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## Appeal Decision

Inquiry held on 4 to 5 March 2025

Site visit made on 5 March 2025

by **B Davies**

an Inspector appointed by the Secretary of State

Decision date: 11<sup>th</sup> April 2025

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### Appeal Ref: APP/M3645/W/24/3354498

### Land South of Kenley Aerodrome, Victor Beamish Avenue, Caterham, Surrey, CR3 5FX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Croydon and District Education Trust against the decision of Tandridge District Council.
  - The application Ref is 2023/878.
  - The development proposed is 80no. residential dwellings including 50% affordable housing, associated landscaping, amenity space and car parking (outline application all matters reserved aside from access)
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### Decision

1. The appeal is allowed and planning permission is granted for 80no. residential dwellings including 50% affordable housing, associated landscaping, amenity space and car parking (outline application all matters reserved aside from access) at Land South of Kenley Aerodrome, Caterham, CR3 5FX in accordance with the terms of the application, Ref 2023/878, and the plans submitted with it, subject to the conditions in the attached schedule.

### Procedural Matters

2. The application to which the appeal relates was submitted in outline form with all matters reserved except for access. Plans for determination are therefore the site location plan and those relating to access. I have not relied on drawings marked as illustrative.
3. A revised National Planning Policy Framework (the Framework) was issued on 12 December 2024. The main parties were given the opportunity to comment on the implications of this for their cases. References to the Framework below relate to the latest version.
4. During the appeal the offering of affordable housing was amended from 40% to 50% to reflect the recent changes to national policy. This was agreed in writing by both parties. The change is minor and was submitted in a timely manner, so no procedural unfairness would be caused by my acceptance of this. I have amended the description above accordingly.
5. The original description of the development was for 87 houses. This was amended to 80 houses during the application process with the agreement of both main parties. I am satisfied that the change is minor and acceptance of this has not resulted in prejudice to any party.

6. An emerging local development plan was withdrawn in April 2024 following a finding by the Inspector of soundness issues. The planning committee met on 27 February 2025 to adopt a new Local Development Scheme, which confirms that work on a new plan will begin in March 2025. The development plan for determination of this appeal therefore remains the Tandridge District Core Strategy 2008 (CS), Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (DP).
7. Agreed Statements of Common Ground (SoCG) between the main parties comprise a main planning SoCG, including an addendum to this, highways matters (with Surrey County Council as the Highway Authority) and arboriculture.
8. A signed planning obligation in the form of a Unilateral Undertaking (UU) pursuant to section 106 of the Town and Country Planning Act 1990 (s106) was submitted on 5 March 2025. This secures commitments to affordable housing, highway works, car club and e-bike vouchers, and a travel plan.

### **Preliminary Matters**

9. The site is in the Green Belt and the proposed development was originally judged by the Council to be inappropriate development. However, since then the revised Framework has introduced the concept of 'grey belt land' and it is not in dispute between the main parties that the site meets this definition. The Council's concerns about the sustainability of the location in respect to transport and highway capacity were also overcome by the appellant's proposed improvements to the network. These matters are discussed further below.
10. The Council explained that its reasons for refusal relating to arboriculture, landscape and heritage had also been addressed through the submission of additional information in the lead up to the Inquiry. Disagreement over the potential loss of a playing field remains a matter of dispute. However, the Council conceded that, even if this was a loss, in its opinion this would not be determinative. These matters are also considered further below.
11. On this basis, the Council confirmed that, subject to the imposition of suitable conditions and an appropriate planning obligation, it was no longer defending its refusal of the application at the Inquiry.
12. The main parties agree that the 5-year housing land supply is approximately 1.92 years when measured against the new Framework and I have nothing before me that would lead me to a different conclusion. This means that local policies in relation to housing are out of date.

### **Main Issues**

13. Notwithstanding the Council's acceptance of the scheme, concerns about the effects have been raised in numerous objections from interested parties, including on matters of heritage, highway capacity, loss of the playing pitch and character and appearance.
14. Consequently, I consider the main issues to be:
  - whether the appeal site is grey belt land, having regard to the consideration of the effect on heritage assets

- whether the proposal would be inappropriate development in the Green Belt having regard to the sustainability of the location and the Golden Rules
- the effect on provision of local sports facilities

## Reasons

### ***Whether the site is grey belt land***

15. Grey belt land includes land that does not strongly contribute to purposes (a), (b) or (d) in paragraph 143 of the Framework. The site is not in the vicinity of a historic town (d) and no further consideration is required.
16. Paragraph 143(a) states that a purpose of the Green Belt is to prevent unrestricted sprawl of large built-up areas. The site is on the edge of the built-up area of Caterham-on-the-Hill. However, it is largely enclosed by residential development and is restricted to the north by Kenley Airfield, all of which strongly limit the sprawl into the Green Belt. The site is subject to urbanising influences through the containment of a school at its centre and the main road to the airfield (Victor Beamish Avenue), in addition to being, at least in large part, previously developed land (PDL). The site's contribution to this purpose is therefore weak, the sprawl is not unrestricted, and the development would not harm this purpose.
17. Paragraph 143(b) states that a purpose of the Green Belt is to prevent towns merging into one another. The development would move the building line east towards the town of Whyteleafe, resulting in a proportionally very small reduction in the existing gap between the settlements. There would be no loss of visual separation between these towns, due to the intervening presence of housing along Whyteleafe Hill and the steep topography in this direction. Development in the direction of Kenley to the north would not go beyond the building line established by the adjacent estate. The contribution of the site to this purpose is weak and the harm from the development would be negligible.
18. For these reasons, I am satisfied that the land does not strongly contribute to the Green Belt purposes listed in paragraph 143 (a), (b) or (d).

### *Effect on heritage assets*

19. The definition of grey belt excludes land where the application of policies relating to assets of particular importance would provide a strong reason for restricting development.
20. The site is in the southern part of the Kenley Aerodrome Conservation Area (CA). It surrounds the Grade II former Dining Room and Institute building (the Institute or NAAFI), which now hosts a private school. A former workshop, which is a non-designated heritage asset, is also within the site boundary. The airfield itself is surrounded by 11 Fighter Pens classified as Scheduled Ancient Monuments (SAM). The nearest SAM is a Spigot Mortar Emplacement to the northeast of the site. The Grade II listed Officers' Mess building lies just beyond this.

### *Kenley Aerodrome Conservation Area*

21. The historic aerodrome straddles the boundary between the London Borough of Croydon and Tandridge District Council. Although technically two CAs, the Kenley Aerodrome Conservation Area Proposals Statement (Supplementary Planning

Guidance) makes it clear that they should be treated as a whole, with each element relating to all the others.

22. The special reason Kenley Aerodrome was designated as a CA was due to the completeness of the remaining Battle of Britain airfield, and the consequent importance of protecting and enhancing the integrity of this, in addition to the associated buildings and structures. The aerodrome is a battlefield of national historic significance.
23. The site is in 'sub area 2' in the south of the CA. This is the area that surrounds the former Institute and workshop building. The site's main contribution to the significance of the CA is through its historical contribution to supporting the airfield. It would originally have contained hangars, workshops, guardrooms, accommodation and social spaces. Mature trees associated with the site's history, including those framing the former parade ground and Victor Beamish Avenue, dominate the site.
24. This area comprises open ground, part of which formed the former parade ground. The remaining Institute is well preserved and the former parade ground to the front retains its open character. In addition to the mature trees, these factors make a positive contribution to the character and appearance of the CA.
25. However, the buildings to the north of the Institute have, save for the ruined workshop, been flattened. Some footings of former hangars, road surfaces and rubble remain. Relationships between the former, now vanished, technical and domestic military buildings have been lost, apart from the single workshop building. The visual and functional relationship between the Institute and the airfield to the north, with hangars and technical buildings framing a central route through the site, has been largely lost due to the overgrown nature of the site and high security fencing. These factors detract from the CA, making a negative contribution to its character and appearance.
26. There would be inevitable loss of open green space and, temporarily, tree cover through delivery of the quantum of development proposed, particularly within the southern portion of the site, which would have some impact on the character and appearance of the CA. However, no high quality, mature trees that contribute to the historical significance of the site would be lost, and I conclude that the impact on the character and appearance from loss of green space and tree cover would be small.
27. The former workshop would be lost. Its contribution to the CA stems from being one of the few technical structures to remain at the aerodrome, although for the reasons above, it is now isolated and this contribution is diminished. The loss would have a small adverse effect on the character and appearance of the CA, given its limited contribution.
28. The development would re-establish a centralised pedestrian route and line of sight between the Institute and the aerodrome. It is proposed that the alignment of the houses in the north would be respectful of the original and 'regimental' layout. The development proposes to re-introduce domestic buildings to the south of the Institute, reflecting the original barracks buildings at this location. It is also proposed that the orientation and spacing of the houses respects key characteristics, such as Victor Beamish Avenue. Additional trees would be

introduced to reinforce the characteristic framing of this road. These proposals would make a positive contribution to the character and appearance of the CA.

29. The development would facilitate public access to the CA, and improved connectivity through the site and to the aerodrome, including through reinstatement of historic paths. Increased public access is consistent with the objectives of the CA Proposals Statement, and this would therefore be a positive effect. A commemorative feature and information board informing people about the CA would be erected on the site to reinforce interpretation of the historic interest of the aerodrome. These proposals would also contribute positively to the CA.
30. I am mindful that this application is in outline and that the details of layout and appearance are reserved matters. However, the arrangement of internal access, which would be secured at the outline stage, would control the broad layout, lines of sight and building zones. In addition, a condition requiring that reserved matters are underpinned by a Heritage Design Statement would ensure that the proposals are sensitive to the historical context. I am satisfied that there is no reason why the detailed proposals could not be delivered in principle.
31. I am satisfied that harm to the CA from loss of the workshop, green space and tree cover would be mitigated through restoration of key vistas and functional links across the site, increased public access, and installation of an information board and commemorative feature. Although details are not secured at the outline stage, I am also satisfied that proposals in relation to landscaping and layout to reinforce the historical characteristics of the site are deliverable in principle. Overall, the development would lead to enhancement of the character and appearance of the CA.

#### *Former Dining Room and Institute*

32. The Institute is significant for its association with the aerodrome, of which it is one of the few surviving buildings, and for its architectural interest. The Institute served as a principal dining room and social space, and as such was one of the largest buildings at the aerodrome. It is brick built with a six-bay central range flanked by two projecting wings. The stone front faces onto the parade ground, which is to the immediate south of the building.
33. Although not part of the development, the proposed development would surround the Institute and therefore has the potential to affect its setting. This comprises a functional relationship with the main access on Victor Beamish Avenue, the technical area to the north and accommodation blocks to the south. The Institute would also have had a functional, if not visual, relationship with the listed Officers' Mess, the airfield and the scheduled Fighter Pens, which lie beyond the site.
34. The Institute is now largely screened by trees and fencing from the derelict former technical area to the north and the airfield beyond. There is therefore a limited remaining visual or readable functional relationship with either. As described above, evidence of previous structures on the site are not immediately obvious, except for the single dilapidated workshop. For these reasons, the setting of the Institute currently makes only a limited contribution to the significance of the listed building.
35. The development would preserve important elements of the listed building's immediate setting, including the parade ground and associated landscaping,

including the mature trees and access via Victor Beamish Avenue. The proposed central north-south axis and avenue would re-create both a visual and functional link between the Institute and the airfield. The reintroduction of built form sympathetic to the historical layout around the Institute and increased openness would be consistent with the original setting. The proposals would increase openness at the site, re-introducing historical pathways and lines of sight. These proposals would enhance the setting of the listed building.

#### *Former Workshop*

36. The overgrown and derelict former workshop is a roughly U-shaped brick building. It is a non-designated heritage asset. The significance of the workshop lies in its historical use supporting the operations at the airfield and being the only remaining building of this type in the CA. However, the significance is reduced in architectural and evidential terms on account of its condition. It does not have strong group value with any other building because of the loss of all other technical buildings in the vicinity, and the separation by vegetation and fencing from the Institute.
37. Under the proposals, the former workshop would be demolished and replaced with houses. Consideration was given to its incorporation into the scheme, but this was found to be at prohibitive cost. Although I have not been provided with the calculations for this assessment, it is of note the Council agrees with this analysis. I have no doubt that restoration of the building would come at substantial cost, given its current state. When weighed against its limited historical significance, on balance I am satisfied that requiring its restoration would not be justified.
38. The loss of the workshop building as a non-designated heritage asset weighs against the proposal, albeit this is of small weight given its modest historical significance.

#### *Officers' Mess and Fighter Pens*

39. The Grade II Officers' Mess stands in a prominent position, immediately adjacent to the flying field in a different sub-area to that of the site. Its setting is dominated by the airfield, which makes a positive, meaningful contribution to the significance of the listed building. It also has important functional links with the nearby single storey Portcullis Club building, the former officers' squash courts, a nearby machine-gun post and an underground air-raid shelter. I observed that the Officers' Mess is currently being renovated for residential use.
40. Ten of the 12 original fighter pens, protected as SAMs, surround the airfield perimeter and are a uniquely well-preserved group. The setting of the pens is again dominated by their primary and functional relationship with the airfield.
41. The appeal site is distant from the SAMs and Grade II listed Officers' Mess with substantial areas of woodland in the intervening space. There is no intervisibility between the site and these assets and their immediate settings. The site does, however, make a small contribution to the significance of the settings of these assets through the original functional links between them.
42. A restoration of sight lines, openness and access across the wider functionally linked site, in addition to the new information board and commemorative feature, would offer a small benefit to the significance of the setting of these assets.

### *Conclusion on the effect on heritage assets*

43. The development would not cause direct harm to designated heritage assets. The non-designated former workshop would be lost. However, the harm from this would be small and, when balanced against the enhancements that the scheme would deliver, overall the development would enhance the character and appearance of the CA, and have a positive effect on the setting of the Grade II listed Institute and the more distant protected structures associated with the aerodrome.
44. In coming to this conclusion, I have had regard to my statutory duties under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
45. Policy DP20 of the DP states that there is a presumption in favour of development which seeks to protect, preserve and enhance the, amongst other things, historic interest of the District's heritage assets, which is met through the overall enhancement to the CA and setting of the Institute. I am satisfied that all reasonable efforts have been made to mitigate the extent of the harm to the former workshop, which is consistent with Policy DP20 and paragraph 216 of the Framework.

### *Conclusion on whether the site is grey belt land*

46. In conclusion, all the relevant tests in paragraph 143 are met and the application of policies relating to assets of particular importance do not provide a strong reason for restricting development. The land is therefore grey belt land.

### ***Whether the proposal would be inappropriate development in the Green Belt***

47. Paragraph 155 of the Framework states that development is not inappropriate in the Green Belt if it is on grey belt land and meets four additional criteria (a to d).
48. The first of these is whether the development would fundamentally undermine the purposes) of the remaining Green Belt across the area of the plan. The purposes are those set out in paragraph 143 (a to e). I have already concluded against 143(a), (b) and (d) above. Paragraph 143(c) states that a purpose is to assist in safeguarding the countryside from encroachment. The site is largely PDL, is mostly surrounded by housing development on three sides and is prevented from encroachment to the north by the airfield. This purpose would therefore not be harmed through the development. The purpose in paragraph 143(e) is to assist in urban regeneration by encouraging the recycling of derelict and other urban land, which the proposal would fulfil. I therefore conclude that paragraph 155 (a) is met.
49. Paragraph 155(b) states that the proposal must contribute towards an unmet need for this type of development. This is met through the lack of a five-year supply of deliverable housing sites.

### *Sustainability of the location*

50. Paragraph 155(c) requires that the development is in a sustainable location, with reference to paragraphs 110 and 115 of the Framework.
51. There are facilities within walking distance, including schools, leisure and medical facilities, and I observed parents and children walking and cycling from schools in

the local area. The development would deliver a package of improvements to the offsite highway network locally, including zebra crossings, bus stop enhancements, pedestrian infrastructure and traffic calming measures, including speed limit reductions. I am satisfied that these would make it as attractive as reasonably possible to walk and cycle to the nearby facilities. This would have the additional benefit of minimising car use for local journeys.

52. The proposed reduction in speed limit on Salmons Lane West would make cycling safer and more attractive for cyclists to the extent that it would be 'suitable for most people' according to the Council's calculations. This would be a significant improvement on the current situation.
53. I observed that the nearby Buxton Lane/Salmons Lane West/Ninehams Road mini roundabout was busy. There would be additional cars generated by the development and the calculations provided by the appellant, with which I concur, originally showed a slight increase in delay at this location. However, lowering the speed limit leading up to the roundabout (which would be secured by the UU), in addition to the other mitigation measures, would reduce this to the extent that the additional traffic would not make a significant difference to travel times. The lower speed limit would also reduce the risk of conflict between vehicles and other users at this location. The inclusion of dropped kerbs with tactile paving surrounding the roundabout would further improve the safety and accessibility of this junction for pedestrians and would address the needs of people with disabilities and reduced mobility.
54. Whyteleafe South station is within walking and cycling distance. However, direct access to the station from the site is along a fast, dark, bendy and narrow lane with no dedicated path for pedestrians. I consider it would be dangerous to walk or cycle between the two locations and that it is unlikely that most people would make this journey. However, although a little further to travel, the site is also in proximity to Whyteleafe, Upper Warlingham and Caterham railway stations, which I am satisfied are accessible by foot, cycle or bus. There are therefore several accessible options for wider public transport links from the site.
55. The development would undoubtedly introduce additional cars onto the local road network, and I have noted all the third-party concerns about local pinch points. However, I am persuaded that the package of measures proposed would counter these concerns as much as reasonably possible, and overall deliver an improved experience for all users of the area. Paragraph 116 of the Framework states that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe. I therefore do not find this to apply in the circumstances of this case.
56. For these reasons, I am satisfied that the proposal is in a location that is sustainable and would be made more so, through limiting the need to travel and offering a genuine choice of transport modes. It would therefore meet the requirements of paragraph 110 of the Framework. All relevant elements of paragraph 115 are also met, including prioritisation of sustainable transport modes, and through provision of safe and suitable access to the site for all users. The proposal is also consistent with local policies CSP1 of the CS, which promotes sustainable patterns of travel.

### *Golden Rules*

57. Paragraph 155(d) requires that the development meets the 'Golden Rules' set out in paragraph 156.
58. The first of these is that there is sufficient affordable housing. The commitment to 50% affordable housing meets these tests.
59. The second rule is that the necessary improvements to local infrastructure are made, which for the reasons above I am satisfied is the case.
60. The third rule requires the provision of new, or improvements to existing, green spaces that are accessible to the public. The proposal would partly open the site to the public, including the new landscaped areas, and would facilitate access between the surrounding estates and the recreational area at the aerodrome. Although details of landscaping are a reserved matter, I am satisfied that the standards referred to in paragraph 159 of the Framework are achievable at the site in principle.
61. The Golden Rules are therefore met.

### *Conclusion on whether inappropriate development*

62. The site is on grey belt land and meets the criteria in paragraph 155 of the Framework. The proposal is therefore not inappropriate development in the Green Belt. In not being inappropriate, the proposal is also consistent with Policy DP10 of the LP, which protects the Green Belt from inappropriate development. There is therefore no requirement for me to consider the effect of the development on the openness of the Green Belt or whether very special circumstances exist.

### Effect on provision of local sports facilities

63. Third parties and photographic evidence confirm that an area to the south of the parade ground was used as a playing field for the adjacent private school from approximately 2017. The area was overgrown, and this use was no longer evident by the time of my site visit.
64. Policy DP18 of the DP and paragraph 104 of the Framework state that sports pitches should only be built on exceptionally. One of these exceptions is that the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. The headmaster of the school confirmed that the playing field was never ideal because of uneven ground and, as confirmed at the Inquiry, the school has recently built a 'state of the art' sports facility elsewhere on the site. I am therefore content that this test is met.
65. For this reason, I do not find it necessary to assess the legal status of the pitch in detail.
66. The development would not conflict with Policy CSP13 of the CS and DP18 of the DP, which safeguard sports facilities and paragraph 104 of the Framework. This issue does not weigh against the development.

### **Other considerations**

67. The development would deliver 80 houses against the backdrop of a very low housing land supply figure, which is a substantial benefit. 50% of the housing

would be affordable and provided on site, alleviating a pressing need for affordable family housing for local families. The proposal therefore meets the requirements of paragraph 66 of the Framework, which requires that the mix of affordable housing meets identified local needs.

68. The site is not allocated for housing in Policy CSP1. However, as the housing land supply is less than 5 years, the spatial strategy for housing is out of date. The development would contribute to the annual housing provision and delivery of this, consistent with Policies CSP2 and CSP3 of the CS. The Council was satisfied that the housing mix would align with the requirements of the District to an acceptable degree and that the proposal would accord with Policy CSP7. I see no reason to come to a different conclusion. The quantum of affordable housing exceeds that in Policy CSP4. This policy allows for the actual provision to be negotiated on a site basis having regard to the specific needs at the time and the Council has accepted that this is a matter of significant positive weight given the current deficit. I see no reason to come to a different decision and conclude that Policy CSP4 is also satisfied.
69. There has been debate between the main parties regarding how much of the land qualifies as PDL. The historical mapping strongly indicates that most, if not all, of the site was previously developed. It is also clear from walking over the site that the majority was previously developed, evidenced by roads, rubble, remnant structures, hard-standing and security fencing. For the purposes of this decision, it is sufficient for me to conclude that (at least) most of the site is PDL. Such development is strongly supported by paragraph 125 of the Framework, which requires that substantial weight is given to the use of suitable brownfield land within settlements for homes. Development on PDL is also supported by Policy CSP1 of the CS.
70. The development would introduce public access through the site, providing new landscaped areas for recreational purposes and linking the wider area to the recreational area of the aerodrome. This is consistent with paragraph 98 of the Framework and Policies CSP13 of the CS and DP18 of the DP, which encourage improved recreational facilities.
71. There would also be benefits from the scheme from the contribution to local construction employment. Household expenditure generated by future residents would also support local economic activity.

### **Other matters**

72. The effect on biodiversity, including protected species, was originally a reason for refusal because of a lack of information. This information has since been provided and I am satisfied that mitigation of the effects of the development can be controlled through conditions to prevent harm to local ecology. There is no requirement for Biodiversity Net Gain given the date of the application. Although references are made to gains, the detailed quantity and quality of this is not secured through the outline application or a condition, and I have therefore not given it any weight. The proposal is consistent with Policies CSP17 of the CS and DP19 of the DP, which seek to protect biodiversity.
73. Concerns were raised by third parties about the number and massing of residential units on the site, with proposals being described as 'overcrowded'. It is proposed that the south of the site, which is most visible from the public domain, would

contain dispersed development relative to the wider site and nearby estates, with significant remaining green space and landscaping. I am satisfied that this is achievable based on the information before me. It is also proposed that the layout of housing should honour the historical structures in the site. Whilst the details of layout and landscaping are reserved matters, the broad layout of the site is established through the access routes, and conditions are included to ensure that the historical use of the site underpins the detailed design. I see no reason why the site would not be delivered according to the principles proposed based on the evidence submitted. I am satisfied that the proposal would not appear overcrowded or conflict with the requirements of Policy DP7 of the DP, which requires that new development is of high-quality design and integrates with its surroundings.

74. The hundreds of trees on the site, and the mature trees in particular, are a significant positive contributor to its character and appearance. Approximately 200 would be retained and 124 felled. It is proposed that a minimum of 225 new trees would be planted. All high-quality trees would be retained, and only 10 of 'moderate quality' lost, the remainder being of 'low quality'. It has been demonstrated that in principle there would be sufficient space to accommodate the proposed replacement trees and these would be planted to reflect the historical landscaping of the site. In addition, it has been demonstrated that canopy cover would be improved overall, given time for the new trees to mature. Overall, I am satisfied that there would be no significant harm to character and appearance from the loss of trees. There is no conflict with Policy CSP 21 of the CS, which protects the character and distinctiveness of the landscape.
75. Numerous third parties have raised concerns about the additional pressure on local utilities and facilities, including availability of school places, doctors, dentists, hospitals, electricity and gas. However, the relevant operators have been consulted and have not raised concerns about capacity or requested financial contributions. On this basis, I must conclude that the development would not cause the burden on these services to become unsustainable.
76. Caterham Flood Action Group raised concerns about a potential increase in flooding generated from the site and the discharge of foul water, against a backdrop of related problems in the past. Conditions are proposed to secure details of appropriate disposal of surface and foul water, which ensures that the potential risks are managed.
77. Concerns were raised about the effect of increased lighting from the development on the operation of the observatory to the west of the airfield. This can be addressed through a condition to ensure that the appellant meets all lighting requirements in agreement with the Ministry of Defence (MoD).
78. The main access to the airfield along Victor Beamish Avenue is used, amongst others, by the Royal Air Force for the gliding club. Large vehicles, including gliders, need good access. Parking along Victor Beamish Avenue is reportedly already a hazard on event days, including when emergency vehicles are in attendance. I am satisfied that this can be addressed through a condition to control parking along Victor Beamish Avenue.

## Planning Conditions

79. I have considered the suggested conditions taking into account the discussions at the Inquiry, the policies in the Framework and the advice given in the Planning Practice Guidance. The appellant has given written agreement to all the conditions. I impose most of them, amending some wording in the interests of conciseness, precision and enforceability. I have inserted new conditions relating to control of surface water, working hours, protection of trees and foul drainage, with the written consent of the main parties. The numbers below relate to the corresponding condition in the schedule.
80. Conditions [1-2] controlling time limits and the provision of details on reserved matters are necessary because the application made is for outline permission.
81. I have imposed condition [3] specifying the approved plans for reasons of certainty. As agreed at the Inquiry, reference to plans that are illustrative and supporting documents have been removed. The condition specifies the MOD height restriction plan to protect the safety of users of the airfield.
82. Condition [4] requires an archaeological scheme of investigation secures investigation and recording of the site prior to commencement. I have combined this with a recommended condition relating to recording of the Former Workshop Building to avoid repetition.
83. Condition [5] controls construction traffic during development and mitigates against the potential effects of this on other highway users and the environment. A clause requiring a commitment to fund damage to the surrounding roads has been removed as agreed at the Inquiry. Condition [6] controls surface water during construction, to protect the environment and manage any risk of flooding. Condition [7] controls the hours of working to protect the amenities of neighbours.
84. Condition [8] is necessary to ensure that construction work does not obstruct air traffic movements or otherwise impede the safe and effective operation of the aerodrome at RAF Kenley.
85. Condition [9] requires protection of trees during construction and controls those to be retained or felled. I have removed the recommended list of actions to avoid duplication with those set out in the referenced Arboricultural Impact Appraisal and Tree Protection Plan. Conditions [10] to [14] ensure that the ecological interests of the site and any protected species are adequately safeguarded throughout the development, including from lighting. These require that updated surveys for all protected species are obtained prior to commencement to ensure that the mitigation measures developed via [15] are appropriate.
86. Conditions [16] to [18] are necessary to ensure that any contamination associated with the previous uses of the site is investigated and remediated as necessary, for the purpose of protecting human health and the environment. I have removed the requirement to undertake a desk study and risk assessment because this has already been fulfilled by the 'Desk Study, Geotechnical and Geoenvironmental Interpretative Report' (Card Geotechnics Limited, February 2023).
87. As agreed at the Inquiry, I have not included a condition prohibiting drainage to the ground because it would contradict the condition relating to SuDS. I have combined these into one condition [19], which is to ensure that flood risk from

surface water drainage is not increased or water quality harmed. Condition [20] requires demonstration that these works have been carried out appropriately. Condition [21] requires that details of foul drainage are provided to ensure that it can be appropriately disposed of.

88. Details of the commemorative feature are required by condition [22]. An approved information board setting out the history of the site is secured by condition [23]. These are necessary to offset the harm to the non-designated heritage asset.
89. Condition [24] is necessary to ensure safe access to the aerodrome along Victor Beamish Avenue, including for emergency vehicles. Conditions [25] and [26] are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to satisfy local and national sustainable transport objectives. Following agreement at the Inquiry, I have reduced the number of car club parking spaces to a minimum of one. The requirement for a Travel Plan to be submitted through a condition has been removed to avoid duplication because this is secured via the UU, which also requires adherence to the latest guidance. I have not included details of the electric vehicle charging points to allow flexibility in the future and duplication with the UU.
90. Condition [27] requires on-site renewable energy provision to actively contribute towards the reduction of carbon dioxide emissions in accordance with local policies. It also ensures that the associated installations are visually acceptable.
91. Condition [28] protects the amenity of neighbours from any heat pumps installed.
92. Conditions [29] to [31] are necessary to clarify what must be submitted at the reserved matters stage, including that the development must be in broad accordance with the principles established during the application. This includes the requirement for replacement trees and for a Heritage Design Statement, which will underpin the detailed landscaping, layout, scale and appearance matters, ensuring that these are sympathetic to the historical use of the site.

### **Planning obligation**

93. The signed UU secures 50% affordable housing, details of how these should be broken down by tenure and controls their release.
94. The appellant also covenants to undertake all the highway works and to pay the Traffic Regulation Order (TRO) Contribution to alter the speed limit. The UU requires the appellant to enter into a contract with a Car Club Operator and provide free membership of the scheme for a period of 3 years. A voucher for the purchase or rental of an e-bike must also be provided for each dwelling. A Travel Plan must be prepared and an auditing fee for monitoring and compliance paid.
95. None of these contributions are in dispute between the main parties and the Council has provided evidence, including detailed Community Infrastructure Levy (CIL) compliance statements, that justify the requirements and amounts sought.
96. It is clear from the submitted evidence that all the provisions and contributions set out within the planning agreement are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development proposed. They therefore satisfy the tests within Regulation 122 (2) of the Community

Infrastructure Levy 2019 and paragraph 57 of the Framework, and I have taken them into consideration when reaching my decision.

### **Planning balance and conclusion**

#### *Assessment against the main issues and development plan policy*

97. Application of policies relating to heritage assets do not provide a strong reason for restricting the development and I have concluded that the site satisfies all other requirements to meet the definition of grey belt land. The site is in a sustainable location and meets the Golden Rules, and is therefore not inappropriate development in the Green Belt, according with Policy DP10 of the LP. The re-development of the disused and replaced sports facilities does not weigh against the development.
98. I have not found conflict with local policies in relation to protection of the Green Belt, sustainability of the location, highway safety, provision of local sports facilities or any other matters. There would be benefits from the scheme when measured against the local plan in respect of housing supply, affordable housing, heritage assets, wider use of improvements to highway infrastructure, public access to recreational areas and investment in the local economy.
99. There would be conflict with Policy DP20 from loss of the former workshop building, a non-designated heritage asset, but I have found the harm to be both minor and mitigated through the wider improvements to the heritage assets that would be delivered.
100. The local planning authority cannot demonstrate a five-year supply of housing sites, which means that Policy CSP1 in relation to allocation of land for housing is out of date. Policy DP1 states that where relevant policies are out of date then permission should be granted unless material considerations indicate otherwise, taking into account whether any adverse impact would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework.

#### *Assessment against the Framework*

101. The development would provide 80 homes, half of which would be affordable. Having regard to the need to increase the supply of housing expressed in the Framework, the borough's housing land supply position of 1.92 years and a local need for affordable housing, this is a matter of very substantial weight.
102. Substantial weight must also be given for the re-use of PDL according to paragraph 125 of the Framework.
103. I am directed by paragraph 158 of the Framework to give compliance with the Golden Rules significant weight.
104. Overall, there would be benefits to heritage assets, the preservation of which is a matter of great importance in the Framework. Considering the enhancements on offer, I consider the proposal to be a matter of moderate positive weight.
105. The development would deliver a package of improvements to highway infrastructure to mitigate the minor effects of the increase in traffic. The bus stop improvements, alterations to pedestrian crossings and new zebra crossings would

be of wider use, and these therefore weigh in favour of the development to a moderate degree.

106. In addition, landscaped public access across the site would be opened, linking the wider area to the recreational area of the aerodrome. This is consistent with paragraph 98 of the Framework and is a matter of moderate positive weight.
107. Contribution to the local economy from construction and investment in the area by future residents is of small positive weight. These benefits are consistent with the economic objectives in paragraph 8 of the Framework.
108. The former workshop, a non-designated heritage asset would be lost, although this would be mitigated through a survey to record the building and through enhancements to the wider CA. This is a matter of small adverse weight.
109. The benefits of the proposal would significantly outweigh the adverse effects when measured against the policies in the Framework as a whole. Therefore, assessment against the Framework does not provide a reason to refuse the development.

### *Conclusion*

110. I conclude that the proposal meets the development plan read as a whole and there are no material considerations that would lead me to decide other than in accordance with this. According to Policy DP1, this means that permission should be granted.
111. The appeal is allowed.

*B Davies*

INSPECTOR

## **APPEARANCES AT THE INQUIRY**

### **FOR THE APPELLANT:**

Richard Moules KC of Landmark Chambers  
Ms Yarker, Partner, Planning and Development team, Daniel Watney LLP  
Mr Philip Bell, Managing Director, Motion  
Mr Stephen Kirkpatrick, Principal landscape architect/Director, Scarp  
Ms Lucy Markham, Partner, Montagu Evans  
Mr Owen Hallan, Ecology Solutions

### **FOR THE LOCAL PLANNING AUTHORITY:**

Matthew Dale-Harris of Landmark Chambers  
Mr Peter Lee, Team Leader Planning, Tandridge District Council  
Mr James Lehane, Principal Transport Development Planning Officer, Surrey County Council

### **INTERESTED PARTIES:**

Miss H Woodgate, Local Resident

## **DOCUMENTS SUBMITTED AT THE INQUIRY**

1. Appellant Opening Statement
2. LPA Opening Statement
3. Closing Statement for the Appellant
4. Draft condition to protect access for Fire Brigade
5. Final s106 UU
6. Register of Title and Title Plan SY686116
7. Register of Title and Title Plan for SY31521
8. Deputy Chief Executive's Report on Planning Policy Committee on the New Local Plan – Local Development Scheme (27 February 2025)

## Schedule of Planning Conditions

- 1) The development hereby permitted shall take place not later than three years from the date of this permission or two years from the date of approval of the last of the reserved matters.
- 2) Before any development takes place, details of the appearance, landscaping, layout and scale ("the reserved matters") shall be submitted to and approved in writing by the local planning authority and the development shall be carried out as approved.
- 3) The development hereby permitted shall be carried out in accordance with the following drawings:
  - Site Location Plan C100 (8 June 2022)
  - Access and Movement Diagram 21125/C05C (February 2023)
  - MOD Height Restriction 21125/SK15A (14 December 2023)
- 4) No development (including demolition) shall take place until:
  - i. an archaeological field evaluation has been carried out in accordance with a Written Scheme of Investigation specification and timetable that shall first have been submitted to and approved in writing by the local planning authority; and
  - ii. safeguarding measures to ensure the preservation in situ of important archaeological remains and/or further archaeological investigation and recording identified in the archaeological field evaluation have been undertaken in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority
  - iii. a record of the Former Workshop Building to level 3 of Understanding Historic Buildings and a photographic record of the entire site has been forwarded to the Historic Environment Record and this action confirmed to the local planning authority in writing.

The development shall take place in accordance with the approved details, including the Written Scheme of Investigation.

- 5) No development (including demolition) shall take place until a Construction Transport Management Plan has been submitted to and approved in writing by the local planning authority. This shall include details of:
  - i. parking for vehicles of site personnel, operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials
  - iv. a programme of works (including measures for traffic management)
  - v. the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
  - vi. wheel washing facilities;
  - vii. measures to control the emission of dust and dirt during construction;

- viii. a scheme for recycling/disposing of waste resulting from construction works;
- ix. HGV deliveries and hours of operation
- x. vehicle routing
- xi. measures to prevent the deposit of materials on the highway
- xii. on-site turning for construction vehicles.

The approved Construction Transport Management Plan shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 6) No development (including demolition) shall take place until a Construction Surface Water Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall:
- i. Explain how surface water will be managed during the construction phase, including site clearance and stripping.
  - ii. Include drawings of any temporary drainage systems
  - iii. A timeline of construction
  - iv. Measures to mitigate the risk of pollution (including silt) of the water environment and offsite flood risk
  - v. Detail how the approved permanent surface water drainage system shall be remediated during the construction phase.

The development shall be carried out in accordance with the Construction Surface Water Management Plan.

- 7) Clearance or construction works and deliveries shall take place only between 08.00 and 18.00 on Monday to Friday, between 08.00 and 13.00 on Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 8) No development (including demolition) shall take place until a Construction Management Strategy has been submitted to and approved in writing by the local planning authority in consultation with the Ministry of Defence (MoD). This Construction Management Strategy shall contain details of cranes, other tall construction equipment (including the details of obstacle lighting), temporal buildings, silos and bulk storage of spoil or construction materials that may be deployed on the site or any adjoining land at any time during the implementation of this development.

The development shall be carried out strictly in accordance with the approved Construction Management Strategy or any variation approved in writing by the local planning authority in consultation with the MoD.

- 9) Development must proceed in accordance with the Arboricultural Impact Appraisal and Method Statement (Barrell tree consultancy, January 2024) and the associated Tree Protection Plan (21174-4). This shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 10) No development shall take place (including demolition, ground works or vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
  - i. Risk assessment of potentially damaging construction activities.
  - ii. Identification of “biodiversity protection zones”.
  - iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (which may be provided as a set of method statements).
  - iv. The location and timing of sensitive works to avoid harm to biodiversity features.
  - v. The times during construction when specialist ecologists need to be present on site to oversee works.
  - vi. Responsible persons and lines of communication.
  - vii. The role and responsibilities on site of an Ecological Clerk of Works or similarly competent person.
  - viii. Use of protective fences, exclusion barriers and warning signs.The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.
- 11) No development shall take place (including demolition, ground works or vegetation clearance) until a Sensitive Lighting Management Plan has been submitted to and approved in writing by the local planning authority. The Sensitive Lighting Management Plan should be in line with Guidance Note 8 Bats and Artificial Lighting Guidance Note 08/23, or updated industry guidance, and include a horizontal illuminance contour plan. The development must be implemented in accordance with the approved details.
- 12) No development shall take place (including demolition, ground works or vegetation clearance) until an updated badger survey has been submitted to and approved in writing by the local planning authority. The updated survey should be undertaken by a suitably experienced ecologist to check for badger setts within application site boundary, and a 30m buffer, where accessible. If any badger activity is detected an appropriate method of working, including details of any licences that are required, must be submitted to and approved in writing by the local planning authority. The development must be implemented in accordance with the approved details.
- 13) No development shall take place (including demolition, ground works or vegetation clearance) until an updated bat preliminary ground level tree roost survey and assessment for all trees that could be affected has been submitted to and approved in writing by the local planning authority. The updated survey should be undertaken by a suitably experienced ecologist and carried out in line with industry good practice. This should include all necessary further surveys, if required, and include details of any licences, mitigation and compensation that is required. The development must be implemented in accordance with the approved details.

- 14) No development shall take place (including demolition, ground works or vegetation clearance) until a Reptile Mitigation and Habitat Enhancement Strategy has been submitted to and approved in writing by the local planning authority. The Reptile Mitigation and Habitat Enhancement Strategy shall be prepared by a suitably qualified and experienced ecologist. The development must be implemented in accordance with the approved details.
- 15) No development shall take place (including demolition, ground works or vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP should be based upon the outline strategy provided in the Ecological Assessment (Ecology Solutions, June 2023), Further Ecological Information (Ecology Solutions) and Additional Woodland Information (Ecology Solutions).

The LEMP shall include the following.

- i. Description and evaluation of features to be managed.
- ii. Ecological trends and constraints on site that might influence management.
- iii. Aims and objectives of management.
- iv. Appropriate management options for achieving aims and objectives.
- v. Prescriptions for management actions.
- vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- vii. Details of the body or organization responsible for implementation of the plan.
- viii. Ongoing monitoring and remedial measures.
- ix. Provision for wildlife corridors, linear features and habitat connectivity.
- x. Woodland Management and Enhancement Strategy.
- xi. Grassland Management and Enhancement Strategy.
- xii. Biodiversity Enhancement Plan.
- xiii. Invasive Species Management Plan.

The approved LEMP shall be implemented in accordance with the approved details.

- 16) No development shall take place where land affected by contamination is found which poses risks identified as unacceptable in the 'Desk Study, Geotechnical and Geoenvironmental Interpretative Report' (Card Geotechnics Limited, February 2023), until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan.

No development shall take place until a monitoring and maintenance scheme to demonstrate the effectiveness of the proposed remediation has been submitted to and approved in writing by the local planning authority.

The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner

- shall be submitted to and approved in writing by the local planning authority before the development is occupied.
- 17) Any contamination that is found during construction of the development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 18) Piling or any other foundation designs using penetrative methods shall not be permitted except where it has been demonstrated by a risk assessment that there is no resultant unacceptable risk to groundwater and with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.
- 19) No development (except demolition) shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, including any contamination, has been submitted to and approved in writing by the local planning authority.

The submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters. This must include evidence that the 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. Associated storage volumes shall be provided using an infiltration-based strategy.
- ii) Include 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.). Including filter strip and swale details.
- iii) Confirm that there is at least 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.
- iv) 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.
- v) 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.

- vi) include a timetable for the scheme's implementation; and,
- vii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 20) The development shall not be occupied until a verification report carried out by a qualified drainage engineer has been 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.
- 21) No development shall commence until details of a scheme for the provision of foul drainage has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, timetable and programme.
- 22) The development shall not be occupied until details of the commemorative feature, artwork and /or sculpture; a timescale for their implementation; and their proposed locations have been submitted and approved in writing by the local planning authority. The scheme shall be implemented as approved and thereafter retained.
- 23) The development shall not be occupied until a scheme has been approved in writing by the local planning authority for the provision of an information board that sets out the history of the site. The information board shall be installed in accordance with the approved details and thereafter retained.
- 24) Prior to first occupation of the development a scheme for ensuring the continued maintenance of safe access, including for emergency vehicles, between the site, existing buildings and the aerodrome and the public highway via Victor Beamish Avenue shall be submitted to and approved by the local planning authority. The scheme shall include details of any parking restrictions that may be required and how these are to be managed. The scheme shall be implemented in accordance with the approved details.
- 25) The development shall not be occupied until facilities for the secure, covered parking of bicycles and the provision of a charging point with timer for e-bikes by said 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 approved facilities shall be

provided, retained and maintained to the satisfaction of the local planning authority.

- 26) The proposed development hereby approved shall not be first brought into use unless and until at least one car club parking space has been provided with an appropriate electric vehicle charging point, as approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.
- 27) Prior to construction above slab level, details of how the development will satisfy a 20% reduction against Building Regulations (as of the date of this permission) of carbon emissions through use of renewable energy resources, details of all installations required and a timetable for implementation has been submitted to an approved in writing by the local planning authority.
- 28) The development shall be carried out as approved and retained thereafter. Any Air Source Heat Pumps installed as part of the development hereby approved shall be designed so that the noise from their use will conform with the advice given in the Institute of Acoustics and Chartered Institute of Environmental Health Professional Guidance Note on Heat Pumps, which recommends a maximum sound rating level of <35 dB at any noise sensitive neighbouring premises.
- 29) The application for the approval of Reserved Matters in relation to landscaping shall be accompanied with details of all proposed replacement 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 and densities.
- Details must be in broad accordance with the principles in:
- Proposed Site Layout – Tree Removal (21125/P110A)
  - General Arrangement Plan (2193-00-GF-DR-L-0010)
  - General Arrangement Plan (2193-00-GF-DR-L-00101)
- 30) The application for the approval of Reserved Matters in relation to layout and scale must be in broad accordance with the following:
- Urban Grain and Density Plan (21125/CO4C)
  - Tenure Mix Diagram (21125/CO8B)
  - Land Use Diagram (21125/C10B)
  - Coloured Site Layout (21125/C104C)
  - Building Heights Diagram (21125/C06B).
- 31) The applications for the approval of Reserved Matters in relation to landscaping, layout, scale and appearance must include a Heritage Design Statement. The Statement must detail the design quality, site appraisal and

consideration of context for the development proposals and should provide details of the reinstatement of historic paths, the provision of better connectivity to the perimeter of the aerodrome, and the arrangement of buildings, including those along Victor Beamish Avenue demonstrating how they respect the historic development of the site. The application for the approval of Reserved Matters in relation to appearance shall demonstrate a sensitivity to the site's visual and historical context in terms of massing, materials and detail, with carefully designed contemporary structures and interpretations of traditional styles, using quality sustainable materials.

The Heritage Design Statement must be in broad accordance with

- Access & Movement Diagram (21125-C05C)
- Land Use Diagram (21125/C10B)
- Coloured Site Layout (21125/C104C)
- Figure 5.2 within the submitted Heritage Statement (June 2023).