



Appeal Decision

Inquiry Held on 21-24 January 2020

Accompanied site visit made on 22 January 2020

by Melvyn Middleton BA(Econ), DipTP MRTPI

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

Decision date: 2nd March 2020

Appeal Ref: APP/M3645/W/19/3237774

Land at Frith Manor Farm, Lingfield Road, East Grinstead, RH19 2JW

- 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 FCP Land Ltd against the decision of Tandridge District Council.
 - The application Ref TA/2017/888, dated 2 May 2017, was refused by notice dated 25 March 2019.
 - The development proposed is 101 new dwellings, including 34% affordable housing (following the demolition of existing buildings), the provision of public open space and vehicular access from Lingfield Road.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The application is in outline with all matters, apart from the means of access, reserved for subsequent approval. It is accompanied by a Design and Access Statement and an illustrative masterplan that demonstrates one way in which the site could be developed with 101 dwellings and with associated public open space and landscape/site screening improvements. This plan has been submitted for illustrative purposes only. The suggested layout and other design considerations are informed by the proposed accesses to Lingfield Road, existing trees and hedgerows surrounding the site, and the existing development at Frith Manor, which is a listed building in the middle of the site but outside of the application area.
3. The appeal is accompanied by Statements of Common Ground that cover planning, housing land supply, highways and sustainability. Among other matters, they set out where the Appellant and the Council agree or disagree on the matters relating to the Green Belt (GB), housing need and land supply, the economic, environmental and social benefits of the scheme, the local landscape, ecology, the nearby Special Protection Area (SPA), highways, bus services and the proposal's transport sustainability.
4. The Appellant submitted a signed Planning Obligation, pursuant to Section 106 of the Town and Country Planning Act 1990, made between itself and the intended developer. The provisions of the Obligation are made in favour of Surrey County Council and Tandridge District Council. In this document the Appellant and the intended developer agree, if planning permission is granted, to provide 34 of the total number of dwellings, constructed on the

site, as affordable housing and in accordance with conditions set out in the Agreement. The provision of an element of affordable housing, within market housing development, is a requirement of Policy CSP 4 of the *Tandridge Core Strategy 2008* (CS), which is supported by paragraphs 61 and 62 of the *National Planning Policy Framework* (Framework). On this basis the Council accepted that the proposal would accord with the Development Plan. Consequently, it no longer pursued reason for refusal 4.

5. Reason for refusal 2 alleges that the development would cause significant harm to the Ashdown Forest SPA and in the absence of an acceptable proposal for the provision of Suitable Alternative Natural Greenspace (SANG) and a Strategic Access Management and Monitoring Strategy contribution, its impacts could not be mitigated. This would be contrary to the provisions of Policy CSP 17 and Policy DP19 of the *Tandridge Local Plan Part 2: Detailed policies 2014-29* (DP), as well as the Framework at paragraph 175.
6. The Unilateral Undertaking makes provision for the intended developer to procure land at a proposed SANG that would mitigate the potential effects of the development on the SPA. The Council agreed at the Inquiry that the Hill Place Farm SANG is a suitable candidate site to offset the impacts of the Frith Manor development on the SPA, and subject to the inclusion of a Grampian condition, in any approval, no longer supports its reason for refusal 2.
7. The proposed SANG at Hill Place Farm extends to about 14.7ha and will be managed. It includes a visitor car park and a 2.5km circular walking trail as well as areas of ancient woodland and a proposed Sustainable Urban Drainage feature. It is located about 2.2km from the appeal site and between it and the SPA, which is about 6.3km from Frith Manor Farm. Following the signing of the agreement and subject to the imposition of the Grampian condition, I am satisfied that the proposal is unlikely to have a significant effect on the Ashdown Forest SPA. The proposal thereby complies with Policies CSP 17 and DP19.
8. Reason for refusal 5, referred to the absence of infrastructure contributions that would be required, to offset the impacts from appeal site residents who would use local infrastructure. To assist in overcoming this and to comply with Policy CSP 11, the Appellant also agrees to make financial contributions towards the provision of an improved bus service along Lingfield Road, to prepare a travel plan and to enter into a Highway Works Agreement with Surrey County Council.
9. Tandridge is now a Charging Authority for Community Infrastructure Levy (CIL), in respect of development within its administrative area for the purposes of Part 11 of the Planning Act 2008. In the context of this appeal, this includes the provision of health care, educational facilities and other services off site for future residents of the development, most likely within East Grinstead. This town is located within Mid-Sussex District and West-Sussex County. Tandridge District's approach to the funding of infrastructure, both within and beyond its administrative area, includes a bidding process. The Council confirmed, in a joint note with the Appellant, that the adjacent Sussex authorities could make bids for CIL funding in respect of extra facilities that they would have to provide, within their

administrative areas, to meet the needs of Tandridge residents at the appeal site.

10. Overall the Undertakings that are to be secured by the agreement are related to the requirements of the relevant Development Plan policies and are necessary to make the development acceptable in planning terms. They are directly related to the development and fairly and reasonably related in scale and kind to it, mitigating harmful effects of the development where appropriate. They therefore comply with the tests set out in the Framework, the advice in the *National Planning Practice Guidance* (NPPG) and with CIL Regulation 122.
11. The site's access proposals are shown on drawings ref: SK21637-01/02/03 REVS A. They involve the construction of two conventional road junctions, with appropriate changes to the carriageway markings along Lingfield Road. The Highway Works Agreement would provide for improvements to local bus stops and public rights of way, as well as the details of the proposed junctions. In this context, the Highway Authority supports these aspects of the proposal and no longer opposes the scheme. Whilst the Highway Authority does not object to the highway and related sustainability aspects of the development, concerns were raised by third parties. I return to these later in paragraph 52.
12. As well as on an accompanied site visit on 22 January, I visited the appeal site and its locality, including parts of East Grinstead and its town centre, as well as some of the surrounding area and nearby settlements, unaccompanied, on 20 and 24 January 2020.

Planning Policy

13. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The statutory Development Plan for the area, in which the appeal site lies, includes the *Tandridge District Core Strategy*, which was adopted in 2008 and the *Tandridge Local Plan Part 2: Detailed Policies 2014-29* which was adopted in 2014.
14. The CS covers the period up to 2026 but its adoption predates the publication of the first Framework in 2012. It was also prepared on the basis of the forecasts and needs set out in the now revoked South East Plan. The Council agrees that these are no longer relevant and that the document's strategic policies, including those for the provision of housing, are now out of date. This includes Policy CSP 1 *Location of Development* to which I give significantly reduced weight.
15. The Framework at paragraph 213 says that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them according to their degree of consistency with the Framework.
16. Policy CSP 17 seeks to protect, enhance and expand biodiversity. This reflects the thrust of Framework paragraph 170. Policy CSP 21 seeks to protect the District's landscapes and countryside. This accords with the Framework's desire, at the same paragraph, to recognise the intrinsic

character and beauty of the countryside. However, the supporting advice in CS paragraph 17.5 suggests a blanket restriction outside of defined settlement boundaries, whereas the Framework requires a more balanced approach. I also consider Policies CSP 4 and CSP 11, referred to above to be Framework compliant.

17. Policy DP10 points out that only in exceptional circumstances will the Green Belt boundaries be altered and that this should be through a review of the GB. It also says that planning permission for inappropriate development will normally be refused. This echoes the thrust of Framework paragraphs 136 and 143.
18. Policy DP13 says that subject to a list of exceptions, the construction of new buildings in the GB is inappropriate. This is consistent with Framework paragraph 145.
19. Policy DP1 sets out the positive approach to be taken to the consideration of development policies in the context of the presumption in favour of sustainable development that is set out in paragraph 14 of the 2012 Framework and is now contained in a revised form in paragraph 11 of the 2019 Framework.
20. The Council has prepared *Our Local Plan (OLP)*, which is intended to provide for development in the district until 2033. This has been submitted for examination but there is objection to its strategy and development policies. In such circumstances the relevant provisions of the plan cannot attract other than minimal weight.

Main Issues

21. The main parties have agreed that the proposal would represent inappropriate development in the GB as defined in DP policy and the Framework. I concur with that position. It is contrary to Policies DP10 and DP13.
22. In that context I consider the main issues to be:
 - a) The effect on the openness of the GB;
 - b) The effect on the relevant purposes of the GB;
 - c) The effect on Frith Manor;
 - d) The effect on the character and appearance of the area;
 - e) Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

23. The site lies in the GB. National guidance in the Framework says at paragraph 143 that inappropriate development is by definition harmful to the GB and that such development should not be approved, except in very special circumstances.
24. The Framework goes on to say that when considering planning applications, decision makers should ensure that substantial weight is given to any harm

to the GB. Very special circumstances will not exist unless the potential harm to the GB by reason of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Openness

25. Paragraph 133 of the Framework points out that the fundamental aim of GB policy is to keep land permanently open and that openness and permanence are the essential characteristic of GBs. The proposal would construct a housing estate, consisting of 101 dwellings, on parts of up to four fields that are currently largely pasture and amounting to 8.2 hectares in total. They are located between Lingfield Road and Eden Vale, immediately to the north of the town of East Grinstead. A small number of modern agricultural structures, in the central part of the site, would be demolished. The Appellant estimates that about 4.75 hectares would be built upon, but this is not fixed. Up to a further 3.45 hectares could be provided as publicly accessible open space.
26. The proposal would result in the introduction of residential development onto these open fields in the form of a modern housing estate. As a result, there would be a considerable reduction in openness. The Framework regards openness as an essential characteristic of GBs. There is already some vegetative cover to the site's boundaries. However, that does not prevent numerous views into the site from the surrounding roads and public rights of way and an appreciation of its openness. Nevertheless, there is sufficient land within the site to screen the edges of the development to a much greater extent than that shown on the notional layout and without prejudicing the number of dwellings to be provided or the provision of areas of formal and informal public open space that would meet the Council's requirements. As such, views of the built development itself could eventually be restricted from outside of the site.
27. However, there would inevitably be a permanent change to the spatial openness of the site, which would be visually perceived by passers-by in the form of the two accesses to Lingfield Road and the views along them, as well as the new bus shelter, traffic generation and the light pollution from the development at night. Additionally, there would be paved footpaths with lighting linking the residential development to Eden Vale, as well as to Lingfield Road. The perception, from the adjacent roads and public footpaths, would be one of urban development close by rather than open countryside, which can be seen through gaps in the existing vegetation.
28. The scale of the built development, together with its access, parking and other hard landscaped areas, leading to the associated reduction in openness, would also be apparent to the many residents and visitors to the site, as well as to the occupiers of and visitors to some of the existing adjacent dwellings. I therefore conclude that there would be a considerable loss of both spatial and visual openness. The spatial and visual harm to openness would therefore constitute significant additional harm to the GB.

Purposes of the Green Belt

29. The proposal's impact on three of the five purposes of GBs that are set out in paragraph 134 of the Framework was discussed at the Inquiry.

Urban sprawl

30. The Baynham High Court judgement¹ established that there is no need to identify a particular large built-up area in deciding whether there would be urban sprawl. However, East Grinstead is a sizeable town, in the context of this locality, in any event. At the present time, in the vicinity of the appeal site, the northern boundary of the town's built development coincides with the County boundary. Immediately to the north are areas of woodland, which include four detached bungalows that are located on deep plots fronting Lingfield Road. A part of the appeal proposal would abut the northern one of these, but the development would be detached from the built-up area of East Grinstead itself by a belt of woodland extending from Lingfield Road to Eden Vale.
31. The area to the north-east of the site contains a number of detached dwellings on large plots, accessed from Woodlands Brook Road and Eden Vale. Their impact on the GB's openness is partially camouflaged by their woodland setting, as is the nearby sewage works. Nevertheless, they are sufficiently numerous to be a definite urbanising influence that reduces the impression of openness on the experience, when traversing the rights of way through this area. However, this form of built development is unlikely to be repeated at the appeal site because of its density.
32. Immediately to the north of the appeal site, along Lingfield Road, is Charters Court/Village. This former school site, within the GB, has been converted into an elderly person's complex, with extensive new build within the former school grounds. I was not told about the details of the circumstances of this change, but the site today contributes very little to the openness of the GB. To the traveller along Lingfield Road, it appears as an urban outlier to East Grinstead. Although potentially screened from Lingfield Road and from Eden Vale to a greater extent, the appeal development would have a similar effect on openness, an effect that is very different to that achieved by the dwellings nearby on large wooded plots.
33. A short distance to the north-east of Charters Court is Dormans Park, a large planned private village with no facilities. It was begun in the inter-war period but there appears to have been considerable infilling during the second half of the twentieth century. Although washed over by the Green Belt, it nevertheless substantially reduces the Green Belt's openness north-east of the appeal site. A short distance to the north-east and north-west of Dormans Park respectively are the village of Dormansland and the settlement of Fellcourt, both of which have a further urbanising impact on this part of the GB.
34. The appeal development would effectively lead to an almost continuous belt of urban development on the eastern side of Lingfield Road from the County boundary to the northern edge of Charters Village, creating a built form that protrudes northwards from the existing edge of East Grinstead for about 700 metres. It would noticeably reduce the remaining openness between the town and Dormans Park. In consequence it would add to the unrestricted sprawl of development northwards from East Grinstead, which a purpose of the GB is intended to check.

¹ *Baynham v SSCLG & East Herts DC [2017] EWHC 3049 (Admin)*.

Neighbouring towns merging

35. The Council's main Planning witness accepted that purpose two, preventing neighbouring towns from merging into one another did not apply here because Dormans Park is far from being a town. I agree that it is not appropriate to use this aspect of GB policy to justify the prevention of the merger of small settlements within the GB. As in non GB areas, there are other planning mechanisms to prevent such occurrences if they are justified.

Safeguarding the countryside

36. The built development would be on undeveloped land that is currently agricultural land, outside of a defined settlement and in the open countryside. Despite the extent of existing development within the area, the site is not spatially contained by other development. Rather, it mainly adjoins other open land in the form of woodland that contains some isolated dwellings and is close to other fields along Eden Vale as well as a golf course across Lingfield Road. The development would inevitably result in further encroachment into this countryside, contrary to the third of the Framework's defined purposes of the GB.
37. Whilst it can be argued that most development in the GB encroaches into the countryside, the harm to the GB varies according to the circumstances of individual sites, especially in the context of openness, which is the essential characteristic of GBs. In my judgement, whilst not as critical as some sites to the countryside safeguarding purpose, this site does play a role in maintaining the openness of the countryside to the north of East Grinstead and there would be some harm to this countryside if the development occurred.
38. Taking account of the above, I conclude that as well as the substantial harm caused by inappropriateness, the proposal would also cause significant harm to the GB's openness and to two of its purposes.

Setting of Frith Manor

39. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 says that special regard should be had to the desirability of preserving a listed building and its setting when determining a planning application. Frith Manor is a Grade II listed timber framed dwelling dating back to the seventeenth century. It was restored and renovated on two occasions during the twentieth century and is now fronted by a manicured lawn, backed by dense shrubbery. This contains a majority of non-native shrubs, particularly from the rhododendron genus. The remaining former agricultural buildings, immediately to the rear of the farmhouse, have been converted to ancillary domestic uses.
40. The County Heritage officer considers the building and its immediate curtilage to have been 'sanitised'. I agree. Additionally, the planting around the building complex effectively screens and detaches it from the farmland to which it once related. This planting would also screen the appeal proposals from the now private views of the listed building. There would however be some impact to the experience of travelling along the driveway

from Lingfield Road towards the Manor, the open fields beyond the planting, adjacent to the drive, being replaced by built development.

41. However, like the County Heritage officer, I consider that this would cause less than significant harm to the setting of the listed building and that harm would be close to the bottom of the scale. Where the harm to the significance of a designated heritage asset is less than substantial, the Framework requires this harm to be weighed against the public benefits of the proposal. The provision of much needed housing in an area that falls far short of demonstrating that a five-year supply of housing can be delivered, would be a significant benefit and clearly outweighs the minor harm to the heritage asset.
42. I am also satisfied that the impact of the proposed development would not affect the conservation of the asset itself and that the requirement of Framework paragraph 193 would be met.

Character and appearance

43. The harm to the Green Belt's openness and encroachment into the countryside discussed above should be distinguished from other landscape and visual effects. The parties agree that there would be no harm to the landscape and visual character of the nearby High Weald Area of Outstanding Natural Beauty. The site is also not a part of a valued landscape.
44. This is a well wooded landscape and I was not referred to any viewpoints in the wider area from where the site can be seen. Consequently, the site's contribution to the landscape and its impact on it is localised. Nevertheless, the current undeveloped nature of the site, with its pastoral fields surrounded by broken hedges, mainly of holly and interspersed with individual trees, along with the surrounding woodland blocks, typically represents the characteristics of the Wooded High Weald Landscape character area that it forms a part of.
45. The Appellant accepts that the site is currently a landscape of good quality that makes a positive contribution to its character area. Its replacement with a housing estate, at least in the short term, could be nothing other than a significant change that would be alien to this character. This is despite the existing presence of dwellings in the area. The density of the existing development and its consequent impact upon the local landscape is much lower than that which is likely to be achieved on the built parts of the appeal site.
46. Because of their vegetative context, this, along with the golf course and sewage works, is not a significant urbanising influence, whereas the appeal proposal would be. However, potential amendments to the indicative layout could improve the development's containment and there are opportunities to retain and improve the site's contribution to the wider semi-wooded landscape through additional planting. Consequently, in the fullness of time there need be no significant harm to landscape character. There would however be some adverse impacts on the current filtered undeveloped views from the roads and footpaths around the site and given the introduction of accesses to both Lingfield Road and Eden Vale, the visual impact would always be adverse. Whilst I agree with the Appellant that these negative

aspects of the development would not be sufficient to dismiss the appeal outright there nevertheless would be harm and this harm should be weighed in the balance.

47. I am not persuaded that the addition of the open land into the eastern part of the site and the provision of public accessibility to this land, somehow changes the impact of the construction of 101 dwellings, on another part of the site, on this landscape. These open fields currently have a rural character and it is arguable that the introduction of footpaths, lighting and other recreational paraphernalia onto them, would contribute to a reduction in the overall impact of the development on the landscape. Rather, in my view, that would not do anything other than debase the individual character and appearance of the fields themselves. The proposed development would harm the character and appearance of the site, contrary to Policy CSP 21 and paras 127(c) of the Framework.
48. The Appellant undertook a Landscape and Visual Impact Assessment. This concluded that the proposal's impact, on the character of the landscape character area as a whole, would be negligible adverse immediately, reducing to neutral after 15 years. In the context of the site's surroundings it would be minor adverse, reducing to minor adverse/neutral after 15 years and on the site itself, major adverse reducing to moderate adverse after 15 years.
49. Given the size of the character area and its wooded nature that restricts long distance views, on the whole I agree with the character area assessment. However, in my view the presence of East Grinstead to the south does not urbanise the existing character of this site. The site is separated from East Grinstead by steep slopes covered in trees and when on the site the fact that there is a densely populated urban area some hundreds of metres to the south is not apparent. After 15 years, although reduced by maturing vegetation, the accesses and street furniture would still have an impact so that in my opinion the change would reduce from moderate adverse to minor adverse. Once constructed, I consider that the developed parts of the site would remain as major adverse despite the maturing of vegetation in gardens.
50. The Appellant considers that the visual impact from areas around the site would be moderate adverse initially, reducing to minor adverse after 15 years. I disagree, the boundary vegetation is such that there are clear views from all of the rights of way surrounding the site into the site itself. On completion of the development the housing estate will be clearly seen through this mature vegetation and the impact would be major adverse. Given appropriate screen planting that is additional to that shown on the notional layout, then the impact could, in time, reduce to minor adverse if the mitigation is effectively implemented. The visual impact within the site itself would however still remain as major adverse in my view.
51. Overall, I consider that there would be moderate harm to the local landscape as a result of the implementation of the proposal and that this should count as other harm to be weighed against the proposal.

Highways

52. Third parties have drawn my attention to the traffic congestion and accidents along Lingfield Road and also to the pavement along Baldwin's Hill. Surrey County Council does not object to the scheme on highway grounds, but it is not clear whether or not this conclusion followed an assessment of conditions in West Sussex, as well as Surrey, or indeed whether or to what extent, West Sussex highways were consulted or involved in the process.
53. However, the Appellant has done a traffic assessment of the part of Lingfield Road that is within West Sussex, as well as the appropriate part within Surrey. This includes an assessment of collisions along Lingfield Road. Whilst I note the points about traffic congestion from third parties, the evidence is anecdotal and not supported with empirical evidence. The Appellant's evidence does not suggest that the additional impact on traffic flows along Lingfield Road would be severe or that the effect on highway safety would be unacceptable, which are the tests now set by the Framework at paragraph 109 to refuse planning permission. Nevertheless, there have been three serious accidents along Baldwin's Hill during the last five years. None of these affected pedestrians but the pavement does not appear to be used extensively by such travellers at the present time. The route is expected to be used by residents of the appeal site to access facilities and services within East Grinstead. I return to this later, in paragraph 64.

Other Considerations

Housing delivery

54. The main parties agree that the Council cannot demonstrate a five-year supply of housing land. The Appellant considers that the supply position is 1.4 years, the Council 2.86 years. For the most part the differences centre around the validity of including some allocations in the emerging local plan. Either way the shortfall is significant, and I do not need to forensically analyse the rights and wrongs of the differences. The Appellant has agreed to a condition that reduces the time periods allowed for the discharge of conditions and the commencement of the development. No impediments to early development were referred to me, so I have no reason to doubt that the dwellings would be delivered in the five-year period.
55. However, this site, although in Tandridge and Surrey is adjacent to East Grinstead, which is in Mid-Sussex District and West Sussex County. Although for statistical purposes the evidence base to OLP considers it to be in the Tandridge housing market, in reality it will be in whatever housing market East Grinstead is located in. A large proportion of the occupiers of the market housing would be likely to come from that area. Mid-Sussex has a recently adopted LP and a five-year supply of housing land. Consequently, at the present time additional housing land is not required to meet the needs of East Grinstead.
56. Although a majority of the population of Tandridge lives in the northern part of the district, people do live in the southern part and some of them will have a housing need. Unless it is met in Tandridge some of these people will compete for housing being provided in Sussex.

57. The submitted OLP suggests that Tandridge will need to provide 12,900 additional homes before 2033. However, that plan only seeks to provide 6,056. In the southern five parishes², within the district, proposed allocations at Burstow and Lingfield, along with windfalls, are unlikely to deliver more than about 250 dwellings. These parishes have almost 20% of the district's population. On a pro rata basis, nearly 2,500 dwellings should be provided to meet the needs of that area. The 101 proposed at the appeal site could contribute towards this need. Significant weight should be given to the contribution that the site could make to the provision of housing in the short term.
58. The Affordable Housing Needs Assessment (AHNA) suggests that the Council is unable to meet its affordable housing need and expects a disproportionate amount of it to be provided in the southern part of the district. That said, the AHNA identifies a net need for about 50 affordable homes p.a. to meet the assessed need from these southern five parishes alone. The appeal site would deliver 34% of its housing as affordable. This is in accordance with Policy CSP 4 but below the 40% required in the emerging plan from sites being released from the GB.
59. The Parish Council's evidence suggests that the results of a survey carried out in Dormansland Parish³ indicate that only 12 affordable homes are needed there, and that planning permission has already been granted for 9 in Station Road. Additionally, a site for a further 9 is to be allocated in the emerging Neighbourhood Plan at Hollow Lane. Nevertheless, the AHNA suggests that similar numbers to these (8 d.p.a.) need to be built in the Parish each year until 2033, to meet its ongoing need.
60. The appeal site could make a valued contribution towards meeting the unmet need for affordable housing in southern Tandridge and in that context and despite the site's location adjacent to the southern County boundary and away from the main concentrations of population in the district, significant weight should be given to this potential housing delivery.

Accessibility to services and facilities

61. The Appellant asserts that this is a sustainable location in the context of access to services and facilities by non-car modes. Although Surrey County Council, following the offer of a financial contribution from the Appellant to upgrade the bus services passing the site and to provide a bus shelter, agreed that it would not raise an objection on sustainable development grounds, that does not make the development sustainable in this context. Tandridge District Council has agreed to the Appellant's measured distances to facilities within East Grinstead, and to the bus and train timetables put forward. It also agrees that the making of the appropriate CIL payment will be used to secure the necessary mitigation in the form of any improvements to local services and facilities. However, apart from agreeing that there is no objection to the sustainability of the scheme in "transport" terms, it appears to have been otherwise silent on the accessibility aspects of the proposal.

² Burstow, Dormansland, Fellbridge, Horne and Lingfield

³ The parish in which the appeal site is located.

62. Manual for Streets⁴ in discussing walking neighbourhoods considers that there should be a range of facilities within 800m. Only the bus stops on Lingfield Road were identified by the Appellant as within this distance. Many other facilities are located at a considerably greater distance, the facilities within the town centre being mostly over a 2.0km walk away. Nevertheless, the nearest schools are only about 1km away. However, whilst Guidelines for Providing Journeys on Foot⁵ advises that for school trips an acceptable journey is 1km, it also points out that the desirable distance is 500m.
63. The appeal site is located at the foot of Baldwin's Hill. On Lingfield Road this is a relatively steep climb. As the Appellant points out, there is a continuous footpath on the eastern side of Lingfield Road. However, this footpath is narrow when climbing Baldwin's Hill and is traversing a concave bend where there are visibility issues. The width is below 1.5m for much of this length and below 1m for parts of it. These widths are not sufficient to allow persons pushing prams, pushchairs and wheelchairs to be able to pass one another or indeed other mobile persons, without straying into the road on a blind corner. There are no proposals to remedy these deficiencies or to improve the disintegrating pavement and sporadic street lighting along Lingfield Road north of Furzefield Road.
64. The climb is more gradual on Eden Vale and layout design, followed by internal site works, could be undertaken to encourage pedestrian and cycle movement into East Grinstead along this route. However, the distances would be further, and Eden Vale has no street lighting north of Furzefield Road. Additionally, there is no pavement beyond this point and access would be on a multi-purpose single track road beyond the County boundary. No proposals were put forward to remedy either of these defects.
65. The bus service passing the site would connect it with East Grinstead, Lingfield and other places further north. However, the service frequency is only approximately hourly. Nevertheless, the proposal to extend the service in the early morning and evening, to allow more commuters to use buses to access East Grinstead station, would undoubtedly be of benefit to such persons living on the site and to others residing in the wider area and within reasonable walking distance of the bus route. However, there is no objective assessment as to the likely numbers of commuters who would use this service. The Appellant emphasises the benefits of the improvements to the residents of Charter Court. However, as this is an elderly person's scheme, few people are likely to want to catch a bus to East Grinstead station in the early morning or to return from it in the evening on a regular basis.
66. I consider the overall service, as proposed, to be too infrequent to encourage a substantial modal shift. The majority of persons residing on this site would be likely to use the private car to access schools, shops, community and leisure facilities etc. In addition, as the Council points out, the bus subsidy is only for a temporary period.
67. All of the above considerations would in my view combine to dissuade many residents of this site from walking, cycling or using public transport when travelling to facilities in East Grinstead. Instead they are very likely to make these journeys by car.

⁴ Department for Transport, Department for Communities and Local Government, 2007.

⁵ Institution of Highways and Transportation, 2000.

68. Section 9 of the Framework promotes sustainable transport. It requires the promotion of opportunities to use walking, cycling and public transport through the planning system and for it to actively manage patterns of growth in support of this objective. The nature of the access linkages proposed from this site, in the context of sustainable movement modes, are not particularly helpful in promoting these modes of travel. The accesses for pedestrians and cyclists from the site, to the facilities in East Grinstead, are comparatively lengthy and contain a far from encouraging environment. In consequence, a development as proposed, at the appeal site, would not easily promote sustainable travel patterns to its residents, other than for some commuters.
69. The Framework, at paragraph 103, also says that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The appeal proposal before me does not, in my view, offer a realistically genuine choice and does not therefore meet the sustainable travel objective.
70. The development is significant and in the light of the above, I do not consider that it would achieve an accessible neighbourhood or one that was sustainable in this context. The proposal is in conflict with the Framework objective of promoting sustainable transport. Although not a sufficient reason to refuse planning permission, in my judgement, as a result of this overall weakness of the scheme and despite the temporary improvements to bus services, very little weight should be given to support the proposal in the context of its accessibility.
71. Furthermore, because of the locational considerations, the residents of the proposal would not easily interact with the rest of East Grinstead, a requirement of paragraph 91 of the Framework.

Ecology

72. The Surrey Wildlife Trust raised issues about the impact of the scheme on protected species. It is agreed that these can be resolved by appropriate European Protected Species Licences and an appropriate condition. There would be some loss of biodiversity as a result of the built development, but this could be mitigated by improvements elsewhere on the site.
73. However, I do not accept the Appellant's contention that weight should be afforded to the biodiversity improvements. The development of 4.75 hectares would inevitably disrupt the wildlife that currently uses this area. Whilst improvements can be made to encourage wildlife onto the parts of the site that are not to be built on, including protected species, the development will inevitably change the nature of the rest of the site and its suitability for wildlife. The whole site is to be accessible to the public and this will no doubt include people from East Grinstead as well as the appeal site. Dogs with or without their owners, cats and children playing on the open land and in the woodland, would all contribute to a lowering of the attractiveness of this site for wildlife. I therefore consider ecology to be at best neutral in the planning balance.

Open space

74. The eastern part of the site would be provided as public open space. Although I accept that to some extent the provision of play facilities and areas where children could participate in informal ball games could be of wider public benefit; other than in a minimalist context, I am not convinced that the provision of informal open space through accessible, grassed and wooded areas would provide such benefit. There is an extensive network of footpaths close to the site through similar extensive areas of woodland and meadows where local people can and do walk with or without dogs. The addition of the appeal site to this network would be of marginal benefit.
75. It is not clear to what extent formal open space and play equipment are to be provided. However, I accept that they would be of benefit to the local community. Nevertheless, in the absence of evidence as to its extent and the nature and value of the proposed appeal site recreational facilities, in the context of the amount and quality of existing public open space in the adjacent part of East Grinstead, I cannot give this more than minor weight.

Other benefits

76. There would also be other benefits, as outlined by the Appellant, to the social and environmental roles of sustainability, to which I give minor weight. Additionally, there would be economic advantages from the development itself and the increased expenditure in the area would also be a benefit. I give moderate weight to these benefits.

Green Belt Release

77. The Appellant points out that all of the countryside within the district is GB and notes that OLP is releasing land from the GB to meet housing need but that the current strategy falls far short of meeting the overall need. The OLP Examination Inspector has yet to deliberate on this point after holding Hearings into the matter at the end of 2019. It is not for me to speculate on the outcome, which could involve an invitation to the Council to consider the release of additional land from the GB, following a more forensic objective assessment.
78. At paragraph 136, the Framework says that GB boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. The Appellant is inviting me to override this protocol, primarily because of the overriding housing need. However, the Council has already undertaken a review of its GB. This is now a part of OLP's evidence base and being considered by another Inspector on a comprehensive basis.
79. The appeal site was not considered as an individual parcel, because it was not adjacent to a sustainable settlement within Tandridge and this is unfortunate. Tandridge is not an island and if it has difficulty in finding acceptable sites for GB release, within the core of its district, then another option would be to assess the potential for the release of land close to settlements in adjacent districts. If this were to be undertaken on a properly planned basis, then the necessary infrastructure and services could be effectively provided on a comprehensive basis, either in Tandridge itself or

within the adjacent district. This is a part of what the Duty to Cooperate is meant to be about.

80. Nevertheless, the appeal site was assessed as a part of a wider parcel that included an area immediately to the north of East Grinstead, between Lingfield Road and the railway line to its east and extending northwards to include Dormans Park and the eastern part of Felcourt. The assessment concluded that the GB in the area prevented sprawl northwards from East Grinstead towards Dormans Park, that there was a lot of woodland and that there was already, cumulatively, a substantial amount of development within the countryside within this parcel, albeit and for the most part, set in large well screened plots.
81. It identified the southern part, including the appeal site, as an area for further investigation. This was done in concert with a number of similar areas in a linear belt adjacent to East Grinstead, the appeal area being the most westerly one in its parcel. The further investigation concluded, in the context of the appeal site area, that the GB boundary, adjacent to built development in Sussex, was reinforced by its ridge location and the tree cover. It also found that this area prevented urban sprawl and coalescence between East Grinstead and Dormans Park.
82. I agree with these conclusions in the context of the boundary which, as suggested by the Framework, at this point follows physical features and aids the prevention of urban sprawl. The appeal site's northern edge would not make a readily recognisable boundary to the same degree as the existing one and would be less easy to defend, thereby reducing its likelihood of permanence.
83. Nevertheless, the area's contribution to the prevention of urban sprawl has undoubtedly been reduced by the Charters Court Development. Whether the intensity of this development fundamentally undermines the contribution that the area as a whole has made to this GB purpose, to the extent that it can no longer effectively fulfil this GB purpose is debatable. However, that is not a matter that should normally be resolved in a S78 context.
84. Whilst it would have been clearer if the assessment had considered the area between Lingfield Road and the railway, to the south of Dormans Park, separately, the considerations regarding the land further east are similar and I am not persuaded that a more detailed examination would necessarily have come to a different conclusion, particularly in the context of removing some individual fields from the GB but not others. The overall circumstances suggest to me that it is not appropriate to change the GB boundary in this area other than on a comprehensive basis and through a DP Examination.

Conclusion

85. National guidance in the Framework says in paragraph 87 that inappropriate development is by definition harmful to the Green Belt and that such development should not be approved, except in very special circumstances. This is the agreed position in this case. It is therefore for the Appellant to demonstrate very special circumstances if the proposal is to be allowed. Substantial weight attaches to the harm to the Green Belt by reason of the inappropriate nature of the development.

86. In addition to the harm by virtue of inappropriateness, significant weight should be given to the harm caused to the openness of the Green Belt and to the proposal's conflict with purposes a) and c). I also give moderate weight to the harm to the character and appearance of the local countryside, having particular regard to the views of the appeal site from the adjacent roads and public footpaths. Consequently, the proposal would be at variance with saved LP Policies DP10, DP13 and CSP 21 as well as the Framework's GB policy.
87. As well as market housing the proposal would also provide much needed affordable housing and these benefits should attract significant weight. There would also be the other economic, social and environmental benefits identified by the Appellant and referred to in paragraph 76, to which I give moderate or minor weight. I also give minor weight to the improvements to the bus services and to the provision of some formal public open space and children's play facilities.
88. However, in the circumstances discussed above and taken together, these are not, in my view, the very special circumstances required to counter the harm to the GB that I have identified. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
89. The Council does not have a five-year supply of housing land and the shortfall is significant. In such circumstances footnote 7 to paragraph 11d) of the Framework says that relevant policies for the supply of housing should not be considered up to date. It also says that in such circumstances, planning permission should be granted unless the application of policies in the Framework that protect areas of particular importance provide a clear reason for refusing the development proposed.
90. Footnote 6 says that GB land is such an area. The tilted balance is consequently not engaged.
91. I dismiss the appeal.

M Middleton

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Robin Green of Counsel

He called Georgina Betts BA, Dip Plg,
MRTPI

Louise Wesson BSc, MPhil, MRTPI

Sarah Thompson BA, MTP, MRTPI

Michelle Edser BA, MSc, MRTPI

Tandridge District Council

Tandridge District Council

Tandridge District Council

Surrey County Council

FOR THE APPELLANT:

Christopher Boyle Queen's Counsel

He called

Steven Brown BSc, Dip TP,
MRTPI

Peter Armstrong MILA

Paul Whitby BSc, MCIEEM

Michael Kitching BSC, MA,

MCILT

Woolf Bond Planning LLP

HED Landscape

Ecology Co-op

SK Transport Planning Ltd

INTERESTED PERSONS:

Frazer Visser

Nicholas White

East Grinstead Town Council

Local Councillor, Tandridge District
Council

Barry Heaton

Maureen Young

Patricia Hayden

Baldwin's Hill Action Group

Dormansland Parish Council

Local Resident, Eden Vale

DOCUMENTS

- 1 Statement from Nicholas White
- 2 Statement from Barry Heaton
- 3 Statement from Maureen Young
- 4 Statement from Patricia Hayden
- 5 Frith Manor Listing details
- 6 Agreed note about the provision of Suitable Alternative Greenspace
- 7 Agreed note on Planning Obligation and CIL gathering procedures
- 8 Statement re Section 216 of the Planning Act concerning the spending of CIL monies
- 9 Agreed draft conditions
- 10 Planning Obligation
- 11 Closing submissions on behalf of Tandridge District Council
- 12 Closing Submissions on behalf of FCP Land Ltd
- 13 Post Inquiry correspondence about the Baynham v SSCLG & East Herts DC EWHC decision.

PLANS

- A 1/25,000 plan of East Grinstead and environs.