



Appeal Decisions

Site visit made on 10 September 2025

by **G Sylvester BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 October 2025

Appeal Ref: APP/M3645/W/25/3365229

Land off Oxted Road (A25), Oxted, Surrey RH8 9NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for the approval of details required by a condition of a planning permission.
 - The appeal is made by Mr Stephen Byfield of Horizon Cremation Ltd against Tandridge District Council.
 - The application Ref 2020/690/Cond10 sought approval of details pursuant to Condition No 7 of planning permission Ref APP/M3645/W/21/3272384 granted on 30 September 2021.
 - The development proposed is a Crematorium with ceremony hall, memorial areas, garden of remembrance and associated parking and infrastructure.
 - The details for which approval is sought are a remediation strategy to deal with the risks associated with contamination of the site.
-

Decision

1. The appeal is allowed and the details submitted to deal with risks associated with any contamination of the site pursuant to Condition 7 attached to planning permission Ref. APP/M3645/W/21/3272384 granted on 30 September 2021, in accordance with the application Ref. 2020/690/Cond10, dated 23 December 2024 and the details submitted with it are approved.

Preliminary Matters

2. In determining this appeal I have taken account of the details submitted with the appellant's application, including the covering letter dated 23 December 2024; Ground Investigation Report (Revision 1) December 2024 (R1-May 2025) Report No. CCL03815.CV40-R1 by Crossfield Consulting; Location Plan Drawing 1904-LAA-DR-A-E0001 P02, and Proposed Site Plan 1904-LAA-DR-A-01020 P05.
3. The Local Planning Authority (LPA) failed to determine the application within the relevant time period. However, following the decision of the Supreme Court to uphold the grant of planning permission for the appeal development¹, the LPA gave its written approval to the details submitted pursuant to Condition 7 in a duplicate application by letter dated 4 September 2025.

Main Issue

4. Having regard to the reasons for the imposition of the Condition, the main issue in this appeal is the effect of the development on groundwater and public health with particular regard to pollution from any contamination of the site. In determining this type of appeal, I am required to consider whether the submitted details are

¹ [2025] UKSC 32

sufficient and acceptable with regard to the requirements of the Condition, the reasons why it was imposed and the submissions of the parties.

Reasons

5. The evidence before me indicates that the appeal site comprises an open field used for the keeping of horses and was historically farmland. The appellant undertook an intrusive Ground Investigation of the appeal site, including excavating trial pits, sinking sampling boreholes, groundwater and ground gas monitoring. The submitted Ground Investigation Report (GIR) presents the findings of that investigation and its subsequent analysis and assessment of contamination risks.
6. The conceptual site model in the GIR identified no valid contaminant linkages relating to end users of the development, construction workers or the wider public, or unacceptable risks to controlled waters. It found there was no requirement for analytical laboratory testing or further risk assessment in respect of human health or controlled waters, and no requirement for special ground gas protection measures to be installed in the proposed development. Remediation works would not be necessary for the proposed development and therefore no requirement for a Remediation Strategy within the terms of the Condition.
7. The LPA's Contaminated Land Officer and the Environment Agency have not raised any objections to the findings of the GIR or to the discharge of Condition 7. As experts on the subject matter of this appeal their advice carries significant weight. No evidence to the contrary has been advanced by any party to justify me departing from their advice in this instance.
8. Having taking account of those expert views, I am satisfied on the evidence before me that the findings of the GIR are robustly evidenced and compelling in demonstrating that the development poses no unacceptable risks to groundwater or public health from contamination. Consequently, groundwater would be safeguarded against pollution in accordance with the reason given by the previous Inspector for imposing the Condition.
9. Accordingly, I find the submission to be consistent with Policy DP22 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029, Adopted July 2014, insofar as it seeks to avoid contamination causing unacceptable risks to health or the environment.

Conclusion

10. For the reasons given above I conclude that the appeal development would not lead to unacceptable risks to groundwater or public health from contamination. Accordingly, the submitted details pursuant to Condition 7 are acceptable, and the appeal is allowed.

G Sylvester

INSPECTOR