX8	Ms Huijer (Council) Response to Waterman Tree Note (CD7.22)
IDX9	Barton Willmore (Appellant) Response to Ms Huijer Note
IDX10	Mr Harris (Appellant) Response to Ms Huijer
IDX11	Mr Haider Response to Mr Bell (12.12.2022)
IDX12	Roundtable on Needs Agenda
IDX13	Additional note from Little Chalfont Parish Council and Community Association on highway matters, dated 12 December
IDX14	Contour Overlay Plan
IDX15	Ms Taylor PowerPoint Presentation dated 14 December
IDX16	Inspector's Site Visit Route and Itinerary

IDX17	Letter on the Examination of the Chiltern and South Bucks Local Plan dated 7 May 2020
IDX18	Mr Parker (Interested Party) email on Highways dated 11 December
IDX19	Mr Parker (Interested Party) email on withdrawn site allocation SP BP6 dated 13 December
IDX20	GLVIA Extract
IDX21	Mr Bell response to Mr Haider dated 14 December
IDX22	Mr Bell response to Little Chalfont Parish Council and Community Association on Highways Matters dated 15 December
IDX23	Figure LT1C Overlay Plan dated 16 December
IDX24	Agreed technical note on the Indicative Phasing Plan and Environmental Impact Assessment dated 15 December (Waterman) (Appellant)
IDX25	Agreed Green Belt note dated 19 December
IDX26	S106 proposal from Parish Council and LCCA dated 15 December
IDX27	GLVIA extract pages 30 – 40
IDX28	Mr Bell response to LC PC and LCCA Roughwood Lane note dated 20 December
IDX29	Roughwood Lane Note by LC PC and LCCA dated 19 December
IDX30	Beaconsfield Appeal decision dated 20 December
IDX31	Cllr Ingham email on Church Grove dated 18 December
IDX32	Mr Bell response to Cllr Ingham email on Church Grove dated 19 December
IDX33	Mr Chard note dated 20 December
IDX34	Brown v Ealing LBC dated 23 March 2018
IDX35	Peel Investments North Ltd [2021] P.T.S.R. 298
IDX36	Council Closing Statement
IDX37	Appellant Closing Statement

Documents presented after the Inquiry closed

Completed S106 Agreement, dated 30 December 2022

Annex C

Schedule of Conditions

RESERVED MATTERS

1. Details of appearance, landscaping, layout, and scale (hereinafter called the Reserved Matters) shall be submitted to and approved in writing by the local planning authority before any development takes place and the development hereby permitted shall be carried out in accordance with the approved details.
2. Applications for the approval of all the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the Reserved Matters to be approved.

PLANS

4. Unless required otherwise by any of the conditions below, development shall be carried out in accordance with the details shown on the following approved plans, but only insofar as they relate to access:

Burtons Lane Access	Drawing 140207-34 Rev C
Lodge Lane Access	Drawing 140207-40 Rev A
Highways Plan – Lodge Lane	140207-41
Highways Plan – Lodge Lane	140207-42

DEVELOPMENT PARAMETERS/QUANTUM OF DEVELOPMENT

5. Applications for the approval of the Reserved Matters shall accord with the following approved plans:

Parameter Plan: Land Use and Green Infrastructure	Drawing 00973E_PP01 Rev P2
Parameter Plan: Building Heights	Drawing 00973E_PP02 Rev P2
Parameter Plan: Access and Movement	Drawing 00973E_PP03 Rev P2
Parameter Plan: Demolition	Drawing 00973E_SO3 Rev P1
Development Parcels	Drawing 140207-61

6. The number of Use Class C3 dwellings to be constructed on the site shall not exceed 380.
7. The number of retirement homes (Use Class C2) hereby permitted shall not exceed 100 units of accommodation.
8. The care home (Use Class C2) hereby permitted shall not exceed 60 bed spaces.
9. The local centre hereby permitted shall not permitted shall not exceed a gross external floorspace of 1,000sqm and shall include no more than 250sqm (gross external area) of retail floorspace as defined by Class E(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking or re-enacting that Order).

PRE-RESERVED MATTERS

Phasing

10. Prior to the submission of any Reserved Matters application, and notwithstanding the details shown on Drawing Number 00973E_SO3 Rev P2), an updated phasing plan shall be submitted to the local planning authority identifying the phasing for the construction of the development across the whole site. No development shall commence until the local planning authority has approved in writing the phasing plan and the

development shall thereafter be constructed in accordance with the approved phasing plan. The phasing plan may be updated or amended through time to time with the approval in writing of the local planning authority.

Masterplan and Design Code

11. Prior to the submission of any Reserved Matters application, and notwithstanding the submitted details, a detailed masterplan and design code covering the whole of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, any Reserved Matters application pursuant to Condition 1 for any phase of development shall comply with the principles established by the approved masterplan and design code.

Strategic Landscaping

12. Prior to the submission of any Reserved Matters application, a Strategic Landscaping Plan covering the whole of the site shall be submitted to and approved in writing by the Local Planning Authority. The Strategic Landscaping Plan shall be in accordance with the submitted SANG and Biodiversity Management Plan (reference 10667M.SBMP.vf October 2022) and Biodiversity Net Gain report (reference 10677M.BNGReport.vf October 2022) demonstrating that a minimum of 20% Biodiversity Net Gain can be achieved across the site. Thereafter, any Reserved Matters application for any phase of development shall comply with the principles established by the approved Strategic Landscaping Plan.

Archaeological Evaluation

13. Prior to the submission of any Reserved Matters application, an archaeological evaluation of the site shall have been undertaken in the form of trial trenching in accordance with a written scheme of investigation which has previously been submitted to and approved in writing by the local planning authority. Where significant archaeological remains are confirmed, no Reserved Matters applications shall be submitted until an appropriate methodology for their preservation in situ has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

RESERVED MATTERS STAGE

Estate Roads

14. The details to be submitted pursuant to Condition 1 for each phase, shall demonstrate the development being served by means of adoptable estate roads. No dwelling or unit hereby permitted shall be occupied until the estate roads which provide access to it from the existing highway have been laid out and constructed in accordance with details have been submitted to and approved in writing by the local planning authority.

Walking/Cycling Route Phasing

15. The details to be submitted pursuant to Condition 1 shall include an internal walking/cycling route phasing scheme. Development shall be carried out in accordance with the approved scheme, which shall include:
- a) links from the proposed pedestrian and cycle access from Oakington Avenue via the pedestrian and cycle bridge;
 - b) new pedestrian and cycle access onto Burtons Lane; and
 - c) a public right of way connection at the eastern side of the site onto Lodge Lane.

Parking/Garaging etc

16. The details to be submitted pursuant to Condition 1 for each phase shall include a scheme for vehicle parking, garaging, and manoeuvring; cycle parking; and, where appropriate, space for loading/unloading and servicing for the local centre, in accordance with Buckinghamshire Council's Buckinghamshire Countywide Parking Guidance policy document. Development shall be carried out in accordance with the approved details and made available for use prior to occupation of the development that it would serve. Once provided, those areas / facilities shall not thereafter be used for any other purpose.

Refuse Storage

17. The details to be submitted pursuant to Condition 1 for each phase shall include a scheme for refuse storage and recycling facilities. Development shall be carried out in accordance with the approved details and made available for use prior to occupation or first use of the development that it would serve. Once provided, the facilities shall be retained thereafter.

Energy and Sustainability

18. The details to be submitted pursuant to Condition 1 for each phase shall be accompanied by a detailed Energy and Sustainability Strategy for the relevant phase of the development. The Strategy shall include measures to reduce carbon emissions through the use of low-carbon and/or renewable technologies; other measures to ensure the implementation of sustainable design and construction principles; and details to demonstrate that adequately sized grid connections can be provided to meet the energy demand of the development. Development shall be carried out fully in accordance with the approved details for the relevant phase and the low-carbon/renewable technology shall be retained thereafter.
19. The dwellings hereby permitted shall be designed and constructed to meet a water efficiency standard of no more than 100 litres per person per day in accordance with Table 5.1 of the Sustainability and Energy Statement (16 November 2021).

Accessible/Adaptable Accommodation

20. A minimum of 10% of the market residential units in any phase shall be designed to provide accessible and adaptable accommodation that meets the requirements of M4(2) of Part M of Schedule 1 of the Building Regulations 2010 (including any statutory replacement or amendment) and 1% of the market residential units in any phase shall be designed to meet the requirements of M4(3) of Part M of the same Schedule. Once provided, these units shall be retained as such thereafter.

PRE-COMMENCEMENT

Construction Management

21. No development shall commence on any phase until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved CEMP at all times. The CEMP shall include, but is not limited to:
- a) site management arrangements, including on-site storage of materials, plant and machinery; temporary offices, contractors compounds and other facilities; on-site parking and turning provision for site operatives, visitors and construction vehicles, including use of a banksman; and provision for the loading/unloading of plant and materials within the site;
 - b) site specific measures to control and monitor impacts arising in relation to noise and vibration (including working hours and details of all piling and power floating activities as appropriate), and dust and fumes;
 - b) arrangements by which the developer shall maintain communication with local stakeholders in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP;
 - c) a construction waste management plan that identifies the main waste materials expected to be generated by the development during demolition and construction, including vegetation, together with measures for dealing with such materials so as to minimise waste and to maximise re-use and recycling;
 - d) location of access/exit points on the site for construction traffic;
 - e) construction and delivery hours;
 - f) arrangements for any site lighting, including security lighting, its location and hours of operation.
22. No development shall commence on any phase until a Construction Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved Construction Ecological Management Plan. The Construction Ecological Management Plan shall include, but is not restricted to:
- a) risk assessment of potentially damaging construction activities;

- b) identification of "biodiversity protection zones" including off-site receptors;
- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce ecological impacts during construction (may be provided as a set of method statements);
- d) the location and timing of sensitive works to avoid harm to biodiversity features;
- e) the times during construction when specialist ecologists need to be present on site to oversee works;
- f) responsible persons and lines of communication;
- g) the role and responsibilities on site of an Ecological Clerk of Works, or similarly competent person;
- h) use of protective fences, exclusion barriers and warning signs; and
- i) measures for removal of invasive species within the site.

Levels

23. Prior to commencement of development in any phase, details of existing and proposed ground levels and finished floor levels, and cross-sections within the site, including any retaining walls, taken up to the site boundaries, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Noise and vibration

24. No development shall commence within the Eastern Parcel (as defined on drawing number 140207-61) until details of an assessment of the effects of noise and vibration on the proposed residential accommodation within that Parcel arising from the adjacent railway line and employment uses, together with any identified measures necessary to ensure, among other things, that indoor ambient noise levels meet the recommendations in Table 4 of BS 8233:2014, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Tree Protection

25. No development within any phase shall commence until a full Arboricultural Method Statement and Tree Protection Plan for that phase has been submitted to and approved in writing by the Local Planning Authority, which shall detail all work within the root protection areas of the retained trees within and around the site in relation to that phase. This statement shall also include details of protection measures for the trees during the development, and information about any excavation work, any changes in existing ground levels and any changes in surface treatments within the root protection areas of the trees, including plans and cross-sections where

necessary. Development shall be carried out in accordance with the approved details.

Contamination

26.No development shall commence within any phase until a scheme to deal with the risks associated with contamination of that part of the site has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme, which shall include:

- i) a site investigation, based on the Preliminary Risk Assessment prepared by Waterman Infrastructure & Environment Ltd (Report ref. WIE15569-110-1-2-2-PRA) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- ii) the results of the site investigation and the detailed risk assessment referred to in i) and, based on these, an options appraisal and Remediation Strategy, giving full details of the remediation measures required and how they are to be undertaken; and
- iii) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in ii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority.

Sustainable Drainage

27.No development shall commence until a surface water drainage scheme for the site, based on the approved Flood Risk Assessment and Drainage Strategy (LCF-HYD-XX-XX-RP-D-5001 Issue P05, 26th November 2021, Hydrock) and Technical Design Note (08877-HYD-XX-XX-DR-D-7000, 3rd November 2022, Hydrock), and including a Surface Water Drainage Phasing Plan, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and no accommodation in a surface water drainage phase shall be occupied until all the Sustainable Drainage Systems (SuDS) and drainage components that would serve it have been implemented in full. The surface water drainage scheme shall include:

- A. details of basins to be located outside of areas of surface water flood risk as shown on drawing 08877-HYD-XX-XX-DR-FR-0007 P05 (Post-Development Maximum Surface Water Flood Depths – 1 in 100 year event plus + 40% Climate Change (03/11/2022, Hydrock));
- B. infiltration rate testing in accordance with BRE365, in the location of basins 2, 3 and 4 to the proposed effective depth of the infiltration feature;

C. SuDS components as shown in LCF-HYD-XX-XX-DR-D-2200 P08 Drainage Strategy for Illustrative Masterplan Overview Plan (03/11/2022, Hydrock); and

D. full construction details of all SuDS and drainage components in form of cross-sectional drawings and including:

- i) cover and invert levels of components;
- ii) water levels for the 50% annual exceedance probability (AEP), 3.3% AEP and 1% AEP events, plus climate change events;
- iii) details of lining materials where relevant;
- iv) detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components;
- v) calculations to demonstrate that the proposed drainage system can contain up to the 3.3% AEP storm event without flooding. Any onsite flooding between the 3.3% AEP and the 1% AEP event plus climate change should be safely contained on site.;
- vi) water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components; and
- vii) details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.

E) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker or management company and any other arrangements to secure the operation of the scheme throughout its lifetime.

Ecology and Biodiversity

28. Notwithstanding details already submitted, no development shall commence within the Eastern Parcel (as defined on Drawing 140207-61) until the results of an updated report on bat activity at Lodge Lane, following a survey undertaken in accordance with the Bat Conservation Trust (BCT) publication *Bat Surveys for Professional Ecologists: Good Practice Guidelines*, together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with any necessary mitigation measures.

29. No development within any phase shall commence until a long-term Landscape and Ecological Management Plan (LEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority.

The LEMPs shall be in accordance with the submitted SANG and Biodiversity Management Plan (reference 10667M.SBMP.vf October 2022), the Biodiversity Net Gain report (reference 10677M.BNGReport.vf October 2022) and the Strategic Landscaping Plan referred to in Condition 12.

Safeguarded land

30.No development shall commence until a detailed assessment of the ground conditions (including drainage and topography) of the safeguarded land for educational use (playing pitches) as shown on the approved Land Use and Green Infrastructure and Parameter Plan (drawing number 00973E_PP01 Rev P2), together with a scheme to address any related constraints and a timetable for implementation of such a scheme, has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved scheme.

Biodiversity Net Gain

31.No development shall take place within any phase (including demolition, ground works and vegetation clearance) until a Biodiversity Net Gain Plan (BNG Plan) demonstrating how BNG will be achieved for that phase has been submitted to and approved in writing by the local planning authority. The BNG Plan shall accord with the requirements of Condition 12 and shall include, but is not limited to, the following:

- a) information about the steps taken, or to be taken, to minimise the adverse effect of the development on the biodiversity of the on-site habitat;
- b) the post-development biodiversity value of the on-site habitat; and
- c) any biodiversity credits purchased for the development.

32.No development shall take place (including demolition, ground works and vegetation clearance) until a Biodiversity Monitoring Strategy has been submitted to, and approved in writing by, the local planning authority, the purpose of which shall be to ensure that the proposed ecological avoidance, mitigation, compensation and enhancement measures for the site are successfully delivered and managed. The Strategy, which shall be implemented in accordance with the approved details, shall include:

- a) the aims and objectives of monitoring to match the stated purpose;
- b) identification of adequate baseline conditions prior to the start of development;
- c) appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged;
- d) methods for data gathering and analysis;
- e) locations for monitoring;
- f) timing and duration of monitoring;
- g) responsible persons and lines of communication; and

- h) arrangements for review, and where appropriate, publication of results and outcomes.

Reports describing the results of the monitoring pursuant to Condition 31, shall be submitted to the local planning authority at intervals identified in the Biodiversity Monitoring Strategy. The reports shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented. The monitoring strategy will be implemented in accordance with the approved details.

PRE-OCCUPANCY CONDITIONS

Contamination

- 33.No part of the development hereby permitted shall be occupied or brought into use until a Verification Report that demonstrates completion of the works set out in the Remediation Strategy pursuant to Condition 26, and the effectiveness of any remediation carried out, together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils, has been submitted to and approved in writing by the Local Planning Authority. The approved monitoring and maintenance programme shall be implemented in accordance with the approved details.
- 34.In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Highways

- 35.No development within the Western Parcel (as defined on drawing number 140207-61) shall be occupied until:
 - a) the new vehicular access to Burtons Lane has been sited and laid out in accordance with the approved drawings (140207-34 Rev C) and the Buckinghamshire Council Guidance note "Commercial Vehicular Access within the Public Highway";
 - b) the visibility splays shown on the approved drawings (140207-34 Rev C) have been provided on both sides of the vehicle access on Burtons Lane; and
 - c) the pedestrian and cycleway improvements on Burtons Lane to the junction with the A404 including realignment works (as shown in

drawings 140207-57 Rev B, and 140207-58 Rev B) have been laid out and constructed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

36.No development within the Eastern Parcel of the site defined on drawing number 140207-61 shall be occupied until:

- a) the altered vehicular access to Lodge Lane has been sited and laid out in accordance with the approved drawings (140207-40 Rev A) and the Buckinghamshire Council Guidance note "Commercial Vehicular Access within the Public Highway"; and
- b) visibility splays shown on the approved drawings (140207-40 Rev A) have been provided on both sides of the vehicle access on Lodge Lane.

37.No development within the Eastern Parcel of the site as defined on drawing number 140207-61 shall be occupied until the following highway improvements to Oakington Avenue/A404 (as shown on Drawing 140207-37 Rev F) have been laid out and constructed in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority showing:

- a) realignment of the Oakington Avenue/A404 junction including pedestrian footway improvements between the proposed pedestrian and cycle bridge over the railway and Chalfont and Latimer railway station;
- b) upgrade of existing zebra crossing to a Toucan crossing; and
- c) two new bus stops on the A404.

38.No development on any part of the site shall be occupied until the Cokes Lane A404 highway improvement scheme has been delivered in general accordance with drawing 140207-30 Rev B.

39.No part of the development within the Eastern Parcel of the site (as shown on drawing number 140207-61) shall be occupied until the pedestrian and cycle bridge over the railway line has been provided and made available for use by pedestrians and cyclists for the lifetime of the development hereby permitted, together with the associated pedestrian and cycle connections and access onto Oakington Avenue (as shown on 140207-49).

Lighting

40.No part of any phase shall be brought into use until a lighting design strategy for any buildings, features and areas to be lit within the relevant phase, has been submitted to, and approved in writing by the Local Planning Authority. No external lighting shall be installed other than in accordance with the approved strategy. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places, or along important routes used to access key areas of their territory, including foraging;

b) show how, when and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications); and

c) ensure that lighting in ecologically sensitive locations has a colour temperature of no more than 2700 Kelvin.

POST- OCCUPANCY/ONGOING CONDITIONS

Future Use

41. The retirement homes and care home hereby permitted shall be used for C2 purposes only and for no other purpose, including any other purpose in Class C of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

42. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any subsequent re-enactment thereof) the local centre hereby permitted shall only be used for purposes falling within the following Classes of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose:

- Classes E(a) Display or retail sale of goods, other than hot food;
- E(b) Food and drink which is mostly consumed on the premises;
- E(e) Medical services not attached to the residence of the practitioner; and
- F2(b) Halls or meeting places for the principal use of the local community.

Trees

43. With the exception of any pruning, tree surgery or felling specifically shown in the approved tree report (November 2021, Document Ref - WIE15569-107-R-2-2-1-AIA and November 2022, WIE15569-107.BN.1.1.2), or as shown on any landscaping scheme or Landscape and Ecology Management Plan, no tree, shrub or hedge shall be pruned, felled or removed without the prior written approval of the Local Planning Authority. If during construction of the development, or within a period of five years of its completion, any tree, shrub, hedge dies or becomes damaged, destroyed, diseased or dangerous, it shall be replaced during the following planting season by another healthy, tree, shrub or hedge as the case may be of a similar size and species, unless otherwise approved in writing by the Local Planning Authority. Thereafter any such replacement planting shall be maintained or further replaced as necessary for five years after replacement, unless otherwise approved in writing by the Local Planning Authority.

Visibility Splays

44. Once provided pursuant to Conditions 35 and 36, the area contained within the visibility splays at the junction of the site accesses with the highway network shall thereafter be kept free of any obstruction exceeding 0.6m in height above the nearside channel level of the carriageway.

-----End of Schedule-----

Annex D

Core Document List

Those identified in bold were revised following the Council's decision

CD.1.1	Site Location Plan	00973E S01
CD1.2	Indicative Density Plan	00973E S02
CD1.2R	Indicative Density Plan	00973E S02 P2
CD1.3	Indicative Phasing Plan	00973E S03
CD1.3R	Indicative Phasing Plan	00973E S03 P2
CD1.4	Block Plan	00973E S04
CD1.5	Land Use and Green Infrastructure Parameter Plan	00973E PP01
CD1.5R	Land Use and Green Infrastructure Parameter Plan	00973E PP01 P2
CD1.6	Heights Parameter Plan	00973E PP02
CD1.6R	Building Heights Parameter Plan	00973E PP02 P2

CD1.7	Access and Movement Parameter Plan	00973E PP03
CD1.7R	Access and Movement Parameter Plan	00973E PP03 P2
206.1 CD1.8	206.2 Demolition Parameter Plan	00973E PP04
CD1.9	Illustrative Masterplan	00973E MP01
CD1.9R	Illustrative Masterplan	00973E MP01 P2
CD1.10	Ecology and Trees Checklist	
CD1.11	206.3 Design and Access Statement	
CD1.12	Statement of Community Involvement	
CD1.13	Affordable Housing Form	
CD1.14	Affordable Housing Need Assessment	
CD1.15	Flood Risk Assessment + SUDS Strategy	
CD1.16	Hydraulic Model Assessment	
CD1.17	Utilities Assessment	
CD1.18	EIA	
CD1.18.1	Non-Technical Summary	
CD1.18.2	Environment Statement Addendum (ES Addendum)	WIE15569-111-R.1.1.1.ES Addendum
CD1.18.3	Preliminary Risk Assessment (ES Addendum)	WIE15569-110-1-3-1-PRA
CD1.18.4	ES Volume 2 Figures	
CD1.18.5	206.4 ES Volume 3 Appendices	

CD1.19	Built Heritage Statement	WIE15569-102-R-1-2-4-HEDBA
CD1.20	Land Contamination Assessment	206.5 WIE15569-110-1-2-2-PRA
CD1.21	Economic Benefits Statement	206.6
CD1.22	Tree Survey and Arboriculture Impact Assessment	WIE15569-107-R-2-2-1-AIA
CD1.22.A	Tree Survey and Arboriculture Impact Assessment (ES Addendum)	WIE15569-107-R-2-3-1-AIA
CD1.23	Transport Assessment and Drawings	
CD1.24	Travel Plan	
CD1.24R	Travel Plan	October 2022
CD1.25	Draft Construction Management Plan	
CD1.26	206.7 Planning Statement	
CD1.27	Energy and Sustainability Statement	
CD1.28	Waste and Recycling Strategy	
CD1.29	Geophysical Survey	
CD1.30	Lodge Lane Landscape Strategy	
CD1.31	Co-Ordinated Drainage Drawing	
CD1.32	Covering Letter	
CD1.33	Exceedance Flow Rates	
CD1.34	Illustrative Cut and Fill	
CD1.35	Illustrative Drainage Strategy	

CD1.36	SANG Management Plan	October 2022
CD1.37	Lodge Lane Access	(140207-40A)
CD1.38	Burton Lane Access	(140207-34C)
CD1.39	Oakington Avenue	(14207-37F)
CD1.40	Burtons Lane Cycleway	(140207-57B)
CD1.41	Burtons Lane Cycleway	(140207-58B)
CD1.42	Ecology Solutions – Information for Habitats Regulation Assessment	November 2022, 10677M.HRA.vf
CD1.43	Air Quality Technical Note	December 2022 WIE15569-108- TN-1-1-3-AQ
CD1.44	Supplementary Local Junction Modelling Work	18th November 2022
CD1.45	Flood Risk Technical Design Note	3rd November 2022
CD1.46	EIA Statement of Conformity	
CD1.47	Off-Site Highways Plans	
CD1.48	Development Parcels	2nd November 2022

CD2.1	Decision Notice (25 April 2022)
CD2.2	Officer Report to Planning Committee 21 April 2022
CD2.3	Update to officer Report (dated 20 April 2022)
CD2.4	Officer Report Appendix A – Consultation responses and Representations
CD2.5	Officer Report Appendix A Part 2 – Statutory Responses
CD2.6	Officer Report Appendix B – Site Location Plan
CD2.7	Officer Report Appendix C – HRA Appropriate Assessment
CD2.8	Officer Report Appendix D – Submitted Drawings.
CD2.9	CBRE Response to Officer Report

CD3.1	Appellant Statement of Case
CD3.2	Draft Statement of Common Ground
CD3.3	Council's Statement of Case
CD3.4	Third Party Representations
CD3.4.1	Third Party Rep – Buckinghamshire NHS ICB
CD3.4.2	Third Party Rep – Little Chalfont Parish Council and Community Association
CD3.4.3	Third Party Rep – GM Wood
CD3.4.4	Third Party Rep – Kamran Haider
CD3.4.5	Third Party Rep – Kirsty Buhler
CD3.4.6	Third Party Rep – Kris Murali
CD3.4.7	Third Party Rep – BPA
CD3.4.8	Third Party Rep - M Buhler
CD3.4.9	Third Party Rep - Natural England
CD3.4.10	Third Party Rep – G Nolan
CD3.4.11	Third Party Rep – R Murphy
CD3.4.12	Third Party Rep - S Yershov

CD3.4.13	Third Party Rep - Chiltern Conservation Board
CD3.4.14	Third Party Rep – V Raman

CD4.1	Chiltern District Local Plan
CD4.2	Core Strategy for Chiltern District
CD4.3	Buckinghamshire Minerals and Waste Local Plan
CD4.4	Chiltern and South Bucks 5YHLS Update Statement 2022
CD4.5	Buckinghamshire Authority Monitoring Report 2020 - 2021
CD4.6	Buckinghamshire Housing and Economic Development Needs Assessment Update (2016)
CD4.7	Joint Chiltern & South Bucks Area 2019/20 Annual Monitoring Report
CD4.8	Chiltern Affordable Housing SPD (2012)
CD4.9	First Homes Interim Position Statement (2022)
CD4.10	Buckinghamshire Homelessness and Rough Sleeping Strategy 2022 to 2025
CD4.11	Buckinghamshire Council Corporate Plan 2020 to 2025, refreshed February 2022
CD4.12	Bucks Home Choice Allocation Policy, May 2014
CD4.13	Biodiversity Net Gain SPD (2022)
CD4.14	Buckinghamshire Self-Build and Custom Build End of Year Report 2020-2021
CD4.15	Local Transport Plan 4 2016 - 2036
CD4.16	Chiltern District Landscape Character Assessment (Land Use Consultants) October 2011

CD5.1	National Planning Policy Framework 2021
CD5.2	National Planning Practice Guidance 2021
CD5.3	National Design Guide 2021
CD5.4	Guidance Notes for Design Codes
CD5.5	Building for Healthy Life – Homes England 2020
CD5.6	Landscape Institute Technical Advice Note (TGN 02-21) 'Assessing Landscape Value Outside National Designations'
CD5.7	Institute of Lighting Professionals, Guidance Note (02/21) 'The Reduction of Obtrusive Light'
CD5.8	Department for Levelling Up Housing and Communities Right to Build Registers Monitoring Data for Chiltern
CD5.9	
CD5.10	BVTLEP Local Industrial Strategy
CD5.11	Buckinghamshire Thames Valley LEP (BTVLEP) Strategic Economic Plan 2016-2031
CD5.12	WPI Strategy for Homes for Later Living (February 2021)
CD5.13	Homes and Communities Agency (2015), 'Calculating Cost Per Job – Best Practice Note. Third Edition'
CD5.14	CAG Consultants (CAG) London Employment Sites Database
CD5.15	Bat Conservation Trust Best Practice Guidelines (2016)
CD5.16	HGBI Reptile Best Practice
CD5.17	Natural England Guidance Note on Badgers and Disturbance

CD5.18	English Nature Bat Mitigation Guidelines (2004)
CD5.19	DEFRA Metric User Guidance and Technical Supplement
CD5.20	DEFRA Policy Paper – ancient and native woodland and trees policy in England (2022)
CD5.21	“Bleak Houses: Tackling the Crisis of Family Homelessness in England”; Children’s Commissioner, August 2019
CD5.22	“Unlocking Social Housing: How to fix the rules that are holding back building”; Shelter, April 2022
CD5.23	“Denied the Right to a Safe Home – Exposing the Housing Emergency”; Shelter, May 2021
CD5.24	Buckinghamshire Thames Valley LEP Economic Recovery Plan
CD5.25	National Model Design Code (NMDC)
CD5.26	Cycle Infrastructure Design (LTN 1/20)
CD5.27	Landscape Institute Technical Guidance Note 06/19: Visual Representation of Development Proposals.
CD5.28	Guides for Landscape and Visual Impact Assessment (GLVIA) 3rd Edition, 2013 (HARD COPY)

CD6.1	APP/X0415/A09/2107212/NWF – Little Chalfont Golf Course
CD6.2	[blank]
CD6.3	APP/X0415/W/20/3265964 – Land off High View, Chalfont St Giles
CD6.4	APP/X1925/W/21/3273701 – Land South of Heath Lane, Codicote
CD6.5	APP/B1930/W/20/3265925/ APP/C1950/W/20/3265926 – Roundhouse Farm, Land off Bullens Green Lane, Colney Heath
CD6.6	APP/W4705/V/18/3208020 – Land at Sun Lane and Ilkey Road, Burley-in-Wharfedale

CD6.7	APP/X0415/W/18/3202026 – Land to the rear of the Old Red Lion, High Street, Great Missenden
CD6.8	APP/X0415/W/19/3228107 – Little Chalfont Village Hall, Cokes Lane, Little Chalfont
CD6.9	APP/G5180/W/18/3206569 – Land to the rear of the former Dylon International Premises, Station Approach, Lower Sydenham
CD6.10	APP/D2320/W/20/3247136 – Land at Pear Tree Lane, Euxton, Chorley
CD6.11	APP/P0119/W/17/3191477 – Land east of Park Lane, Coalpit Heath, South Gloucestershire
CD6.12	APP/G2435/W/18/3214451, APP/G2435/Q/18/3214498 – Land off Hepworth Road, Woodville
CD6.13	APP/A0665/W/14/2212671 (SoS Decision) – Land off Darnhall School Lane Winsford Cheshire
CD6.14	APP/H1840/W/19/3241879 – Corner Mead, Newland Lane, Droitwich Spa
CD6.15	APP/H1840/W/20/3255350 – Land at Church Lane, Whittington
CD6.16	APP/F2415/W/22/3296353, APP/F2415/W/22/3300240 – Land adjacent to Walton Hall, Chapel Lane, Walton
CD6.17	APP/C1570/W/22/3296426 – Land South of (East of Griffin Place) Radwinter Road, Swards End, Saffron Walden
CD6.18	APP/D3125/W/21/3274197 – Land to the rear of Brock Cottage, Brize Norton
CD6.19	APP/W0530/W/21/3282234 – Land at St Peters Street, Cambridgeshire
CD6.20	APP/V3120/W/20/3265465 – Land behind 31-33 The Causeway, Steventon
CD6.21	APP/N4205/W/22/3299644 – Land at and adjacent Hulton Park, Bolton
CD6.22	APP/N1730/W/20/3261194 – Fleet Police Station, Fleet
CD6.23	Inspector's Report into the Eastleigh Local Plan, February 2015
CD6.24	206.8 APP/K2420/A/13/2208318 – Sketchley House, Burbage
CD6.25	APP/B3410/W/20/3245077 – Aviation Lane, Burton-upon-Trent

CD6.26	APP/Q3115/W/19/3230827 – Oxford Brookes University, South Oxfordshire
CD6.27	APP/H1840/A/13/2199085 – Pulley Lane, Droitwich Spa
CD6.28	APP/M2270/W/21/3282908 – Highgate Hill and Copthall Avenue, Hawkhurst
CD6.29	APP/A2280/W/20/3259868 – Pump Lane, Rainham
CD6.30	APP/Y3940/W/21/3278256 – Jenner Lane, Malmesbury
CD6.31	Prideaux High Court Judgment [2013] EWHC 1054 (Admin)
CD6.32	APP/W2275/V/11/2158341 – Hermitage Quarry Appeal Decision
CD6.33	APP/K3605/W/20/3263347 – Homebase site, Walton on Thames
CD6.34	APP/P3610/W/21/3272074 - Epsom General Hospital Dorking Road
CD6.35	APP/Q3115/W/20/3265861 – Little Sparrows, Sonning Common
CD6.36	APP/H2265/W/18/3202040 – Land rear of 237-259 London Road, West Malling
CD6.37	APP/Q3115/W/19/3220425 – Land east of Reading Road, Lower Shiplake
CD6.38	APP/B1930/W/19/3235642 – Land rear of Burston Garden Centre, Chiswell Green
CD6.39	APP/V0510/W/21/3282241 – Bottisham Appeal Decision
CD6.40	APP/A0665/W/18/3203413 – Beechmoor Garden Centre, Great Boughton
CD6.41	APP/F0114/W/21/3268794 – Homebase site, Bath
CD6.42	APP/K3605/W/20/3257109 – Royal Cambrige Home, East Molesey
CD6.43	APP/G2245/W/21/3271595 – Kent & Surrey Golf Club, Edenbridge
CD6.44	APP/W0530/W/21/3280395 – Land between Haverhill Road and Hinton Way, Stapleford
CD6.45	[blank]
CD6.46	APP/V0510/W/21/3282241- 163-187 High Street,Bottisham

CD6.47	APP/P0240/W/21/3289401 – Land south of Arlesey Road, Stotfold
CD6.48	APP/L3815/W/16/3165228 - Oving Road, Chichester
CD6.49	Supreme Court in R (Samuel Smith Old Brewery (Tadcaster) and others) V North Yorkshire County Council [2020]
CD6.50	APP/R3650/W/21/3280136 - Land off Scotland Lane, Haslemere

CD7.1	Email on PPA
CD7.2	JTP Urban Design Response
CD7.3	Natural England Objection 05/04/22
CD7.4	Housing Officer's Response
CD7.5	Education Response
CD7.6	Environmental Health Officer Response
CD7.7	Chilterns Area AONB Management Plan (2019 – 2024)
CD7.8	Urban Design Officer Letter (March 2022)
CD7.9	Urban Design Officer Design Principle Comments (December 2019)
CD7.10	Planning Inspector Response to the Delivery Sites DPD
CD7.11	Planning Inspector Letter to Chiltern and South Bucks
CD7.12	Agenda Report Pack for Withdrawal
CD7.13	Meeting of the Growth, Infrastructure and Housing Select Committee
CD7.14	Little Chalfont Bat Briefing Note 2022 (Ecology Solutions)
CD7.15	Reptile Note 2022 (Ecology Solutions)
CD7.16	Great Crested Newt Note 2022 (Ecology Solutions)
CD7.17	Badger Note 2022 (Ecology Solutions)
CD7.18	Biodiversity Net Gain Report (Ecology Solutions)
CD7.19	Statement of Clarification – Ecology & Climate Change
CD7.20	Natural England Response (November 2022)
CD7.21	Highways Development Management Response (1 March 2022)
CD7.22	Waterman Tree Note
CD7.23	Technical Note (TN12) Response to Buckinghamshire Highways

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CD8.1	Withdrawn CSB Local Plan
CD8.2	ARUP Green Belt Study – Parcel 35 Assessment (2016)
CD8.2a	Full Buckinghamshire/ Arup Green Belt Study (2016)
CD8.3	Green Belt Development Options Appraisal (2016)
CD8.4	Green Belt Development Options Appraisal - Post Preferred Green Belt Options Consultation (November 2017)
CD8.5	Green Belt Assessment Part II (April 2019)
CD8.6	Exceptional Circumstances Document (2019)
CD8.7	Landscape Capacity Document – Terra Firma (2017)
CD8.7a	206.9 Landscape Capacity Document – Terra Firma (2017) – Proforma for Site SPBP6.
CD8.8	[blank]
CD8.9	Chiltern and South Bucks Economic Development Strategy (2017)
CD8.10	Chiltern and South Bucks Joint Open Space Study (2018)
CD8.11	Chiltern and South Bucks District Local Plan – Transport Topic Paper (2019)
CD8.12	Initial Masterplan Modelling Report, April 2018
CD8.13	Initial Masterplan Modelling Report, November 2018
CD8.14	Masterplan Option Modelling’ Report, July 2019
CD8.15	Chiltern and South Buckinghamshire Affordable Housing Topic Paper (2019)
CD8.16	Chiltern and South Bucks Townscape Character Study
CD8.17	Chiltern and South Bucks Housing and Economic Needs Assessment 2019

ID1	206.10 Planning Proof of Evidence – Appellant – Mr A Kindred
ID2	206.11 Planning & Design Proof of Evidence – Council – J Fannon
ID3	206.12 Little Chalfont Economic Benefits Assessment of Margaret Collins BA (Hons)
ID4	206.13 Older Persons Needs Assessment of Iain Warner BSc (Hons) DipTP MRTPI
ID5	Proof of Evidence in respect of Ecology and Nature Conservation – Jacob Hepworth Bell BSc (Hons), MIEEnvSc, MCIEEM (w/Appendices Part 1-4)
ID6	Lisa Toyne Landscape PoE – Appellant
ID6.1	Lisa Toyne PoE (Summary) – Appellant
ID7	JTP Design PoE – Appellant
ID8	Phill Bell Highways PoE – Appellant
ID9	Highways PoE – Council
ID10	Landscape PoE – Council
ID11	James Stacey – Affordable Housing Report – Appellant
ID12	Andy Moger – Custom and Self Build Need – Appellant
ID13	[BLANK]
ID14	Final Statement of Common Ground (Ecology)
ID15	Final Statement of Common Ground (Housing Need)
ID16	Statement of Common Ground (Highways)
ID17	Matthew Chard Landscape Rebuttal (Appellant)
ID18	John Fannon Rebuttal (Council) (Green Belt, Design, Planning)
ID19	Niki Huijer Rebuttal (Council) (Landscape)