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## Appeal Decision

Site visit made on 30 January 2025

by **R Lawrence BSc (Hons), PGDip (TP), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 February 2025

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### Appeal Ref: APP/M3645/W/24/3347815

### Field between 84 and 90 Rook Lane, Chaldon, Easting 531338, Northing 155011

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission in principle.
  - The appeal is made by Mr Matthew Hiles of Chapel Hill Homes Ltd against the decision of Tandridge District Council.
  - The application Ref is TA/2024/512.
  - The development proposed is infill residential development of 2-3 dwellings.
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### Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 2 and a maximum of 3 dwellings at Field between 84 and 90 Rook Lane, Chaldon Easting 531338, Northing 155011 in accordance with the terms of the application, Ref TA/2024/512 dated 03 May 2024.

### Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted.
4. When considering a permission in principle application, regard must be had to the provisions of the development plan and any other material considerations, such as the National Planning Policy Framework.
5. Indicative plans have been submitted with the appeal; these show a proposed residential use for three dwellings. I have had regard to the submitted plans, however, I acknowledge that these are not definitive, and the description of development also allows for a development for two dwellings.
6. A revised National Planning Policy Framework (the Framework) was published between the determination of the planning application and this appeal. The main

parties have had the opportunity to comment on the revised Framework in respect of the appeal, and I have determined the appeal in light of the updated Framework.

### **Main Issue**

7. The main issue is whether the site is suitable for residential development, having regard to its location, proposed land use and the amount of development, in relation to:
  - whether the proposal would constitute inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies,
  - the effect of the proposal on the openness of the Green Belt, and
  - whether any harm 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.

### **Reasons**

8. The appeal site lies within the Green Belt. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
9. Paragraphs 154 and 155 of the Framework set out that development in the Green Belt should be regarded as inappropriate, other than in a few exceptions. These include paragraph 154e) of the Framework which allows for limited infilling within villages, and 155 which allows for the development of homes on grey belt land where specific criteria are met.
10. Policies DP12 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014 (TLP) list a number of exceptions. Those exceptions do not include development on grey belt land. Accordingly, I have given greater weight to the Framework in determining whether the appeal proposal is inappropriate development.
11. Policy DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014 (TLP) limits infilling to 'defined villages' in accordance with DP12, which do not include Chaldon. Whilst case law<sup>1</sup> sets out that defined settlement boundaries are not the sole determining factor, the appeal site lies a considerable distance from any of the defined villages. As such, even if the proposal were to constitute limited infill development, the proposal is not located within a defined village for the purposes of DP12 and DP13.
12. Grey belt land is defined as land in the Green Belt, comprising previously developed land and/or any other land that, in either case, does not strongly contribute to certain purposes of the Green Belt identified in paragraph 143. The appeal site in this case would constitute 'other land'.
13. The site is well separated from any large built-up areas or towns, including any historic towns. The proposal is for a small number of houses and would infill a space located between two existing residential developments, and opposite a

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<sup>1</sup> Julian Wood v SSCLG, Gravesham Borough Council [2015] EWCA Civ 195

village hall and primary school. As such, the proposal would not result in encroachment into the countryside. Given these factors, the proposal would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.

14. The Council is currently unable to demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 78 of the Framework, with a significant under supply. The latest information before me is that the Council's housing land supply is just 1.92 years, and its delivery is less than 75% of its housing target<sup>2</sup>. This is a considerable shortfall amounting to a demonstrable unmet need for housing.
15. The appeal site is located close to a primary school, a village hall, and a bus service. Caterham Train station, together with a range of shops and facilities, are accessible either by bus or by bicycle. I note that the bus service is limited in frequency, however, the appeal site is located between several existing houses and is not in any less of a sustainable location than them. Therefore, in the context of a rural location, where the Framework recognises that opportunities to maximise sustainable transport solutions will differ from urban areas, I am satisfied this provides a genuine choice of transport modes. Detailed aspects relating to the access and parking provision, are matters for consideration at the technical details consent (TDC) stage.
16. The site area and the number of dwellings proposed, are such that the proposal would not constitute a form of major development. The 'Golden Rules' in paragraph 156 of the Framework are not therefore applicable.
17. In light of the above, the proposal would conflict with Policies DP10, DP12 and DP13 of the TLP. However, the proposal would accord with the grey belt land requirements set out in paragraph 155 of the Framework, and accordingly, would not constitute inappropriate development in the Green Belt. The question of the impact on openness is therefore not an issue, as any such impact is accepted as being implicitly taken into account in the relevant exception set out in the Framework. Similarly, there is no requirement to consider whether there are any very special circumstances such to justify the development.

### **Other Matters**

18. In addition to the main issue above, further matters raised by interested parties include the loss of privacy, highway safety, flood risk, ecology, infrastructure, noise and other details. Traffic and highway safety concerns include how the road could accommodate an increase in residents, alongside existing pressures from school and other traffic. Noise concerns include the effect on a local riding school business, through disturbing the horses.
19. Having regard to the advice in the PPG, many such technical matters do not fall to be considered at the permission in principle stage of development, and so it is not necessary for me to consider them as part of this appeal. Such matters would be appropriately considered at the technical details stage.
20. Disruption from the construction process is an inevitable consequence of new development. I note that the concerns in this case also relate to possible in

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<sup>2</sup> Annual Monitoring Report 2023-2024

combination effects with planned expansion works to the school opposite. These are, however, temporary effects which can generally be managed through appropriate conditions which could be imposed at the technical details consent stage.

### **Conditions**

21. The PPG advises that there is a default time limit duration of three years for a permission in principle and that, it is not possible for conditions to be attached. The PPG also advises that the amount of residential development must be expressed as a range, indicating the minimum and maximum net number of dwellings. In this case the proposal is for two – three dwellings.

### **Conclusion**

22. The appeal proposal would conflict with the development plan, as it would not accord with the forms of development deemed not to be inappropriate development in the Green Belt set out in Policies D12 and D13 of the TLP. However, material considerations in the form of the updated Framework, indicate that a decision should be made other than in accordance with it.
23. Therefore, for the reasons set out above, the appeal is allowed.

*R. Lawrence*

INSPECTOR