
Appeal Decision

Site visit made on 12 August 2025

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 4th September 2025

Appeal Ref: APP/M3645/W/25/3366613

Orchard Cottage Farm, Red Lane, Limpsfield, Surrey RH8 0RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs D Taylor against the decision of Tandridge District Council.
 - The application Ref is TA/2023/358.
 - The development proposed is the demolition of all buildings and removal of all containers. Construction of four small dwellings in a u-shaped rural courtyard style with associated car parking and landscaping.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of all buildings and removal of all containers. Construction of four small dwellings in a u-shaped rural courtyard style with associated car parking and landscaping at Orchard Cottage Farm, Red Lane, Limpsfield, Surrey RH8 0RT in accordance with the terms of the application, Ref TA/2023/358, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are whether:
 - the appeal site would be an appropriate location, with particular regard to transport options and the accessibility of services and facilities; and
 - there are any other considerations that indicate a decision other than in accordance with the development plan.

Reasons

Location

3. Policy CSP1 of the Tandridge District Core Strategy (October 2008) (TDCS) outlines the amount and distribution of housing development within the district, focusing development within Category 1 settlements, where there is a choice of mode of transport available and where the distance to travel to services is minimised. Policy CSP1 also supports development on previously developed land.
4. Although the appeal site comprises previously developed land and is immediately adjacent to Oxted, a Category 1 Settlement, the parties agree that it is outside of the built-up area and is therefore located within the countryside. Oxted comprises a good range of services and facilities required for day-to-day living. In addition, there is a local railway station and numerous bus services.

5. Notwithstanding the above, the appeal site is located some distance from the key services and facilities located within the town. I note that the town would be accessible via the adjacent public right of way (PRoW) which leads to the Hollies Estate, however the walking and cycling distances to many services and facilities would be such that future occupiers would look to utilise private modes of transportation for at least a considerable portion of their day-to-day journeys. I acknowledge the on-demand bus service could stop on Red Lane, however there are limitations to the service. Therefore, whilst there are a variety of modes of transport available, I do not consider that they would be regularly utilised or that the distance to travel to services and facilities would be minimised.
6. Consequently, I conclude that the appeal site would not be a suitable location for the proposed development with particular regard to transport options and the accessibility of services and facilities. The proposal would conflict with Policy CSP1 of the TDCS in so far as it requires development to be located within settlements with a variety of sustainable transport options and access to services and facilities.
7. Similarly, there would be conflict with the National Planning Policy Framework (the Framework) where it requires sustainable transport modes to be prioritised and that services and facilities are accessible.

Other considerations

8. Although Green Belt issues did not form a reason for refusal, third parties have raised concerns. The appeal site would be located within the Green Belt, however it comprises previously developed land and despite the change of use, access and amenity space, the proposed development would not have a substantially greater impact on the openness of the Green Belt than the existing commercial units presently on site. In addition, the proposal would not lead to unrestricted sprawl. As such, it would accord with paragraph 154 g of the Framework and would not be inappropriate development within the Green Belt. Consequently, it is not necessary to consider 'very special circumstances'.
9. Concerns have been raised regarding ecology. However, mitigation and enhancements are proposed such that the development would not harm the ecology of the appeal site nor the surrounding area. I acknowledge that previous applications have been refused on the same site, nevertheless, the proposal would make use of previously developed land and be in keeping with the character of the area.
10. Whilst the proposal would result in the loss of employment land, I have no substantiated evidence before me that the appeal site is actively being used for employment nor that the local need for such sites is unmet. The proposed dwellings would be a substantial distance from existing dwellings such that surrounding residents living conditions would not be unduly affected. The proposal would not set a precedent within the area, as each individual site must be assessed on its own merits.
11. Highway safety concerns have been brought to my attention. I accept that due to the speed limit, and lack of separate pedestrian footway, Red Lane does not form a safe route for pedestrians. However, it is not necessary for pedestrians to access Red Lane when walking to local services and facilities. The adjacent PRoW provides access to the wider footpath network within the Hollies Estate sufficiently

separating pedestrians and vehicles. Whilst future residents would need to cross Red Lane, there is sufficient visibility to do so safely and directly access the PRow.

12. The appellant suggests that the Council is only able to demonstrate a 1.92 year housing land supply and the Council do not disagree. This is well below Government expectations. The proposal would provide four additional houses on previously developed land, that would contribute to the districts housing supply. Whilst the proposal would only deliver four dwellings this would nonetheless be valuable in boosting the housing stock in circumstances where there is a significant shortfall.

Planning Balance

13. The proposal would conflict with certain aspects of the spatial strategy and therefore there would be conflict with the development plan as a whole. However, because of the housing land supply position, paragraph 11 d) of the Framework is engaged.
14. I do not consider the appeal site to be the most accessible within the district. Nevertheless, there would be some sustainable transport options available and car journeys would be limited in length due to its proximity to Oxted and other towns and cities within the district. Therefore, the conflict is limited.
15. The proposal would deliver four additional housing units in a district that is falling well short of the level of housing supply required by national policy. Four dwellings would make a minor but useful contribution as indicated by paragraph 73 of the Framework. Furthermore, the dwelling would make efficient use of previously developed land, in line with the provisions of the Framework. As such, the benefits of the proposal are moderate.
16. When assessed against the policies in the Framework as a whole, the adverse impact on the spatial strategy does not significantly and demonstrably outweigh the benefits of four additional homes in a relatively accessible location. Consequently, the presumption in favour of sustainable development applies and this indicates that permission should be granted.

Conditions

17. I have considered the conditions put forward by the Council against the Framework and where necessary I have amended the wording in the interests of effectiveness and precision.
18. Aside from the statutory condition required to set the necessary time limit for development [1], a condition is required to indicate the approved plans to provide certainty [2].
19. Pre-commencement conditions are required for a Sensitive Lighting Management Plan and a Construction Ecological Management Plan to ensure that the ecological interests of the site and any protected species are adequately safeguarded throughout the lifetime of the development [3,4].
20. It is also necessary to secure a Construction Transport Management Plan and a Contamination Risk Assessment prior to the commencement of development, to establish safety and environmental procedures for the work phase of the scheme and protect the health and safety of the future occupiers and the surrounding

environment [5,6]. A condition requiring a pedestrian crossing on Red Lane is not necessary and would be excessive, given that there is sufficient visibility for future residents to safely cross Red Lane from the proposed access road directly onto the adjacent PRow.

21. As the proposal is located within the Green Belt, further details of the proposed materials are required to ensure their quality and that the proposal preserves the character of the area [7]. A landscaping scheme is also needed to ensure the development has a satisfactory appearance [8]. Conditions are necessary to secure sustainable transport options and renewable energy technologies in order to reduce carbon emissions [9,10].
22. To ensure compliance with best practice arboriculture and ecological recommendations made within the submitted reports, to conserve and enhance ecological interests and to minimise the effect of the proposal on the health of the retained trees, additional conditions are required [11, 12]. It is not necessary to require an additional arboriculture method statement and tree protection plan, as sufficient information has already been provided.
23. A condition requiring compliance with the submitted surface water drainage technical note is necessary to prevent flooding on site or elsewhere as a result of the development [13].
24. While Planning Practice Guidance states that conditions restricting the future use of permitted development rights often do not pass the test of reasonableness or necessity, given the location of the proposal within the Greenbelt, in this instance, I am satisfied that it is necessary to prevent future enlargements, improvements or alterations as well as restrict buildings etc incidental to the enjoyment of the dwellinghouse to safeguard the rural character of the appeal site [14].

Conclusion

25. The proposal conflicts with the development plan as a whole. However, the presumption in favour of sustainable development applies. In this particular case, material considerations indicate that planning permission should be granted, notwithstanding the conflict with the development plan. Therefore, for the reasons given above, the appeal is allowed.

K Allen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following drawings numbered: SP02 rev E, X01 rev B, X01A rev B, X01B, rev B, X01D rev A, X01E rev A, X01F, 04, 04a, 05, L01, LP01, SP01 rev C, SS01, X02, X03.
- 3) No development, including site clearance and demolition, shall take place until a Sensitive Lighting Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Sensitive Lighting Management Plan. All measures set out within the approved Plan shall be implemented prior to the first occupation of the dwelling and retained in perpetuity.
- 4) No development, including site clearance and demolition, shall take place until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved CEMP.
- 5) No development, including site clearance and demolition, shall take place until a Construction Transport Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:
 - a. parking for vehicles of site personnel, operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials
 - d. programme of works (incorporating measures for traffic management, including no HGV movements to or from the site shall take place between the hours of 8.30 and 9.15 am and 3.15 and 4.00 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Red Lane during these times)
 - e. provision of boundary hoarding behind any visibility zones
 - f. HGV deliveries and hours of operation
 - g. vehicle routing
 - h. measures to prevent the deposit of materials on the highway
 - i. before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
 - j. on-site turning for construction vehicles

The development shall be carried out in accordance with the approved Plan.
- 6) No development, including site clearance and demolition, shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if

replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:

- a. a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
- b. the site has been remediated in accordance with the approved measures and timescale; and
- c. a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:

- d. additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
- e. a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.

- 7) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 8) No development above ground level shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - a. existing and proposed finished levels or contours;
 - b. means of enclosure, including boundary treatments;
 - c. hard landscaping areas;
 - d. minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc.);
 - e. existing trees, hedges and shrubs, indicating those to be retained;
 - f. proposed planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, sizes and proposed numbers/densities where appropriate;
 - g. an implementation programme.

The landscaping works shall be carried out in accordance with the approved details and implementation programme.

Any trees or plants (existing retained or proposed) that, within a period of five years after planting (or replanting if previously failed), are removed, die or, in the opinion of the local planning authority, become seriously damaged or defective, shall be

replaced as soon as is reasonably practicable with others of species, size and number as originally approved.

- 9) Prior to first occupation of the development hereby approved, details for the secure, covered parking for bicycles and the provision of a charging point for e-bikes shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation the bicycle parking and charging point shall be provided in accordance with the approved details and thereafter retained and maintained in perpetuity.
- 10) Prior to first occupation of the development hereby approved, the solar voltaic panels, as specified in the application details, shall be provided in accordance with the approved details and thereafter retained and maintained in perpetuity.
- 11) The development hereby permitted shall be carried out in accordance with the recommendations set out in the Arboriculture Report (prepared by Duckworths Arboriculture Ltd., dated January 2023) and associated Tree Protection Plan (TPP 05972/2023).
- 12) The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures set out in the Preliminary Ecological Appraisal (prepared by The Ecology co-op, dated February 23), Retile Survey Report (prepared by Ecology Partnership, dated August 24) and a Preliminary Roost Assessment and Bat Survey Report (prepared by Ecology Partnership, dated August 24).
- 13) The development hereby permitted shall be carried out in accordance with the details set out in the Surface Water Drainage Technical Note (prepared by CGS Civils, dated February 2023).
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (As Amended), or any amending Order, the enlargement, improvement, or other alteration of the dwellinghouse or buildings etc incidental to the enjoyment of the dwellinghouse, as described in Schedule 2, Part 1, Classes A, B, C, D and E of the Order shall not be undertaken without the prior written permission of the local planning authority.

*****End of Conditions*****