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Application no. TA/2024/732

**Proposed change of use of land from agriculture to a development of 20 plots for travelling show people with associated access and landscaping
Farm Estate, Eastbourne Road, Newchapel, Lingfield RH7 6LF**

This representation is made on behalf of Horne Parish Council. The Parish Council considered the application at their Parish Meeting earlier this month and unanimously agreed to object to the application in the strongest terms. The objection is made on the following grounds.

Harm to Green Belt by way of inappropriateness

The site is within the Metropolitan Green Belt where substantial weight should be given to the harm to the Green Belt. Paragraph 152 of the National Planning Policy Framework states that **“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”** Paragraph 154 goes on to state that **“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.”** Policy DP10 of the Local Plan carries this forward stating that inappropriate development **“will normally be refused.”** The proposals do not fall within any of the exceptions to inappropriate development.

Harm to Green Belt openness

In addition to the harm by way of inappropriateness, there would be substantial harm to the openness of the Green Belt.

The NPPF states at paragraph 142 that **“the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green belts are their openness and their permanence.”**

The Court of appeal in Turner vs Secretary of State for Communities and Local Government and East Dorset Council [2016] EWCA Civ 466 confirmed that openness has both a spatial aspect and a visual aspect and harm can be caused to openness through either.

The sheer expanse of the site (15.5 hectares/over 38 acres), associated extensive hard standings and proliferation of structures and vehicles would have a profound impact on spatial openness. This is compounded by the fact that the site is currently completely open with no built form.

The visibility of the site from public footpaths and the main arterial route through the District would also exacerbate the reduction in visual sense openness.

The Council's Green Belt Assessment considers the site under GBA 037 stating that **“the parcel is mainly free from development...mainly contains open fields with tree and hedge-lined edges and therefore is rural in character”**. The change would be fundamental and stark and will radically compromise the openness of the area forever.

Harm to the purposes of the Green Belt

The five purposes of the Green Belt set out within the NPPF at paragraph 143 and are as follows:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The application would be contrary to these purposes resulting in significant sprawl of development across the site. At the scale proposed (15.5ha), this will result in the loss of a significant area of land that is important in preventing towns and built up areas merging together. There would be a substantial encroachment on the countryside which would be lost forever. In addition, Newchapel dates back to 1365 and as such must be considered as an historic settlement with the development having an unacceptable impact on the setting.

Lack of very special circumstances

Policy DP13 of the Local Plan affirms that **“Unless very special circumstances can be clearly demonstrated, the Council will regard the construction of new buildings as inappropriate in the Green Belt.”**

The Government's Planning Policy Traveller Sites document is clear at paragraph 16 that **“Inappropriate development is harmful to the Green Belt and should not be**

approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.” The proposed use is therefore by definition inappropriate development and is not justified by very special circumstances.

The very special circumstances document put forward by the applicant is limited and primarily provides an overview of the history of the Plantation and general need for accommodation. This is consistent with the need for conventional housing for which there is a significant unmet need (as evidenced in the appeal decision at Limpsfield Road - APP/M3645/W/22/3309334). This applies to all residents in the District alike. It does not justify why permission should be granted contrary to the above Government policy.

The very special circumstances document in fact suggests that some of the plots at the Plantation are too large and therefore there appears to be scope of subdivision or re-organisation to meet the need. In addition, it is confessed that some of the show persons plots are not occupied by show persons. In which case the Council should be enforcing occupancy which could free up plots to meet the need. This must be considered in preference to greenfield development.

Local Plans process and current policy

It is noted that the Council's emerging Local Plan was found unsound earlier this year and that the draft plan would have included allocations and policies to meet the needs in the District for both conventional housing and sites for travellers and show people. It is recognised that the Gypsy and Traveller Accommodation Assessment (GTAA) 2017 identifies a need for additional plots. The unmet need for both housing, traveller, show persons sites is an issue which affects the whole District and not just one community. The Council are working proactively with a new GTAA being commissioned and expected to be published in Autumn.

Any new travelling showpersons' site provision should be plan led with engagement with communities and Parish Councils, alongside other development in the District and not considered in isolation. This application was not formulated with any involvement of the local community including neighbouring residents or the Parish Council.

Policy CSP10 of the Core strategy is clear that Travelling Showmen's Sites should be identified through the plan making process with a preference for urban sites, which this is not. In addition, the impacts should not be significant, which they clearly would be in this case. Sites should also be small but this site is extensive and very large. The application therefore has complete disregard to the strategic policies within the development plan relating to the provision of such sites.

Planning Policy for Traveller Sites is clear that **“Local planning authorities should not permit mixed use on rural exception sites”** for business and residential use.

Unsustainable location and pattern of development

Policy CSP1 seeks to **“promote sustainable patterns of travel”** and for development to be **“located where there is a choice of mode of transport available and where the distance to travel to services is minimised”**.

Policy CSP10 sets a preference for sites which are **“accessible by non-car modes of transport”**. There are no bus stops or pavements along this part of the A22 making the site unsustainable. Not only this, it dangerous for anyone not in a car, particularly children, and contrary to Active Travel objectives. The location is unsustainable with new dwellings not being permissible in this location. The existing access point onto the primary road network is unsuitable for large vehicles and towed wagons.

In this location the community would be isolated from the rest of the District with no effort for integration. The size of the site is also disproportionately large compared to the wider community and would result in a dense concentration of showpeople in one location.

There are other far more suitable sites across the District which benefit from safer access, sustainable accessibility to local services and would better integrate with existing communities. There is no information within the application on what other efforts have been made to find an appropriate site.

Harm to the character and appearance of the area

Paragraph 180 of the NPPF recognises **“the intrinsic character and beauty of the countryside”**. Policy CSP18 required development to be of a high quality and **“reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness.”** Policy CSP21 builds on this stating that **“The character and distinctiveness of the District’s landscapes and countryside will be protected for their own sake, new development will be required to conserve and enhance landscape character.”** Policy DP7 is clear that **“All new development will be expected to be of a high quality design. Development should integrate effectively with its surroundings, reinforcing local distinctiveness and landscape character.”**

The example photographs of the caravans provided show the likely impacts of sprawling structures which would appear incongruous in the landscape, along with the complete hard surfacing of plots likely to occur, beyond the extensive areas already shown on the plans. The views of The Plantation are a good indicator of the likely landscape character. In that case show rides are visible from the road, reaching great heights in some cases alongside the need for further means of shelter that only further erodes the character and appearance of the area.

The application site is extensive (15.5 hectares) and consists of open agricultural fields where there would be a considerable visual impact. Being located immediately adjacent to the main arterial route (A22) running north/south through the District and public footpath 280 to the north of the site, development will be highly prominent to a large number of people. Whilst the footpath has hedge to one side there are low level gaps which provide views across the site. The footpath is well used and provides a tranquil route for local residents and ramblers. The proposals would not only harm the landscape character but would also diminish the tranquillity of the countryside through additional noise and general activity. Additional planning to the boundaries would not prevent views of the site and the clear awareness of significant activity and development within the site.

The enlarged access (over 12m wide and three times the normal width of a road) would in fact be nearly twice as wide as the A22 according to the Transport Statement plans. This alone would have a significant visual impact which will significantly detract from the landscape character and would be completely alien to the area.

The plots extend hard up to the boundary with the A22 on the proposed site layout plan. The tree protection plan in contrast does show a very narrow vegetated strip to this boundary but is non-specific as to what this would comprise and would fail to provide any mitigation of views from the main road.

The lighting proposals to the access roads in themselves will exacerbate this impact and boundary landscaping will not overcome this.

The Landscape and Visual Impact Assessment notes “**Major adverse effects**” in the Executive Summary Conclusion. This is a strong indicator of the actual impact which would arise, and that permission should be refused. The assessment of the impacts on selected viewpoints being negligible to minor adverse in most instances is considered disingenuous.

The illustration of the proposed V mesh fencing in the Landscape Statement will have a harmful visual effect akin to a commercial enclosure rather than a residential environment. The development therefore conflicts with policies CSP18, CSP21 and DP7.

Harm to Heritage Assets

Special regard must be had to preserving listed buildings and their settings in the determination of applications under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 201 of the NPPF states that “**Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.**”

There are a number of listed buildings surrounding the site, including at East Bysse Farm and Highfield Farm to the northwest which are Grade II listed. To the south is Lowlands Farm House and barn and Highlands Farm, the former of which is Grade II* listed. In particular, however, to the east directly opposite the proposed access (widened to 12m) is Gatehouse Farm which includes 3 separate Grade II listed buildings. would harm the setting of the Grade II listed buildings. The development and extensive engineering works proposed to the access would undoubtedly harm the setting of the listed buildings, which currently benefit from the rural setting which contributes to their significance. The Historic Buildings Officer's consultation response confirms that the application site was formerly part of this farmstead and that **“There is a clear and important associative and historic link between these buildings and the application site showing how they were experienced and used historically.”** It further states that this makes an important contribution to the significance of these listed buildings. The proposal would therefore be contrary to the NPPF policy DP20 and in our view lead to “substantial harm” under paragraph 207 of the NPPF.

Harm to ecology

The extensive areas of hard surfacing already shown on the plans, which is only likely to increase over time, will have a significant ecological impact which is not factored into the ecological impact assessment. There is Ancient Woodland within the site and the proposed plots including hard standing would be within 12m of the edge of this at the closest point with the proposals failing to provide a sufficient buffer. As a minimum a separation of at least 15m would be expected.

The assessment does not factor in the impact on water voles which are a European and National protected species believed to be present in the stream running along the western boundary. The impact assessment is therefore insufficient and contrary to policies CSP17, DP19 and DP21.

In addition, the report notes that “The wider landscape appeared highly suitable for dormice, with a plethora of scattered pockets of woodland connected by a network of hedgerows and tree lines.” However, the conclusion is that they are “likely absent” which raises the question of whether the surveying was effective.

Flood risk and drainage

Paragraph 175 of NPPF states that **“Major developments should incorporate sustainable drainage systems.”** The development is a major development given the size of the site. Part of the site is subject to surface water flooding, particularly along the south western side. No plots should be provided in this location where future occupiers would be at risk. It is noted from the consultation response for Surrey County Council that the submitted drainage information is inadequate and **“does not meet the requirements set out in the NPPF, its accompanying PPG and the Non-**

Statutory Technical Standards for sustainable drainage systems.” The application is therefore also contrary to policy DP21.

Loss of agricultural land

As can be seen from the plan below the site comprises of Grade 3: Good to moderate agricultural land according to the Agricultural Land Classification map. The NPPF defines grade 3 and above as “**Best and most versatile agricultural land**” which is a limited resource and should be protected from development.



Grade Description

- 1 Excellent
 - 2 Very Good
 - 3 Good to Moderate
 - 4 Poor
 - 5 Very Poor
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Appeal decisions

The relevance of the Pontefract appeal decision (APP/X4725/W/15/3136547) is not clear, given the significant distance from the site and the age of the decision which pre-dates current national planning policy in Planning Policy Traveller Sites.

The more recent appeal decision at Michaels Business Centre, East Park Lane, Newchapel (APP/M3645/W/20/3257871) is of greater relevance given the date of the

decision and proximity to this site and would suggest that permission should be refused.

Other appeal decisions of relevance concerning residential use including mobile structures are Bones Lane, Newchapel (APP/M3645/C/24/3341199) and Victoria Fields, Clay Lane, Newchapel (APP/M3645/W/22/3310584), both of which were dismissed. Copies of the appeal decisions are enclosed for reference.

A consistent theme in the dismissal of these appeal decisions is inappropriateness of the development, the loss of openness, conflict with the Green Belt purposes and harm to landscape character. These harms are not outweighed by the need for pitches or plots or the personal circumstances of individuals or families. In the case of the current application there is additional harm to the above due to the greater scale of the development, to heritage assets, ecology, loss of agricultural land, unsustainability, highways safety and drainage concerns, which provide further weight against the proposals overwhelmingly in favour of refusal.

Conclusion

The development is clearly in conflict with both National and countless Local Policies with no basis for approval contrary to these. There are no very special circumstances demonstrated which would apply in this case and outweigh the harm and conflict with policy. Accordingly, permission should be refused and the applicant is encouraged to work with the Council to find a more appropriate site in the District.

Yours sincerely

White & Sons
Chartered Town Planners