

## **APPENDIX A: Grey Belt Assessment by ET Planning**



# ET Planning

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For Clouds Hill Farm (2025/2147)

Produced for Residents Against Clouds Hill Farm

Development

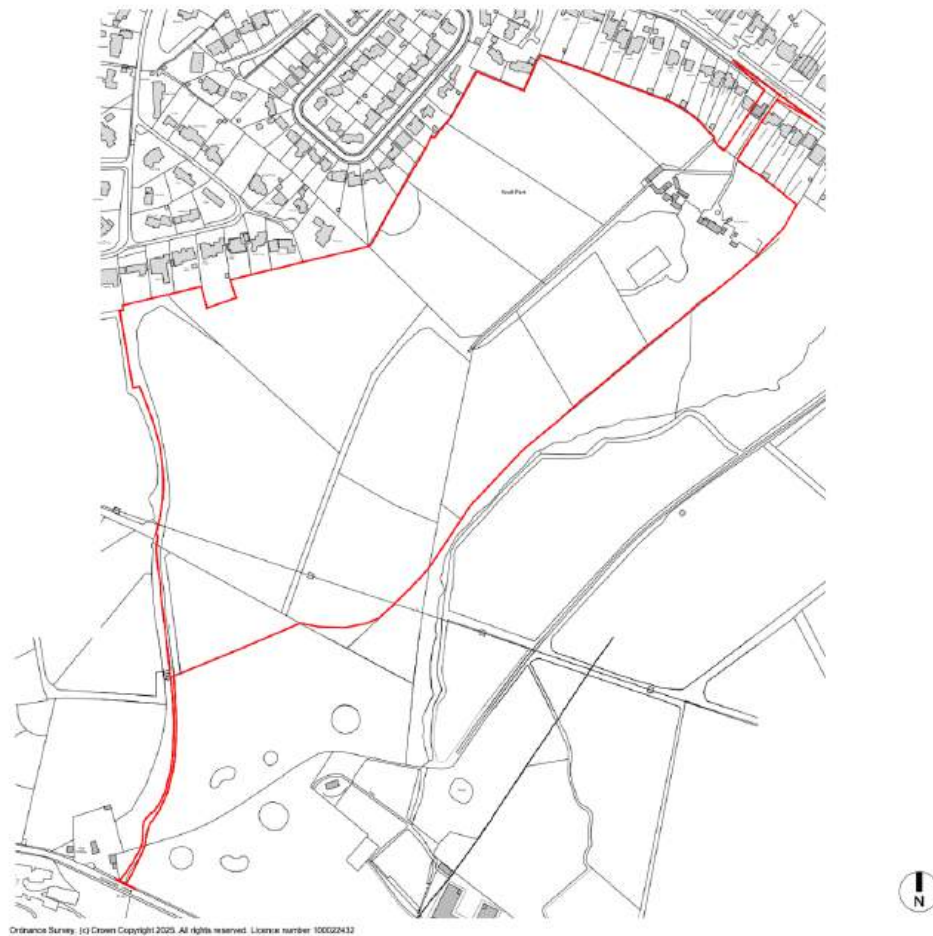
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# 1. Introduction

- 1.1 This Grey Belt Assessment has been prepared on behalf of the Residents Against Clouds Hill Farm Development in relation to planning application reference 2025/2147 which proposes to develop land at Clouds Hill Farm, Leatherhead Road, Oxshott, Leatherhead, KT22 0ET ('the Site') for up to 250 residential dwellings (the 'Proposed Development').
- 1.2 The Site appears to form part of an agricultural and equestrian unit, with a number of fields, the extent of the red line boundary can be viewed in figure 1 (below). The Site is located within the Green Belt, with Oxshott located to the north of the Site.



**Figure 1: Location Plan (as submitted by the applicant)**



**Figure 2: Location of the Site within the Green Belt, approx. Site location shown with red star (source: Map of planning data for England, [planning.data.gov.uk](https://planning.data.gov.uk))**

- 1.3 Four documents have been commissioned to support and evidence the findings within this Grey Belt Assessment, these comprise of:
- Legal Advice from David Matthias KC (Appendix A)
  - A Grey Belt report by Scarp Landscape Architecture (Appendix B)
  - Heritage Impact Assessment by Archway Heritage (Appendix C)

- Transport Appraisal from John Russell Transport Planning (Appendix D)

These documents have been appended to this Grey Belt Assessment.

1.4 An assessment of the Site against the relevant Green Belt purposes is provided below in Table 1, this assessment is based on the National Planning Practice Framework and Planning Practice Guidance.

Green Belt purpose	Contribution
<p><b>Purpose A</b></p> <p>'To check the unrestricted sprawl of large built-up area'</p>	<p>Strong</p>
<p><b>Purpose B</b></p> <p>To prevent neighbouring towns from merging into one another</p>	<p>Moderate</p>
<p><b>Purpose D</b></p> <p>To preserve the setting and special character of historic towns</p>	<p>None</p>

Table 1: Green belt assessment against purposes A, B and D

1.5 The above assessment is discussed in more detail in chapter 3 (Policy Assessment).

## 2. Policy Context

2.1 Chapter 13 of the NPPF is relevant for Green Belt. Paragraph 143 of the NPPF explains the five purposes of the Green Belt (these are relevant as they are referred to in the grey belt definition in Annex 2) and states:

'Green Belt serves five purposes:

- 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. '*

2.2 Planning Practice Guidance (Paragraph: 009 Reference ID: 64-009-20250225) notes in relation to Green Belt assessments and the development management process that: '*An assessment of Green Belt will (alongside other considerations) inform the determination of applications which involve reaching a judgement as to whether proposals utilise grey belt land and whether development of the site would fundamentally undermine the purposes of the remaining Green Belt across the plan area.*

*Where grey belt sites are not identified in existing plans or Green Belt assessments, it is expected that authorities should consider evidence, in light of this guidance, on:*

- *whether the site strongly contributes to the Green Belt purposes a, b or d; and*
- *whether the application of policies to areas and assets of particular importance identified in footnote 7 to the NPPF*

*(other than Green Belt) provide a strong reason to restrict development; and*

- *whether development of the site would fundamentally undermine the purposes of the remaining Green Belt across the plan area, as set out in national policy and this guidance.'*

2.3 Annex 2: Glossary of the NPPF defines grey belt as: For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

2.4 Footnote 7 of the NPPF sets out the range of policies in the Framework itself that relate to "areas or assets of particular importance" and so can trigger the "strong reason" for refusing development under paragraph 11(d)(i).

2.5 Specifically, Footnote 7 lists that these policies cover:

- habitat sites (and those sites listed in paragraph 189) and/or sites designated as Sites of Special Scientific Interest (SSSIs).
- land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast.
- irreplaceable habitats
- designated heritage assets (and other heritage assets of archaeological interest referred to in a further footnote)
- areas at risk of flooding or coastal change.

- 2.6 For the Site to be considered Grey Belt it must therefore demonstrate that it **does not strongly contribute** to purposes a, b or d. This assessment will take each relevant Green Belt purpose (a, b and d) in turn.

### 3. Policy Assessment

#### Village or Town/ Large Built Up Area (LBUA)

- 3.1 The Site is located adjacent to the settlement of Oxshott.
- 3.2 Paragraph 6.51 of the supporting text of Policy CS10 of the Local Plan 2011 individually defines Oxshott as a village, whilst Policy CS1 notes that Cobham is a service centre and being the most sustainable location.
- 3.3 In reality, the two settlements have spatially and functionally merged. Because of this, the Purpose A and B assessment should treat them collectively as a 'large built up area' or 'town'.
- 3.4 The reality of Cobham and Oxshott acting as a single entity can be found in the following evidence:
- Legal advice which has been provided to ET Planning by David Matthias KC, received on 13 November 2025 and appended at Appendix A, which supports the position that Cobham and Oxshott have evolved into a contiguous built-up area of a scale and character comparable to that of a town or large built up area.
    - Paragraph 31 of the legal advice notes '*That said, there is useful evidence which would suggest that, since the adoption of the Local Plan in 2011, Oxshott, combined with Cobham, has become a large built-up area. For example, a recent boundary review by the Local Government Boundary Commission found that the southern section of Oxshott should be combined with Cobham, with the north combined with Esher and Claygate (<https://www.lgbce.org.uk/all-reviews/surrey>. See paragraph 45)*'.

- Paragraph 34 of the same legal advice notes *'Therefore, there is strong evidence to suggest that Oxshott combined with Cobham is a large built-up area and would accordingly fall within the scope of purpose (a).'*
- Policy CS1 of the adopted 2011 Elmbridge Local Plan identifies Oxshott as part of a "Service Centre and rural fringe area" together with Cobham, Stoke D'Abernon, and Downside. The policy notes that although these four settlements are distinct, they are "intrinsically linked to Cobham with regards to service provision".
- The 2021 Census considers a combined ward of Oxshott and Stoke D'Abernon recording a combined population of 9,748.
- Physical coalescence has already occurred, a position supported by both the Local Government Boundary Commission, which recommended merging parts of the two areas, and by the 2016 Elmbridge Green Belt Review.
- In terms of more up to date evidence from the emerging Local Plan (2037), albeit not tested at examination, Elmbridge Retail and Leisure Needs Assessment by Lichfields dated 11 March 2025, groups Cobham and Oxshott together in much of the report. Furthermore, in terms of facilities within Oxshott, the assessment states that Oxshott has:
  - Food/convenience retail
  - Post office
  - Chemist
  - GP surgery
  - Additional facilities (as detailed in Table 2)

	Claygate	East Molesey Bridge Road	Thames Ditton	Hinchley Wood	Oatlands	Oxshott	Walton Halfway	Walton Terrace Road	Weybridge Queens Road
Food/Convenience									
Banks									
Post Office									
Newsagent									
Off Licence									
Chemist									
Restaurant/ café/ takeaway									
Public house									
Bookmakers									
Launderette/ drycleaner									
Hairdresser/ beauty salon									
Florist									
Estate agents									
Doctor's surgery									
Community hall									
Library									
<b>Total LNI score (out of 16)</b>	<b>11</b>	<b>9</b>	<b>10</b>	<b>9</b>	<b>7</b>	<b>9</b>	<b>6</b>	<b>9</b>	<b>9</b>

Source: EBC's Retail Assessment 2024 and Google Maps.

Table 2: Extract from Elmbridge Retail and Leisure Needs Assessment by Lichfields dated 11 March 2025.

3.5 Following the above, we consider that Oxshott and Cobham can be considered as a LBUA and town for the purposes to this assessment. This assessment therefore considers the implications of national policy relating to the Grey Belt, in the context of the functional and spatial relationship between Oxshott and Cobham.

## Assessment of Green Belt purposes A, B and D

**Purpose A) 'to check the unrestricted sprawl of large built-up areas;'**

3.6 The PPG outlines the expectations for purpose A – to check the unrestricted sprawl of large built-up areas. The PPG notes that this purpose 'relates to the sprawl of large built-up areas. Villages should not be considered large built-up areas' (Paragraph: 005 Reference ID: 64-005-20250225). The following table as part of the above paragraph then sets out how this should be assessed.

Contribution	Illustrative features
<b>Strong</b>	<p>Assessment areas that contribute strongly are likely to be free of existing development, and lack physical feature(s) in reasonable proximity that could restrict and contain development.</p> <p>They are also likely to include all of the following features:</p> <ul style="list-style-type: none"> <li>- be adjacent or near to a large built up area</li> <li>- if developed, result in an incongruous pattern of development (such as an extended "finger" of development into the Green Belt)</li> </ul>
<b>Moderate</b>	<p>Assessment areas that contribute moderately are likely to be adjacent or near to a large built up area, but include one or more features that weaken the land's contribution to this purpose a, such as (but not limited to):</p> <ul style="list-style-type: none"> <li>- having physical feature(s) in reasonable proximity that could restrict and contain development</li> <li>- be partially enclosed by existing development, such that new development would not result in an incongruous pattern of development</li> <li>- contain existing development</li> <li>- being subject to other urbanising influences</li> </ul>
<b>Weak or None</b>	<p>Assessment areas that make only a weak or no contribution are likely to include those that:</p> <ul style="list-style-type: none"> <li>- are not adjacent to or near to a large built-up area</li> </ul>

Contribution	Illustrative features
	- are adjacent to or near to a large built-up area, but containing or being largely enclosed by significant existing development.

Paragraph: 005 Reference ID: 64-005-20250225

3.7 Scarp have undertaken an assessment of the Site in relation to Grey Belt. It similarly recognises Oxshott and Cobham as a combined LBUA and in summary, in relation to purpose A) Scarp consider that the Site makes a strong contribution to Green Belt Purpose A, based on the following assessment findings:

- Oxshott and Cobham act as a combined LBUA in Elmbridge’s own 2016 Green Belt Review.
- The Site has a strong sense of spatial and visual openness.
- The Site is largely open in Green Belt terms, with only a very small proportion occupied by permanent or temporary buildings and hard-standing.
- Existing built development is limited to a small, discrete parcel in the far north-eastern area of the Site.
- All other land parcels remain undeveloped and free from built form.
- There is a sharp and well-defined boundary between the existing settlement and the open agricultural land within the Site.
- Visibility of existing buildings is very limited, as evidenced by Site appraisal photographs in the Applicant’s Landscape and Visual Impact Assessment (LVIA).
- The Site retains a strong sense of openness, even with the presence of field boundary trees and woodland shaws.
- The character of the Site relates more closely to the wider countryside than to the adjacent built-up area.

- The Site provides a strong contribution to Purpose (a) on the basis of the above.

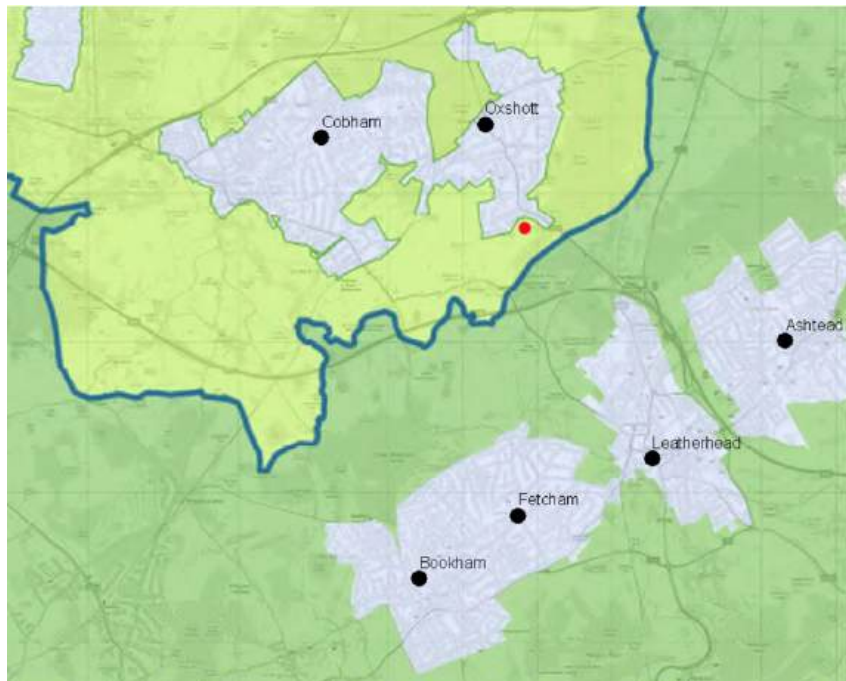


Figure 3: Extract from Elmsbridge Green Belt Boundary Review (2016) with approximate location of Site highlighted by red dot (taken from Scarp Grey Belt Assessment)

- 3.8 In summary, based on the functional merging of Oxshott and Cobham and when considered against the PPG criteria, the Site makes a **strong contribution to Purpose A**, as development would represent an outward, uncontained extension of the settlement into open countryside.

***Purpose B) 'to prevent neighbouring towns merging into one another;***

- 3.9 The PPG outlines the expectations for purpose B – to prevent neighbouring towns merging into one another. The PPG notes that this purpose 'relates to the merging of towns, not villages'. (Paragraph: 005 Reference ID: 64-005-20250225). The following

table as part of the above paragraph then sets out how this should be assessed.

Contribution	Illustrative Features
Strong	<p>Assessment areas that contribute strongly are likely to be free of existing development and include all of the following features:</p> <ul style="list-style-type: none"> <li>- forming a substantial part of a gap between towns</li> <li>- the development of which would be likely to result in the loss of visual separation of towns</li> </ul>
Moderate	<p>Assessment areas that contribute moderately are likely to be located in a gap between towns, but include one or more features that weaken their contribution to this purpose, such as (but not limited to):</p> <ul style="list-style-type: none"> <li>- forming a small part of the gap between towns</li> <li>- being able to be developed without the loss of visual separation between towns. This could be (but is not limited to) due to the presence or the close proximity of structures, natural landscape elements or topography that preserve visual separation</li> </ul>
Weak or None	<p>Assessment areas that contribute weakly are likely to include those that:</p> <ul style="list-style-type: none"> <li>- do not form part of a gap between towns, or</li> <li>- form part of a gap between towns, but only a very small part of this gap, without making a contribution to visual separation</li> </ul>

Paragraph: 005 Reference ID: 64-005-20250225

3.10 The Green Belt PPG is clear that this purpose relates to the merging of towns, not villages or smaller settlements.

3.11 As outlined in relation to purpose A) we consider that Oxshott and Cobham are a LBUA and therefore we are concerned with the merging of Cobham/Oxshott and Leatherhead for the assessment of purpose B.

3.12 As visual separation forms a key element of this purpose, Scarp have also been commissioned to undertake a review of the Site, in relation to Purpose (b). The report by Scarp concludes that the Site makes a moderate contribution to purpose (b), on the following grounds:

- The Site forms a small part of the strategic gap between Oxshott/Cobham and Leatherhead.
- As noted in the EBC 2016 Green Belt Boundary Review Strategic Area Assessment, the strategic role of the local Green Belt is to prevent the town of Oxshott / Cobham from merging with Ashted and Leatherhead / Bookham / Fetcham in Mole Valley.
- The Site currently helps prevent physical and visual coalescence between these settlements, despite some boundaries adjoining Woodlands Park woodland.
- Development would increase visual coalescence due to intra-visibility, as both Leatherhead and new built form on the Site would be visible from elevated land located 800 m west of the Site (exact location as shown in viewpoint 4 in Scarp report).
- Although views from Public Footpath 51 are partly filtered by boundary hedgerows and trees, the elevated ground within the site allows on-site tree canopies to remain visible and read as part of the mature tree cover on the southern side of Oxshott, with the proposed cumulative development on Land North of Blundel Lane (Ref: 2025/1097) also visible from this location. The risk of increased visual coalescence would be worsened by the proposed removal of large numbers of mature trees, the introduction of buildings rising up to three storeys on elevated land compared to the surrounding area, and the potential additional development on the Land North of Blundel Lane.
- The Site could be developed without losing visual separation if reliance is placed on existing enclosing features such as the elevated M25, intervening buildings, and woodland.

- Overall, the Site is assessed as making a moderate contribution to Green Belt Purpose (b).

3.13 Overall, Purpose B focuses specifically on preventing the merging of towns, and the relevant assessment must therefore consider the strategic gap between Oxshott/Cobham and Leatherhead. The analysis undertaken by Scarp demonstrates that, while the Site forms only a small portion of this wider gap, it nonetheless plays a meaningful role in maintaining both physical and visual separation. Existing landscape features, topography and surrounding development help to preserve this separation, although the potential for increased visual coalescence, particularly if tree removal and taller built form were introduced, presents a clear risk. On balance, and in accordance with the PPG criteria, the site's **contribution to Purpose B is therefore most appropriately defined as moderate.**

**Purpose D) 'to preserve the setting and special character of historic towns;'**

3.14 The PPG outlines the expectations for purpose D. The PPG notes that this purpose 'relates to historic towns, not villages. Where there are no historic towns in the plan area, it may not be necessary to provide detailed assessments against this purpose'.

3.15 We consider there is no contribution towards purpose D and it will not be assessed any further within this section.

**Footnote 7**

3.16 Areas or assets identified under footnote 7 of the NPPF which would provide a strong reason for refusing or restricting development would mean that the Site does not meet the Grey Belt definition. Footnote 7 includes designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75).

3.17 As part of detailed technical work we commissioned a Heritage Impact Assessment has been undertaken by Archway Heritage which identifies that the site contributes materially to the setting of two listed buildings—Woodlands Park Hotel and Woodlands Farm—and that development would cause high-end “less than substantial harm” through the loss of rural character, disruption of key views, and erosion of the hotel’s long-established landscape context. Such harm directly engages Footnote 7, disqualifying the land from being Grey Belt.

**Conclusion on Green Belt purpose a, b, d and footnote 7**

3.18 The Assessment indicates that the Site **strongly contributes to purpose a) and has a moderate contribution to purpose b)** in line with national policy and the PPG (Paragraph 007 Reference ID: 64-007-20250225).

3.19 The land should be excluded from being considered Grey Belt regardless of its performance against the Green Belt purposes, due to engagement of footnote 7 (harm to the setting of two designated heritage assets).

Green Belt purpose	Contribution
<p><b>Purpose A</b></p> <p>'To check the unrestricted sprawl of large built-up area'</p>	<p>Strong</p>
<p><b>Purpose B</b></p> <p>To prevent neighbouring towns from merging into one another</p>	<p>Moderate</p>

<p><b>Purpose D</b></p> <p>To preserve the setting and special character of historic towns</p>	<p>None</p>
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**‘INAPPROPRIATE DEVELOPMENT’ TEST**

3.20 Paragraph 155 of the NPPF outlines criteria for identifying development that would not be considered inappropriate development in the Green Belt. The PPG expands on this and provides further clarity in Figure 15 below, which confirms the additional conditions in which development would not be inappropriate in the Green Belt (including if the Site is found to be Grey Belt).

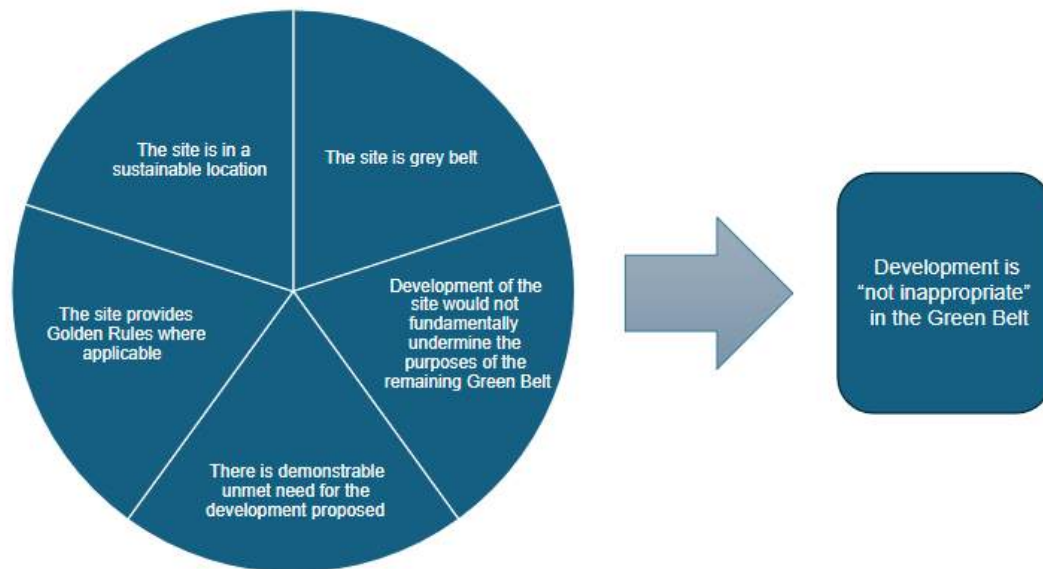


Figure 15 – ‘Inappropriate Development’ Test - Paragraph: 010  
Reference ID: 64-010-20250225

3.21 The NPPF introduces subtle changes, regarding the consideration of inappropriate development. These changes, along with clarifications provided in the PPG, are assessed and summarised below. It is clear that all of these conditions must be met for the Site to be “not

inappropriate” in the Green Belt (i.e failure to meet one of these conditions would result in the site being deemed as ‘inappropriate development’).

3.22 The list below sets out the conditions, under paragraph 155 of the NPPF, for which development of the Site is deemed inappropriate in the Green Belt. We have provided justification against each condition to demonstrate that the Proposed Development is deemed inappropriate development in the Green Belt.

- **“Development would utilise grey belt land”** – As set out in this Green Belt Review, we consider the Site would not meet the definition of ‘Grey Belt’ land. This condition is not met.
- **“There is a demonstrable unmet need for the type of development proposed”** – The Council cannot demonstrate a five-year housing land supply (0.9 years as of May 2025) and so this condition is met.
- **“The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework”** – John Russell Transport Planning has produced a Transport Appraisal (dated October 2025) relating to the sustainability of the Site. The Transport Appraisal demonstrates that the Proposed Development does not meet the Framework’s expectations. The Site offers very limited opportunities for sustainable travel, meaning residents would be heavily dependent on the private car.
- Paragraph 110 of the NPPF states that significant development should be focused in locations which are, or can be made, genuinely sustainable through providing a *genuine choice* of

transport modes. However, the Site lies beyond acceptable walking distances to most facilities, is served by incomplete and unsafe pedestrian routes, has no cycle infrastructure, and relies on extremely limited bus services. The nearest railway station is approx. 2km away with no safe walking or cycling route or connecting bus. As noted in paragraphs 2.12-2.16 of the John Russell Transport Appraisal, the 2019 Green Belt Accessibility Assessment, commissioned for the now-withdrawn draft Elmbridge Local Plan 2037, is still being used by EDC to inform the new Local Plan. The assessment reviewed 105 potential development areas in the Green Belt. The Site aligns with area SA-5, which is consistently classified in the "Limited" accessibility category—the lowest of all groups—both for public transport access (Table 16) and for overall accessibility to key services such as schools, healthcare, employment, and local centres (Table 12). SA-5 is one of only six areas out of the 105 assessed to fall into this poorest-performing category, and is expected to remain among the least accessible Green Belt locations in future Local Plan work. These constraints show that the development cannot provide the genuine modal choice envisaged by paragraph 110.

- Paragraph 115 of the NPPF requires that sustainable modes are prioritised, safe and suitable access is provided for all users, and any significant transport impacts can be mitigated. The Transport Appraisal shows that none of these requirements are satisfied and sustainable modes cannot realistically be prioritised, the access has not been demonstrated as safe for everyday delivery vehicles, and the Applicant's traffic forecasts and cumulative impact assessment are fundamentally flawed. As such, the development fails to comply with paragraph 115.

- In combination, these findings confirm that the proposal does not represent development in a sustainable location as required by paragraph 155, nor does it satisfy the transport tests of paragraphs 110 and 115 of the NPPF. The Site's lack of sustainable transport options means the development would result in a highly car-dependent pattern of growth, contrary to the objectives of the NPPF and therefore this condition cannot be met.
- **"Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157"** – The application documents for the planning application 2025/2147 claim that the Site would meet the 'Golden Rules'. (i.e. 50% affordable housing (10% above adopted policy), alongside public open space provision/SANG and necessary infrastructure improvements).
- **"Development of the site would not fundamentally undermine the purposes of the remaining Green Belt"** – The PPG<sup>1</sup> clarifies that authorities must consider whether releasing land from the Green Belt would meaningfully impact the overall purposes of the Green Belt across the wider area of the plan. Elmbridge Borough Council's Green Belt Boundary Review (2016) states that Green Belt designation extends over 57% of the Borough. The Residents against Clouds Hill Farm Development does not consider that the Proposed Development fails this requirement.

## Conclusion

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<sup>1</sup> Paragraph: 008 Reference ID: 64-008-20250225

- 3.23 Overall, when assessed against paragraph 155 of the NPPF and the supporting PPG, the Proposed Development fails to meet the full set of criteria required to be considered “not inappropriate” in the Green Belt. The Site does not qualify as Grey Belt land, and despite the Borough’s unmet housing need, the proposal is not in a sustainable location as required by paragraphs 110 and 115. The Transport Appraisal confirms that the development would be highly car-dependent, with no realistic opportunities for safe or convenient sustainable travel.
- 3.24 Although the Applicant claims compliance with the ‘Golden Rules’, this does not overcome the failure to meet the other essential conditions. While the development may not fundamentally undermine the wider Green Belt, multiple key tests remain unmet. Accordingly, the proposal constitutes inappropriate development in the Green Belt and conflicts with national policy.

## 4. Conclusion

- 4.1 This assessment has considered the Site at Clouds Hill Farm, Leatherhead Road, Oxshott, against the relevant Green Belt purposes as set out in paragraph 143 of the National Planning Policy Framework (NPPF) and accompanying Planning Practice Guidance (PPG) to assess it against the Grey Belt. For the reasons set out in this report, the Site is not considered to be Grey Belt.

## **Appendix A: Legal Advice from David Matthias KC**

**IN THE MATTER OF CLOUDS HILL FARM, LEATHERHEAD ROAD,  
OXSHOTT, SURREY**

**ADVICE**

**Introduction**

1. I am instructed by ET Planning Ltd on behalf of Residents Against Clouds Hill Farm Development to advise whether land at Clouds Hill Farm can be considered Grey Belt.
  
2. In particular, I am asked two questions:
  - a. Whilst Oxshott is identified as a village in the Local Plan, can Purpose A be considered in respect of the unrestricted sprawl of Oxshott and Cobham combined, given they coalesce and the population in the 2021 census is 9,748 - if it is agreed that this is akin to a large built-up area?
  - b. Whilst Oxshott is identified as a village in the Local Plan, can Purpose B be considered in respect of the merging of Oxshott and Cobham (combined) with Leatherhead, given that the combination of Oxshott and Cobham as a single entity meet some of the criteria of a town.
  
3. In preparing this Advice, I have considered the opinion written on behalf of the Applicant by Christopher Young KC, the Green Belt Assessment produced by fabrik Chartered Landscape Architects (“fabrik”) in July 2025 on behalf of the Applicant, and the Grey Belt Review produced by Scarp Landscape Architecture Ltd (“Scarp”) on behalf of those instructing me.

## **Background**

4. An outline planning application (reference 2025/2147) was submitted by Fairmile Group Limited on 21 August 2025. The proposed development consists of:

“Outline planning application for the development of up to 250 dwellings together with internal access roads and footways, car and cycle parking provision, suitable alternative natural greenspace (SANG) together with an associated car park served off Woodlands Lane, together with public open space, supported by a scheme of landscaping and planting, with principal means of access served off Leatherhead Road, following the demolition of all existing buildings and structures on the site. All matters, except for means of access from Leatherhead Road and Woodlands Lane, reserved for future determination.”
5. The site comprises eleven fields managed as meadows, scrub and broadleaf woodland. A farmhouse, various farm buildings and a small bungalow are located in the north-eastern part of the site.
6. In a legal opinion dated 16 April 2025, Christopher Young KC assessed the land subject to the application and opined that it is Grey Belt. This accorded with the Green Belt Assessment undertaken by Fabrik. However, in an impressively thorough Grey Belt Review, Scarp have come to the opposite conclusion.

## **Policy on Grey Belt**

7. The relevant policy on Grey and Green Belt has been comprehensively set out by Scarp in their review. In the interests of brevity, I will only set out the key policies.
8. The definition of Grey Belt in the NPPF is as follow:

“For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either

case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.”

9. Purposes (a), (b) and (d) are:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another; and
- d) to preserve the setting and special character of historic towns.

10. In relation to both purposes (a) and (b), the recently updated PPG confirms that “villages” will neither be considered large built-up areas nor “towns” (see: Paragraph: 005 Reference ID: 64-005-20250225).

### **Law and Appeal Decisions on definition of “village” and “town”**

#### Caselaw

11. In order to answer the two questions posed in my instructions, it is helpful first to set out the relevant judicial consideration of the terms “villages” and “towns.”

12. In *R (Tate) v Northumberland County Council* [2017] EWHC 664 (Admin), the Court was concerned with whether a settlement was a village for the purposes of the NPPF. HHJ Belcher stated at paragraph 25:

“25. In my judgment, that discussion and Miss Graham Paul’s responses, served to emphasise that the question of whether a given settlement is, or is not, a village, is inevitably a matter of planning judgement. The fact that different members of the public, or indeed a different planning authority might take a different view of the matter does not undermine the planning judgment unless it can properly be said to be irrational, that is a decision that no reasonable planning authority could have reached, or in the words of

Sedley J. (as he then was) in *R v Parliamentary Commissioner for Administration, ex-parte Morris and Balchin* [1997] JPL 917 at 927 “..... a decision which does not add up – in which, in other words, there is an error in reasoning which robs the decision of logic.”

13. That decision was upheld in the Court of Appeal ([2018] EWCA Civ 1519). In their judgment, both Lindblom L.J. and Peter Jackson L.J. agreed that:

“37. The question of whether a particular proposed development is to be regarded as “limited infilling” in a village for the purposes of the policy in paragraph 89 of the NPPF will always be essentially a question of fact and planning judgment for the planning decision-maker. There is no definition of “infilling” or “limited infilling” in the NPPF, nor any guidance there, to assist that exercise of planning judgment. It is left to the decision-maker to form a view, in the light of the specific facts. Can this proposed development be regarded as “limited infilling”, or not, having regard to the nature and size of the development itself, the location of the application site and its relationship to other, existing development adjoining it, and adjacent to it? That is not the kind of question to which the court should put forward an answer of its own. Nor will it readily interfere with the decision-maker’s own view. I agree with the observations to the same effect made by Sullivan L.J. in *Wood v Secretary of State for Communities and Local Government* [2015] EWCA Civ 195 (in paragraph 12 of his judgment).”

#### Planning Appeal decisions

14. As part of my instructions, I have also been asked to refer to any relevant planning appeal decisions.

#### *Daws Heath Road APP/M1520/W/24/3351658*

15. The decision in this appeal was handed down on 15 April 2025. The appeal was allowed and planning permission granted for the construction of, *inter alia*, 173 new dwellings. The main

issue was whether the proposal would be inappropriate development in the Green Belt having regard to the Framework (para 6).

16. The Inspector was required to consider whether Daws Heath could be considered a large built-up area or town. The Council's Green Belt Review had referred to Daws Heath as a smaller settlement (para 14) and a large built-up area (para 16). However, the Issues and Options Consultation referred to Daws Heath as a village (para 15).

17. The Inspector observed that services and facilities are limited at Daws Heath and, to be classed as a town, Daws Heath would among other things need to have more services and facilities and be larger (para 21). The Inspector therefore found that Daws Heath was a village.

*Land West of Chapel Road APP/M3645/W/24/3355743*

18. This is an appeal decision dated 17 June 2025. The appeal was allowed and planning permission granted for, *inter alia*, residential development comprising up to 270 dwellings (para 1). One of the key considerations was whether Smallfield could be considered a village or a large built-up area.

19. The Council had refused planning permission for reasons which included that the proposal would represent inappropriate development in the Green Belt and that the very special circumstances needed to justify such development had not been shown (para 13).

20. After the refusal, the Grey Belt policies were introduced via the NPPF (para 14). However, the Council's position was that the land was not Grey Belt as the site contributed strongly to purpose (a) "to check the unrestricted sprawl of large built-up area" (para 18).

21. At para 19, the Inspector set out the relevant sections of the PPG addressed above and confirmed that whether the settlement adjacent to the site (Smallfield) could be considered a large built-up area was a matter of planning judgement.
22. In making the determination, the Inspector first had regard to the development plan (Tandridge Core Strategy 2008), which identified Smallfield as a village (para 21). However, this was not determinative as the plan predated the NPPF and PPG.
23. The Council referred to their Green Belt Assessment, which considered Smallfield to be a built-up area (para 22). However, that Assessment formed part of a Local Plan evidence base which was ultimately never brought forward. As such, it was never tested at examination and it also predated the newly introduced PPG (para 23).
24. The Inspector confirmed that, following the decision in Daws Heath Road (APP/M1520/W/24/3351658), relevant factors included the scale of the settlement and the range of services and facilities that it offered. At para 27, the Inspector noted that there was no evidence that the population of Smallfield had altered significantly and was relatively low. In conclusion, the Inspector found that Smallfield was a village and therefore could not be considered a large built-up area.

#### *Conclusions on planning appeal decisions*

25. Although the question of whether Oxshott can be considered a town, a village or a large built-up area is ultimately a matter of planning judgment, these planning appeal decisions indicate the type of factors that Inspectors will consider when making their decision. These factors include both quantitative factors (population size, extent of built-up area) and qualitative factors (service provision, settlement character, local designations). In each case, the label “village” or “town” in policy or review documents is less important than the functional reality of the settlement.

## **Discussion**

### **Question 1**

26. In order to answer this question, it is necessary to have regard to the various factors highlighted in the above appeal decisions.
27. As noted in my instructions, Oxshott is identified as a village in the Policy CS1 of the Elmbridge Local Plan (July 2011) with Oxshott being within a ‘Service Centre and rural fringe area’ within the policy. Locations listed within this policy are Cobham, Oxshott, Stoke D’Abernon and Downside. The policy notes that *‘Although the 4 settlements located within this area are distinctively different, they are intrinsically linked to Cobham with regards to service provision. The majority of new development within this area will be directed towards Cobham and its immediate environs as this is the most sustainable location.’*
28. Later, at paragraph 3 of Policy CS1, Oxshott is described as a “local centre.” I also note that at paragraph 4.11 of the Core Strategy, Oxshott is described in a group of “villages and more rural areas.”
29. The Local Plan therefore appears to find that Oxshott is a village or rural area, not a large built-up area. However, following the Smallfield decision, the Local Plan would carry less weight, given that it has been superseded by both the NPPF and PPG.
30. Similarly, the treatment of Oxshott as forming a group with Cobham and Stoke D’Abernon in the withdrawn Local Plan would carry less weight. The Plan was found unsound following stage 2 of the examination. As such, following the Inspector in the Smallfield decision, evidence for a Plan that was ultimately never adopted and found unsound would carry lesser weight.
31. That said, there is useful evidence which would suggest that, since the adoption of the Local Plan in 2011, Oxshott, combined with Cobham, has become a large built-up area. For example,

a recent boundary review by the Local Government Boundary Commission found that the southern section of Oxshott should be combined with Cobham, with the north combined with Esher and Claygate (<https://www.lgbce.org.uk/all-reviews/surrey>. See paragraph 45).

32. Further, as I am informed through my instructions, a census carried out in 2021 found that the Oxshott and Stoke D'Abernon ward had a population of 9,748, as compared to 4,922 in 2011. Therefore, in contrast to the Smallfield decision (see above), the population of the area has increased significantly since the adoption of the Local Plan.

33. Finally, Scarp have also usefully identified the Elmbridge Borough Council Green Belt Boundary Review, dated 14 March 2016. As set out at paragraph 5.4.3 of their report, the review considers Oxshott and Leatherhead to be a town.

34. Therefore, there is strong evidence to suggest that Oxshott combined with Cobham is a large built-up area and would accordingly fall within the scope of purpose (a).

## Question 2

35. The answer to this question is essentially the same as the answer to question 1. Whether purpose (b) can be considered in respect of the merging of Oxshott and Cobham with Leatherhead is dependent on providing suitable evidence that Oxshott and Cobham have merged to become a town.

36. As noted and exhibited in the map provided as part of my instructions, there is already a degree of coalescence between Oxshott and Cobham. Furthermore, a recent boundary commission found that part of Oxshott and Cobham should be merged and the 2016 Green Belt Review found that the two constitute a town. There is therefore evidence to suggest that the two should be considered a town, which would allow one to argue that potential coalescence with Leatherhead is contrary to purpose (b).

## **Conclusion**

37. In conclusion, whether Oxshott can be considered a large built-up area, or a town combined with Cobham, is a matter of planning judgement. I have set out the relevant factors that should be taken into account at paragraph 25 above.
38. In respect of question 1, there is recent evidence which suggests that Oxshott, in combination with Cobham, has become a large built-up area. This includes, *inter alia*, the 2016 Green Belt Review and the 2021 population census. This post-dates the Local Plan, which necessarily carries less weight. I therefore consider that there is a strong argument that Oxhott is a large built-up area.
39. The same answer can be given for question 2. Though Oxshott is considered a village in the Local Plan, this was produced in 2011 and is now out of date. There is already evidence of coalescence and other evidence which suggests that the two should now be considered a town. Again, therefore, there is a strong argument that purpose (b) can be considered in respect of the merging of Oxshott and Cobham with Leatherhead.
40. That concludes this Advice. If I can be of any further assistance in this matter now or in the future, please do not hesitate to contact me.

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**13 November 2025**



## **Appendix B: Scarp Landscape Architecture Grey Belt Review**



## **Clouds Hill Farm, Oxshott**

Grey Belt Review on behalf of Residents  
Against Clouds Hill Farm Development

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**APPENDICES**

- Appendix A: Site Appraisal and Site Context Photographs

## **1.0 INTRODUCTION**

### **1.1 Study Background**

- 1.1.1 An outline planning application (Planning Ref: 2025/2147) has been submitted by the Fairmile Group Limited for development of, amongst other things, up to 250 new dwellings and suitable alternative natural greenspace (SANG) on land at Clouds Hill Farm (“the site”) on the southern edge of Oxshott in Elmbridge District. The site lies within the Metropolitan Green Belt.
- 1.1.2 The planning application was accompanied by a Green Belt Assessment (Fabrik, July 2025) that set out a case for the site to be considered as Grey Belt, as defined in the National Planning Policy Framework<sup>1</sup> and accompanying National Planning Practice Guidance<sup>2</sup>. In broad terms, the Government’s Grey Belt designation aims to make it easier to bring forward new housing development on Green Belt land that does not strongly contribute to its defined purposes whilst still protecting Green Belt areas that provide a strong contribution to its purposes.
- 1.1.3 Residents Against Clouds Hill Farm Development is a local action group that is concerned about the potential for the proposed development to harm landscape character and erode the Green Belt. The group appointed Scarp Landscape Architecture Ltd. in October 2025 to assess whether or not the site constitutes previously developed land and/or grey belt land. This report sets out (1) the landscape and visual context of the site; (2) the degree to which the site contributes to the purposes of the Green Belt relevant to Grey Belt land; and (3) judgements on the previously developed land and ‘grey belt’ nature of the site.

### **1.2 Credentials and Experience**

- 1.2.1 The review has been undertaken by Stephen Kirkpatrick who is a chartered landscape architect and a Director of Scarp Landscape Architecture Ltd. He has undertaken numerous consultancy studies concerned with the balance between new built development and landscape conservation, including landscape sensitivity and capacity studies undertaken on behalf of local

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<sup>1</sup> National Planning Policy Framework (Ministry of Housing, Communities and Local Government, December 2024, Revised February 2025)

<sup>2</sup> Ministry of Housing, Communities and Local Government, Ministry of Housing, Communities & Local Government (2018 to 2021) and Department for Levelling Up, Housing and Communities, National Planning Practice Guidance (updated on 4 February 2024)

planning authorities to inform emerging development plans. He has worked on the design and landscape/visual impact assessment of a wide range of development types within sensitive townscapes and landscapes, including conservation areas, National Landscapes and National Parks. He has prepared many Green Belt Assessments and has presented landscape, visual and Green Belt evidence at numerous public inquiries, acting for developers, local planning authorities and community groups.

## **1.3 Report Structure**

1.3.1 This report is set out under the following headings:

- 1) Introduction
- 2) Landscape and Visual Context
- 3) Site Description
- 4) Green Belt Policy
- 5) Assessment of Previously Developed Land and Grey Belt land
- 6) Summary and Conclusions

## **2.0 LANDSCAPE AND VISUAL CONTEXT**

### **Landscape Context**

- 2.1.1 The countryside on the western and southern sides of Oxshott (including the site) forms part of the Knowle Hill to Leatherhead Rolling Clay Farmland Landscape Character Area (LCA LF1). This area of undulating farmland comprises a mix of arable and pastoral fields, with occasional smaller paddocks associated with farm estates. An extensive area of woodland abuts the south-eastern side of the site. There are occasional blocks of woodland close to the M25 and alongside the edges of Cobham and Stoke D'Abernon.
- 2.1.2 There is a strong network of bushy hedgerows (with intermittent mature oak trees) along field boundaries and roads. Residential areas in peripheral parts of adjacent settlements include numerous mature trees, with garden vegetation contributing to well-vegetated settlement edges.
- 2.1.3 Stoke Road (A245) heads southeast from Cobham and on through Stoke D'Abernon. Woodlands Lane heads east from Stoke Road, running parallel to the M25 before veering south beneath the motorway. Public rights of way are restricted to Public Footpath 51 (linking Stoke Road with Cobham), Bridleway 49 (connecting Cobham with Oxshott) and Public Footpath 50 (connecting central and southern sections of Woodlands Lane). The Shetland Pony Club, a popular recreational facility, is located on elevated land approximately 800m west of the site. Clusters of houses, farmsteads and commercial properties (including Woodland Park Hotel and the Queen Elizabeth's Foundation training college) line sections of Woodlands Lane.

### **Visual Context**

- 2.1.4 Open views of the site are available from the housing that abuts the north-western and north-eastern site boundaries.
- 2.1.5 Open views of on-site woodland, trees and pasture are available from the Shetland Pony Club on elevated land to the west (Viewpoint 1 Photograph, Appendix A). Some glimpses of on-site woodland are also available from nearby elevated sections of Public Footpath 51.
- 2.1.6 Views from Public Footpath 51 that crosses the relatively low-lying agricultural land north of the pony club are more restricted by intervening field boundary hedgerows and trees but the

canopies of on-site trees, which are located on relatively high-lying land, may be seen and contribute to a wider array of mature trees on the southern side of Oxshott (Viewpoint 2 Photograph, Appendix A). Views of the site for the proposed cumulative scheme development on Land North of Blundel Lane (Ref: 2025/1097) are also available from Public Footpath 51 (Viewpoint 3 Photograph, Appendix A).

- 2.1.7 Visibility of on-site fields are limited by intervening field boundary hedgerows but the canopies of mature trees may be seen over a much wider area (e.g. from the Woodlands Park Hotel off Woodlands Lane).

### **3.0 SITE DESCRIPTION**

- 3.1.1 The site comprises eleven fields managed as meadows, scrub and broadleaf woodland in the form of blocks and shaws that separate fields. A farmhouse, various farm buildings and a small bungalow are located in the north-eastern part of the site.

## **4.0 GREEN BELT POLICY**

### **4.1 The Aim of Green Belt Policy**

4.1.1 Paragraph 142 of the NPPF<sup>3</sup> states that *“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.”*

### **4.2 The Nature of Green Belt Openness**

4.2.1 Whilst openness is not defined – for example, in the Planning Portal glossary – it is widely considered, for the purpose of protecting the Green Belt, as an absence of built development. It is a relative concept, since few parts of the Green Belt are entirely devoid of buildings. As a designation, Green Belt typically ‘washes over’ small settlements and individual buildings, where these do not compromise its overall characteristic of openness (Stoke D’Abernon, for example, lies in the Green Belt).

4.2.2 Whilst the openness of the Green Belt is primarily a land-use - as opposed to a landscape - concept, it is of course perceived visually. It therefore influences the degree of visibility within an area, and the character of the relevant views. In simple terms, as an area becomes more built-up, visibility tends to become restricted, and the views that remain become more enclosed and urban in character.

4.2.3 Openness therefore has both a spatial dimension (i.e. whether land is devoid of buildings) and a visual dimension (i.e. how readily this openness can be perceived). This is confirmed by the Planning Practice Guidance<sup>4</sup> [Paragraph 001, Ref ID:64-001-20190722], which states that: *“openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume”*.

4.2.4 The relationship between these two forms of openness is not always straightforward. This is demonstrated in the vicinity of the site, which includes a belt of woodland along the southern site boundary and other woodland on the north-eastern, eastern and south-western sides of the

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<sup>3</sup> National Planning Policy Framework (Ministry of Housing, Communities and Local Government, updated February 2025)

<sup>4</sup> <https://www.gov.uk/guidance/green-belt>

site. These contribute to a sense of enclosure along the site perimeter, whilst remaining “open” in Green Belt terms: i.e., substantially devoid of built form.

- 4.2.5 Openness is also a fundamental attribute of the countryside – as reflected in use of the term “open countryside” – and relates both to the relative absence of buildings and the preponderance of land uses that typically maintain its visual openness. The introduction of built development has implications for openness in both these senses, as well as for the character of an area in terms of the relationship between urban and rural influences.

### **4.3 National Green Belt Policy**

- 4.3.1 Paragraph 143 of the NPPF states that:

*“Green Belt serves five purposes:*

- 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.”*

- 4.3.2 Paragraph 148 of the NPPF states that *“Where it is necessary to release Green Belt land for development, plans should give priority to previously developed land, then consider grey belt which is not previously developed, and then other Green Belt locations.”*

- 4.3.3 Previously developed land is defined in Annex 2 (Glossary) of the NPPF as *“Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed.”* The definition also sets out a number of exclusions, including *“land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape”*.

- 4.3.4 The glossary in Annex 2 of the NPPF defines ‘grey belt’ as *“For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed*

*land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.” [Footnote 7 relates to “habitats sites (and those sites listed in paragraph 189) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.”]*

- 4.3.5 Paragraph 153 of the NPPF states that *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness<sup>55</sup>. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. [Footnote 55 states “Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate”]*”
- 4.3.6 Paragraph 155 of the NPPF states that *“The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:*
- a) *The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
  - b) *There is a demonstrable unmet need for the type of development proposed;*
  - c) *The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
  - d) *Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.”*
- 4.3.7 Paragraph 156 of the NPPF states that *“Where major development involving the provision of housing is proposed on land released from the Green Belt through plan preparation or review, or on sites in the Green Belt subject to a planning application, the following contributions (‘Golden Rules’) should be made:*
- a. *affordable housing.....”;*
  - b. *necessary improvements to local or national infrastructure; and*

*c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through on-site provision or through access to offsite spaces."*

4.3.8 Paragraph 158 of the NPPF states that *"A development which complies with the Golden Rules should be given significant weight in favour of the grant of permission."*

4.3.9 Paragraph 159 of the NPPF states, amongst other things, that *"The improvements to green spaces required as part of the Golden Rules should contribute positively to the landscape setting of the development, support nature recovery and meet local standards for green space provision where these exist in the development plan. Where no locally specific standards exist, development proposals should meet national standards relevant to the development (these include Natural England standards on accessible green space and urban greening factor and Green Flag criteria)."*

## **5.0 ASSESSMENT OF PREVIOUSLY DEVELOPED LAND AND GREY BELT LAND**

### **5.1 Introduction**

5.1.1 As noted above, grey belt is defined in Annex 2 of the NPPF as “*land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143.*”

### **5.2 Previously Developed Land**

5.2.1 Section 5.1 (Spatial Openness) of the Applicant’s Green Belt Assessment states that “*Part of the Site is previously developed, with buildings and hardstanding linked to Clouds Hill Farm and a residential dwelling.*” These existing building and areas of hardstanding are almost entirely located in a discrete parcel of land in the far north-eastern part of the site. Most of the proposed built development area comprises grassland in agricultural use, which does not constitute previously developed land.

### **5.3 Site contribution to Green Belt purposes**

5.3.1 These purposes, as set out in Paragraph 143 of the NPPF, are as follows:

- (a) to check the unrestricted sprawl of large built-up areas;
- (b) to prevent neighbouring towns merging into one another;
- (d) to preserve the setting and special character of historic towns; and

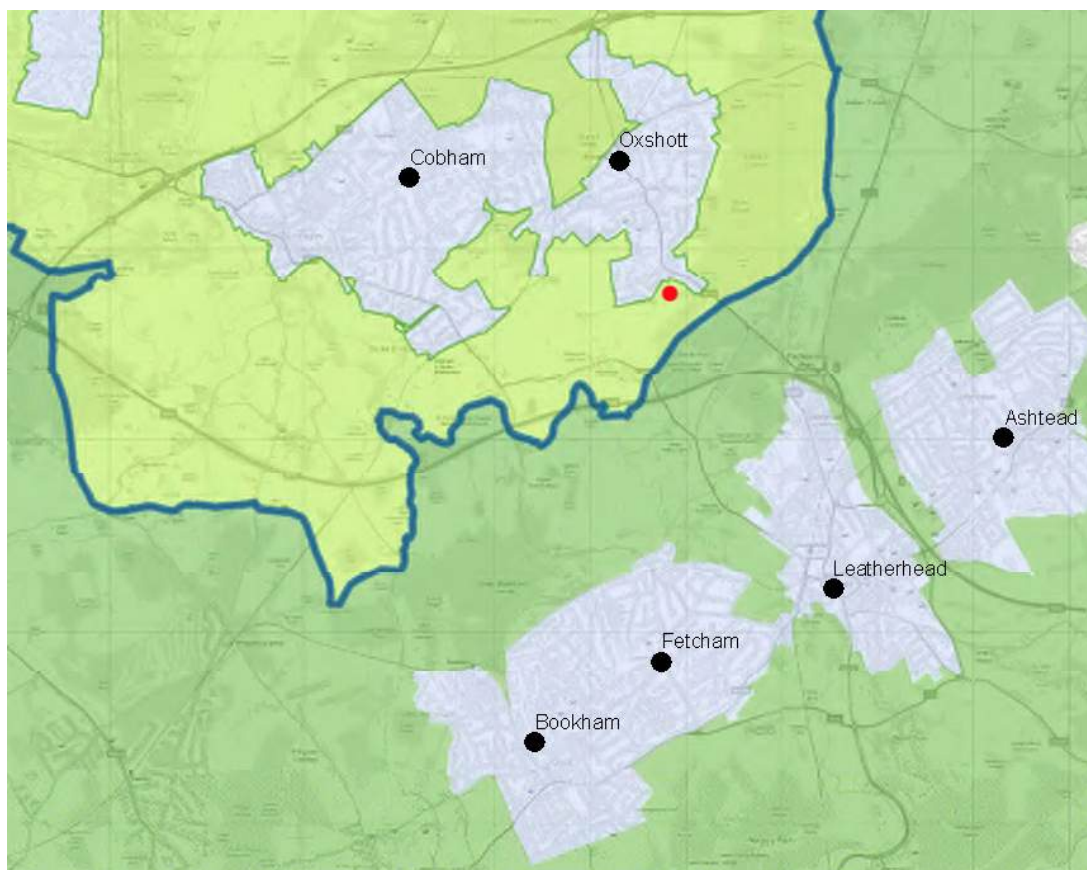
### **5.4 Contribution to Purpose (a): ‘to check the unrestricted sprawl of large built up areas’**

5.4.1 National Planning Practice Guidance on Green Belt<sup>5</sup> advises that Purpose A relates to the sprawl of large built up areas and that villages should not be considered large built up areas (Paragraph: 005 Reference ID: 64-005-20250225).

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<sup>5</sup> <https://www.gov.uk/guidance/green-belt> (Updated 27 February 2025)

5.4.2 However, Oxshott and Cobham have effectively merged and have been treated as a single, functional and spatial settlement in the Elmbridge Borough Council (EBC) Green Belt Boundary Review Strategic Area Assessment<sup>6</sup> (**Plate 1**). They were collectively identified as a town/ large built up area in this area assessment study.



**Plate 1: Extract from Elmbridge Green Belt Boundary Review (2016) with approximate location of site highlighted by red dot.**

5.4.3 The site formed part of Strategic Area C and the assessment report identified that *“Its strategic role in Elmbridge is to prevent the town of Oxshott / Cobham from merging with Ashtead and Leatherhead / Bookham / Fetcham in Mole Valley, though it is also important for preventing encroachment into open countryside. Much of the Area retains an unspoilt and open, rural character, though in some isolated localities ribbon development along roads and the loss of arable farmland to horse paddocks has diminished this character somewhat.”*

<sup>6</sup> Elmbridge Borough Council Green Belt Boundary Review Annex Report 1 - Strategic Area Assessment Pro-formas (Issue Rev C, 14 March 2016)

- 5.4.4 Planning Practice Guidance also identifies considerations for informing judgements about the contribution that land makes to Green Belt purposes. It identifies the following illustrative features that provide a strong contribution to Purpose (a):

*“Assessment areas that contribute strongly are likely to be free of existing development, and lack physical feature(s) in reasonable proximity that could restrict and contain development.*

*They are also likely to include all of the following features:*

- *be adjacent or near to a large built up area*
- *if developed, result in an incongruous pattern of development (such as an extended “finger” of development into the Green Belt)”. [Paragraph: 005 Reference ID: 64-005-20250225]*

- 5.4.5 Illustrative features of land that provides a moderate contribution to Purpose (a) are:

*“Assessment areas that contribute moderately are likely to be adjacent or near to a large built up area, but include one or more features that weaken the land’s contribution to this purpose a, such as (but not limited to):*

- *having physical feature(s) in reasonable proximity that could restrict and contain development*
- *be partially enclosed by existing development, such that new development would not result in an incongruous pattern of development*
- *contain existing development*
- *being subject to other urbanising influences”*

- 5.4.6 Illustrative features of land that provides a weak or no contribution to Purpose (a) are:

*“Assessment areas that make only a weak or no contribution are likely to include those that:*

- *are not adjacent to or near to a large built up area*
- *are adjacent to or near to a large built up area, but containing or being largely enclosed by significant existing development”*

- 5.4.7 These illustrative features are not detailed but provide a useful starting point for making a judgement.

- 5.4.8 Sprawl may be defined as the ‘spreading out of built form over a large area in an untidy or irregular way’ (Oxford English Dictionary). It may be argued that all Green Belt prevents the unrestricted sprawl of large built up urban areas, because that is its principal purpose as a

strategic planning designation. However, it is important to define any variations in the degree to which land performs this purpose.

5.4.9 Issues for consideration in any appraisal of the site contribution to Purpose (a) include:

- Does the land lie in adjacent to, or in close proximity to the large built up area?
- To what extent is the land open or does it contain existing urban development?
- Does land have a strong enough relationship with the large built-up area, and a weak enough relationship with other Green Belt land, for development to be regarded more as infill than sprawl?
- What is the degree of containment by existing built development or other features (e.g. landform)?

5.4.10 The role land plays in preventing sprawl is dependent on the extent of existing development that has occurred and its relationship with the existing large built-up area. To contribute to Purpose (a), land must lie adjacent to, or in close proximity to, a large built up area, and must retain a degree of openness that distinguishes it from the urban area. Land that has a stronger relationship with a large built-up area than with open land, whether due to the presence of, or containment by, existing development, the dominance of adjacent urban development or the strength of physical separation from the wider countryside, will make a weaker contribution to this purpose. Urban fringe land uses and the influence of adjacent urban areas, whilst they may reduce the extent to which land is considered to be part of the countryside, do not diminish the extent to which expansion of a large built up area would be considered sprawl.

5.4.11 To contribute to Purpose 1, land must lie adjacent to, or in close proximity to, a large built up area, and must retain a degree of openness that distinguishes it from the urban area. Land that has a stronger relationship with a large built-up area than with open land, whether due to the presence of, or containment by, existing development, the dominance of adjacent urban development or the strength of physical separation from the wider countryside, will make a weaker contribution to this purpose. Vice versa, land which is adjacent to the settlement edge but which, as a result of its openness and relationship with countryside, is distinct from it will make a stronger contribution.

5.4.12 The following criteria have been used for the assessment of Purpose (a):

**Table 1: Criteria used for the Assessment of Purpose (a)**

Assessment Criteria for Purpose (a): Check the unrestricted sprawl of large built up areas*	
<b>Strong Contribution</b>	Land adjacent or close to the large built-up area that contains no or very limited urban development and has a strong sense of openness. It relates strongly to the wider countryside as opposed to the urban area.
<b>Relatively Strong Contribution</b>	Land adjacent or close to the large built-up area that contains very limited urban development and has a strong sense of openness. It relates more strongly to the wider countryside.
<b>Moderate Contribution</b>	Land adjacent or close to the large built-up that contains limited urban development and has a relatively strong sense of openness. It may relate to both the settlement and the wider countryside or have a degree of separation from both.
<b>Relatively Weak Contribution</b>	Land adjacent or close to the large built-up area that already contains urban sprawl compromising the sense of openness, or it relates more strongly to the urban area than to the wider countryside.
<b>Weak Contribution</b>	Land adjacent or close to the large built-up area that is already fully urbanised; or land that is sufficiently separated or distant from a large built-up area for there to be any significant potential for urban sprawl from the large built up area.
<b>No Contribution</b>	Does not contribute to criterion.

\*Criteria replicated from London Borough of Barnet Green Belt and Metropolitan Open Land Study Stage 1 Final Report (LUC, November 2018)

- 5.4.13 The Site lies adjacent to the large built-up area of Oxshott and is contained by settlement housing its northwestern and northeastern sides. It is contained by woodland on its south-eastern side (**Figure 1: Site Location and Context**). The site is not contained on its southern and eastern sides, with no woodland or landform in reasonable proximity to provide visually containment (the site is elevated and descends to the southwest before rising again near the Shetland Pony Club approximately 800m west of the site). If fully developed, the site would result in an extended “finger” of development into the Green Belt, resulting in an incongruous pattern of development.
- 5.4.14 The site is almost entirely open in Green Belt terms, with a very low proportion of the site occupied by buildings (permanent and temporary) and areas of hard-standing. The few buildings present are typically those needed for its rural use. This very limited quantum and extent of built development is located in a discrete parcel of land in the far north-eastern part of the site, with the remaining parcels of land being free from development. There is an abrupt and clearly defined boundary between the existing settlement and the open agricultural land within the site, and with only very limited visibility of existing built form, as illustrated by the site appraisal photographs in the Applicant’s Landscape and Visual Impact Assessment (LVIA). The site has a strong sense of openness in visual terms, despite the field boundary trees and woodland shaws,

as it is substantially free from the visual, physical and auditory influences of urban sprawl. It relates strongly to the wider countryside as opposed to the built up area.

5.4.15 The site provides a strong contribution to Purpose (a) on the basis of the above.

## 5.5 Contribution to Purpose (b): ‘to prevent neighbouring towns merging into one another’

5.5.1 Issues for consideration in any appraisal of the site contribution to Purpose (b) include:

- Does the land lie directly between two settlements being considered under Purpose (b)?
- How far apart are the towns being considered?
- Is there strong intervisibility between the towns?
- How do the gaps between smaller settlements affect the perceived gaps between towns?
- Are there any separating features between the towns including e.g. hills, woodland blocks etc. which increase the sense of separation between the settlements?
- Are there any connecting features between the towns including e.g. roads, railways which reduce the sense of separation between the settlements?
- What is the overall fragility/ robustness of the gap taking the above into account?

5.5.2 The following criteria have been used for the assessment of Purpose (b):

**Table 2: Criteria used for the Assessment of Purpose (b)**

Assessment Criteria for Purpose (b): Prevent neighbouring towns from merging	
<b>Strong Contribution</b>	Land that plays a highly significant role in inhibiting physical or visual coalescence of towns, such as narrow gaps that are visually open with few separating features.
<b>Relatively Strong Contribution</b>	Land that plays a significant role in inhibiting physical or visual coalescence of towns, such as narrow gaps with some separating features or wider visually open gaps with few separating features.
<b>Moderate Contribution</b>	Land that plays a role in inhibiting physical or visual coalescence of towns, but which is also bordered by separating features which prevent visual or physical coalescence of towns.
<b>Relatively Weak Contribution</b>	Land that plays a limited role in inhibiting physical or visual coalescence of towns due to relatively significant separating features which prevent visual or physical coalescence of towns or wider gaps between towns, or a combination of the two.
<b>Weak Contribution</b>	Land which is not located within a gap between towns, or plays no role, or a very limited role in maintaining the separation between towns due to

	the presence of significant separating features and/or significant distances between the towns.
<b>No Contribution</b>	Does not contribute to criterion.

\*Criteria replicated from London Borough of Barnet Green Belt and Metropolitan Open Land Study Stage 1 Final Report (LUC, November 2018)

- 5.5.3 In addition to the above, the national Planning Practice Guidance [Paragraph: 005 Reference ID: 64-005-20250225] states that illustrative features of land that provides a strong contribution to Purpose (b) are:

*“Assessment areas that contribute strongly are likely to be free of existing development and include all of the following features:*

- forming a substantial part of a gap between towns
- the development of which would be likely to result in the loss of visual separation of towns”

- 5.5.4 Illustrative features of land that provides a moderate contribution to Purpose (b) are:

*“Assessment areas that contribute moderately are likely to be located in a gap between towns, but include one or more features that weaken their contribution to this purpose, such as (but not limited to):*

- forming a small part of the gap between towns
- being able to be developed without the loss of visual separation between towns. This could be (but is not limited to) due to the presence or the close proximity of structures, natural landscape elements or topography that preserve visual separation”

- 5.5.5 Illustrative features of land that provides a weak or no contribution to Purpose (b) are:

*“Assessment areas that contribute weakly are likely to include those that:*

- do not form part of a gap between towns, or
- form part of a gap between towns, but only a very small part of this gap, without making a contribution to visual separation”

- 5.5.6 As noted in the EBC Green Belt Boundary Review Strategic Area Assessment<sup>7</sup>, the strategic role of the local Green Belt is to prevent the town of Oxshott / Cobham from merging with Ashted and Leatherhead / Bookham / Fetcham in Mole Valley.
- 5.5.7 The site forms a small part of the gap between Oxshott / Cobham and Leatherhead. It plays a role in inhibiting physical or visual coalescence of these towns as parts of it are bordered by the Woodlands Park woodland. Development on the site would result in increased visual coalescence between the towns due to intra-visibility as both Leatherhead and any new built form on the site would be visible from any one viewpoint on the elevated land located 800 west of the site (Viewpoint 4 Photograph, Appendix A). The potential for increased visual coalescence would be exacerbated by (a) the proposed removal of large numbers of mature trees and (b) the proposed built form rising up to three storeys on this elevated site.
- 5.5.8 The site could be developed without the loss of visual separation between these towns due to the enclosure provided by separating features in the form of the elevated M25 and intervening buildings and woodland.
- 5.5.9 The site provides a Moderate contribution to Purpose (b) on the basis of the above.

## **5.6 Contribution to Purpose (d): ‘to preserve the setting and special character of historic towns’**

- 5.6.1 The Site does not provide any contribution to this purpose as it does not abut a historic town, nor form part of the setting or special character of a historic town.

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<sup>7</sup> Elmbridge Borough Council Green Belt Boundary Review Annex Report 1 - Strategic Area Assessment Pro-formas (Issue Rev C, 14 March 2016)

## **6.0 CONCLUSIONS**

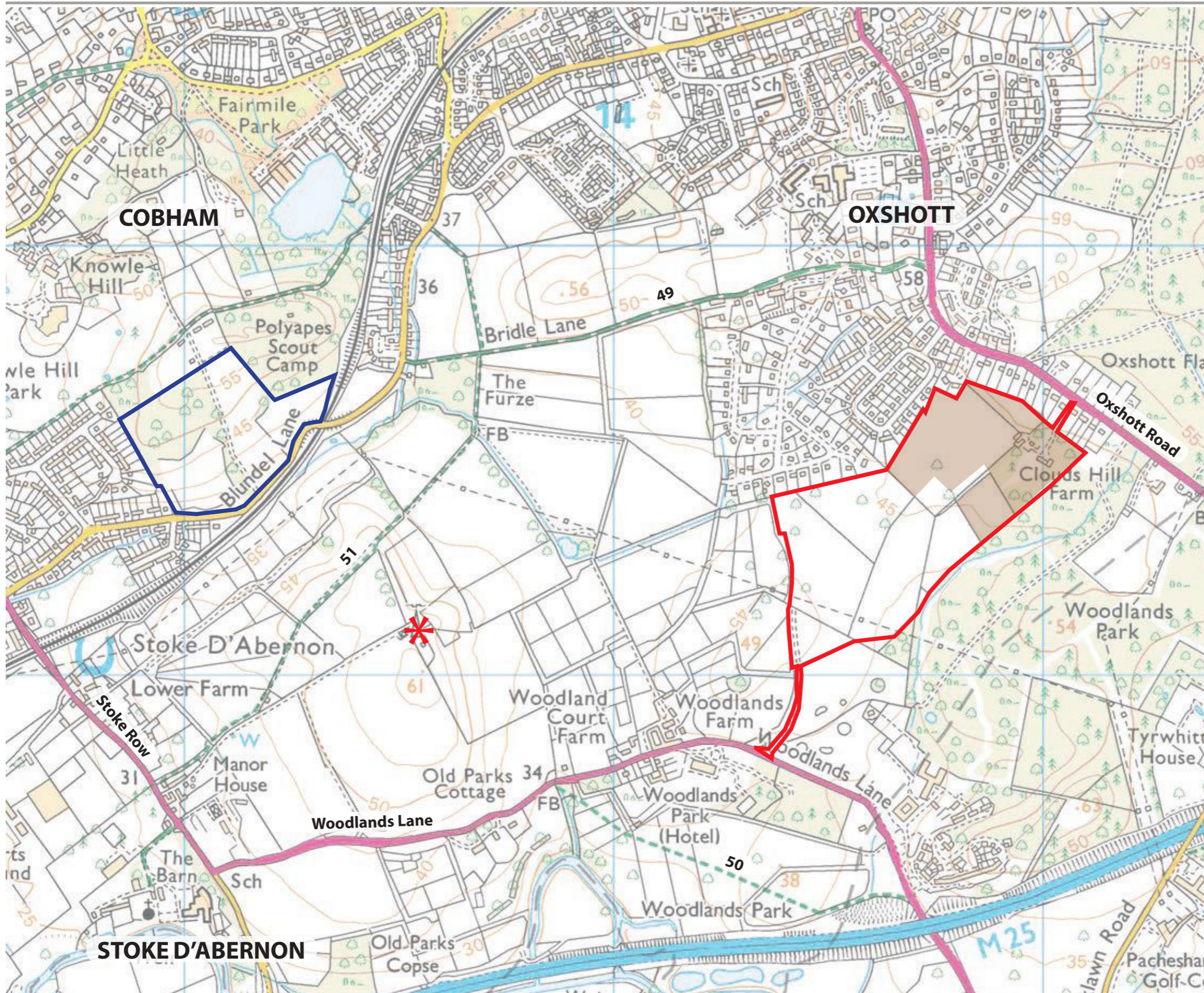
### **6.1 The Previously Developed Land Test**

6.1.1 The site is not considered to be Previously Developed Land as existing building and areas of hardstanding are located in a discrete parcel of land in the far north-eastern part of the site. Most of the proposed built development area comprises grassland in agricultural use, which does not constitute previously developed land.

### **6.2 The Grey Belt Test**

6.2.1 The site is not considered to be Grey Belt as does not meet the definition of grey belt, as set out in Annex 2 of the NPPF. It fails the grey belt test as it strongly contributes to purpose (a) of the Green Belt.

**Figures**



**Key**

- Site Boundary
- Land North of Blundel Lane Cumulative Scheme (Ref: 2025/1097)
- X Public Footpath
- X Bridleways
- ✱ Shetland Pony Club
- Approximate extent of proposed buildings identified on Illustrative Parameters Plan (Dwg. No PL-05)

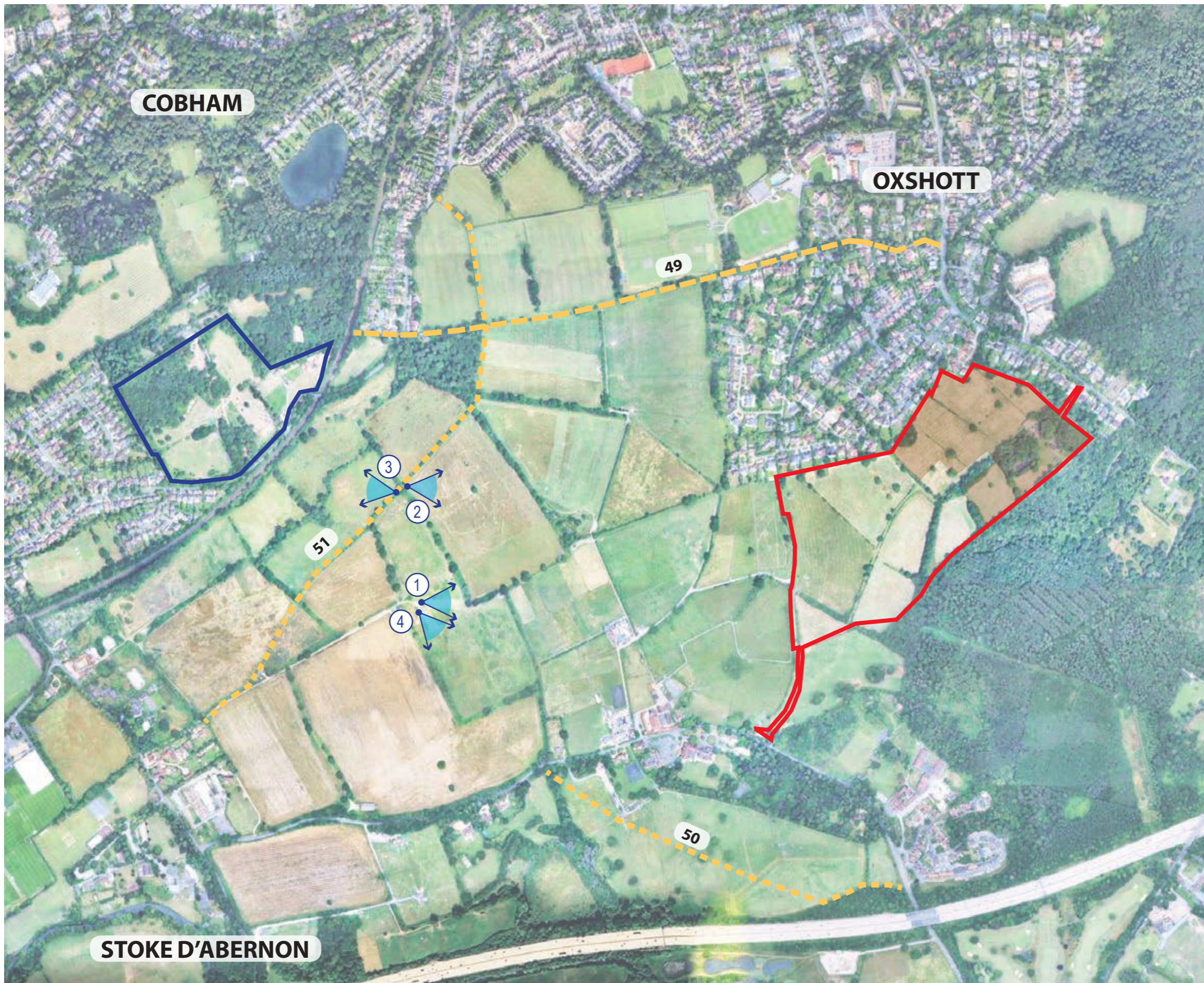
**Notes**

Crown copyright and database rights (2025)  
Ordnance Survey 0100031673



Project	Clouds Hill Farm
Client	Residents Against Clouds Hill Farm Development
Dwg Title	Figure 1: Site Location and Context
Dwg No	

# CLOUDS HILL FARM



**Key**

- Site Boundary
- Land North of Blundel Lane Cumulative Scheme (Ref: 2025/1097)
- X Public Footpath
- X Bridleways
- ✱ Shetland Pony Club
- Approximate extent of proposed buildings identified on Illustrative Parameters Plan (Dwg. No PL-05)
- ↗ (A) Photographic ViewpointS

**Notes**

Image copyright: 2025 Airbus/ Google Earth

**Scarp** landscape architecture  
environmental planning

<small>Project</small>	Clouds Hill Farm
<small>Client</small>	Residents Against Clouds Hill Farm Development
<small>Dwg Title</small>	Figure 2: Local Landscape Aerial Photograph
<small>Dwg No</small>	

**CLOUDS HILL FARM**

**Appendix A**  
**Site Appraisal and Site Context Photographs**



**Photograph 01**  
View looking east towards Clouds Hill Farm site from Shetland Pony Club

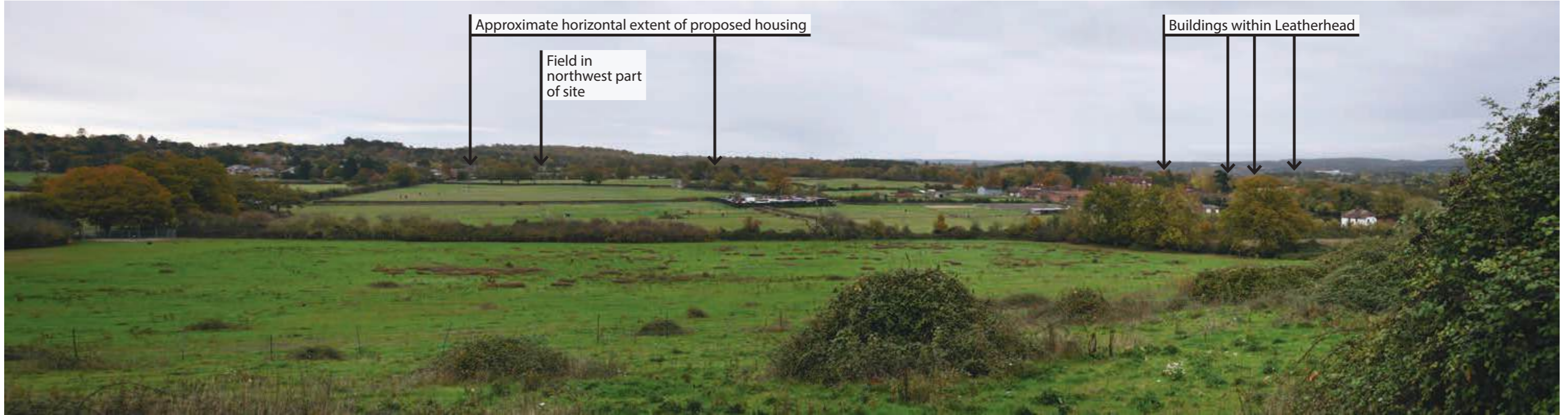


**Photograph 02**  
View looking east towards Clouds Hill Farm site from Public Footpath 51



**Photograph 03**

View looking northwest towards Land North of Blundel Lane site from Public Footpath 51



**Photograph 04**

View looking southeast from Shetland Pony Club

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## **Appendix C: Archway Heritage Impact Assessment**



# Archway Heritage

## **Heritage Impact Assessment** of the Proposed Development

at

Clouds Hill Farm, Leatherhead Road,  
Oxshott, Leatherhead, Surrey



Report Reference: AH\_CLF-HIA\_Final.doc



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**Date: 24th November 2025**

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## Executive Summary

Archway Heritage was commissioned to produce an independent Heritage Impact Assessment to inform the planning application (2025/2147). In the professional opinion of Archway Heritage, the Proposed Development will cause "less than substantial harm" to the significance of the Grade II listed Woodlands Park Hotel (List Entry No. 1192413) through an irreversible negative change to its setting. **This Assessment finds that the proposal directly affects the viability of the listed heritage asset, and notes that this a matter of public interest in UK planning law, not just the private concern of the owner. The Hotel is an irreplaceable resource requiring its optimum viable use. It's conservation is deemed a benefit to the public for educational, cultural, and aesthetic enjoyment, and for the benefit of future generations. A listed building's economic health and continued use are a matter of legal concern for the state because it's a piece of national heritage, not just a private investment.** An impact on viability is a form of harm to the heritage asset's significance, as the National Planning Policy Framework (NPPF) requires putting heritage assets to viable uses consistent with their conservation. Failure to do so may lead to the eventual deterioration or loss of the building due to economic failure. This finding equates to "less than substantial harm" at the higher end of the spectrum to the setting of Woodlands Park Hotel and conflicts with Core Strategy Policy CS24 - Hotels and Tourism.

The Hotel's northern views are oriented towards the Proposed Development. The Scoping Report for the Environmental Impact Assessment (EIA) assumed distance and intervening features were sufficient reason to exclude heritage from the EIA. This decision

was based on a general assessment. However, there is a clear history of case law that requires planners to take into account such impacts on Heritage Asset settings when assessing development. Woodlands Park Hotel is an exception to the Scoping decision because subsequent, more detailed scrutiny evidences that these general mitigating factors are insufficient for this specific Grade II listed building.

Additionally, the Council implemented an Article 4 Direction because it identified attempts to sub-divide and sell the Green Belt land for potential development adjacent to the Hotel. It proves that the Green Belt environment surrounding the Grade II listed Woodlands Park Hotel is highly sensitive and under active threat, fundamentally undermining the initial EIA Scoping decision. It demonstrates pressure to develop near the Hotel, in addition to the development site.

The Proposed Development would be clearly visible from the Hotel. Screening is impermanent when considered from a heritage perspective, whereas the Proposed Development is permanent. Originally, the mansion was set in the centre of private farmland. In contrast, the SANG and the car park (with its potential to expand) presents a change from the rural idle. This conflicts with the Hotel's current promise of "beautiful countryside". The setting is important for guests choosing a country house or rural Hotel, often serving as a primary driver for the booking and a key factor in the overall guest experience. Hotels actively market and showcase their views because they know it drives bookings.

The statutory duty to give "special regard to the desirability of preserving the building or its setting" cannot be met if the Local



Planning Authority does not sufficiently assess a development that erodes the functional basis upon which the asset is secured and maintained. This harm is judged by the degree of harm to the asset's significance rather than the scale of the development. Heritage Statement (HS) submitted for the applicant states that *"The residential development of the site is not anticipated to impact upon the significance of built heritage assets in the vicinity through changes in setting."* Yet it acknowledges that the Hotel and its associated farm are adjacent to the site.

The site's current character contributes to the Hotel's significance through its time depth, the views of and from the Hotel, the surrounding rural character, and the degree of change over time. These attributes hold both aesthetic and historical values. Therefore, our Clients believe that planning permission should be refused. The communal value of local heritage needs to be

considered as part of the weighing exercise to decision on the harm to be assigned.

**The land at Woodlands Park Hotel and Woodlands Farm is conclusively excluded from the Grey Belt designation under the terms of NPPF Footnote 7. The site contains Designated Heritage Assets, notably the Grade II Listed Hotel\* and Grade II Listed Model Farm. Under NPPF Chapter 16, development that causes harm to the significance or setting of these assets carries a presumption against approval, thereby providing a strong reason for refusing or restricting development.**

**The harm posed to the viability and significance of this Grade II Listed Building, and harm to the character, setting, and local distinctiveness of the area also harms the local economy. This harm needs to be weighed against the public benefits of the Proposed Development.**



# Heritage Impact Assessment

## 1. Introduction

### 1.1 Instruction

1.1.1 Archway Heritage was commissioned by Campaign Against Clouds Hill Farm Development ('the Client') to produce a Heritage Impact Assessment to inform a planning application. The submission is a full outline planning application for the development of up to 250 dwellings together with internal access roads and footways, car and cycle parking provision, Suitable Alternative Natural Greenspace (SANG) together with an associated car park served off Woodlands Lane, together with public open space, supported by a scheme of landscaping and planting, with principal means of access served off Leatherhead Road, following the demolition of all existing buildings and structures on the site. All matters, except for means of access from Leatherhead Road and Woodlands Lane, reserved for future determination, reference number Planning Ref: 2025/2147 ('the Proposed Development'). A heritage assessment was submitted with the planning application. It outlines nearby heritage, including:

- 1-5 Knott Park House (Non-designated Heritage Asset) DSE8809
- Farm Building (Listed Building – List Entry: 1377469)

- Woodlands Park Hotel (Listed Building – List Entry: 1192413)
- ridge and furrow cultivation along the site's central portion

1.1.2 Designated Heritage Assets are of particular importance and therefore are excluded from the Grey Belt designation under Footnote 7 of the National Planning Policy Framework (NPPF). Designated Heritage Assets strongly contribute to the Green Belt, thereby providing a strong reason for refusing or restricting development. The application of policy in Chapter 16 (Conserving and enhancing the historic environment) would therefore provide a strong reason for refusing or restricting development, thereby excluding the land from the Grey Belt definition.

1.1.3 Any development in the setting of Designated Heritage Assets would require rigorous assessment under NPPF Paragraph 201 and related policies. The assessment should include the impact on the significance of a Heritage Asset, including its setting, which has been excluded from the Heritage Statement submitted by the applicants. Given the Grade II status of the Hotel, and Woodlands Model Farm, any proposal that harms their significance or setting would be met with a presumption against approval. Therefore, the application of policy in Chapter 16 (specifically the requirement to avoid or minimise harm to the significance of DHAs) provides a clear and strong



reason for refusing or restricting development in accordance with national planning policy. This condition is met, and the land is conclusively excluded from the Green Belt definition.

1.1.4 Furthermore, the setting of the Woodlands Park Hotel and Woodlands Farm is intrinsically linked to the Green Belt's purpose of safeguarding the countryside from encroachment. The historic landscape and mature parkland surrounding these buildings contribute significantly to the openness and permanence of the Green Belt character in Oxshott. Their setting actively contributes to its character and openness, reinforcing the imperative for their protection and adding weight to the argument for refusal. Development that destroys the historic setting of these Grade II listed assets would not only cause heritage harm but would also cause Green Belt harm by diminishing the character that has historically contributed to its definition.

1.1.5 The key reason given by the applicant's for scoping out a detailed Built Heritage chapter from the EIA is the initial determination that no likely significant environmental effects were anticipated, a finding that the Planning Authority agreed with. The EIA Scoping Report (Section 5.2) explicitly states that Built Heritage is a technical topic for which "no likely significant environmental effects have been identified." The rationale cited by the Planning Authority is that due to "sufficient separation distances and intervening landscape and development," the

proposal is "not considered to significantly impact built heritage." The Planning Authority's response confirms this by stating it "does not object to this topic being scoped out of the EIA."

1.1.6 However, this the Heritage Impact Assessment argues that the Article 4 Direction fundamentally undermines this initial scoping decision and its stated threshold. The Council implemented the Article 4 Direction because it had identified attempts to sub-divide and sell the Green Belt land adjacent to the Grade II listed Woodlands Park Hotel for potential development. The implementation of the Direction is argued to be proof that the Green Belt environment surrounding the Hotel is "highly sensitive and under active threat," which invalidates the reliance on "sufficient separation distances and intervening features" as a mitigating factor. The land intended to provide that separation is shown to be under severe pressure for development.

## 1.2 The Site and Study Area

1.2.1 The site address is Clouds Hill Farm, Leatherhead Road, Oxshott, Leatherhead Surrey KT22 0ET; Google Map Reference 51.31690285944394, -0.3629065804455241. The site comprises an area approximately 23.23 ha in size, approximately 10.33 ha is developable land. This area currently comprises green fields, some surviving hedge and tree lines surrounded by rural settlement patterns originating from medieval times.



1.2.2 The extent of the Study Area for this Heritage Impact Assessment incorporates land that the Hotel experiences from each of its floor levels. Therefore, a Study Area within a radius of 1 km, centering on the Hotel, is appropriate. The area includes the site for Proposed Development to the north and the Article 4 area to the south of Woodlands Park Hotel. The Study Area also incorporates Woodlands Farm, which is a model farm that today has an equestrian focus.

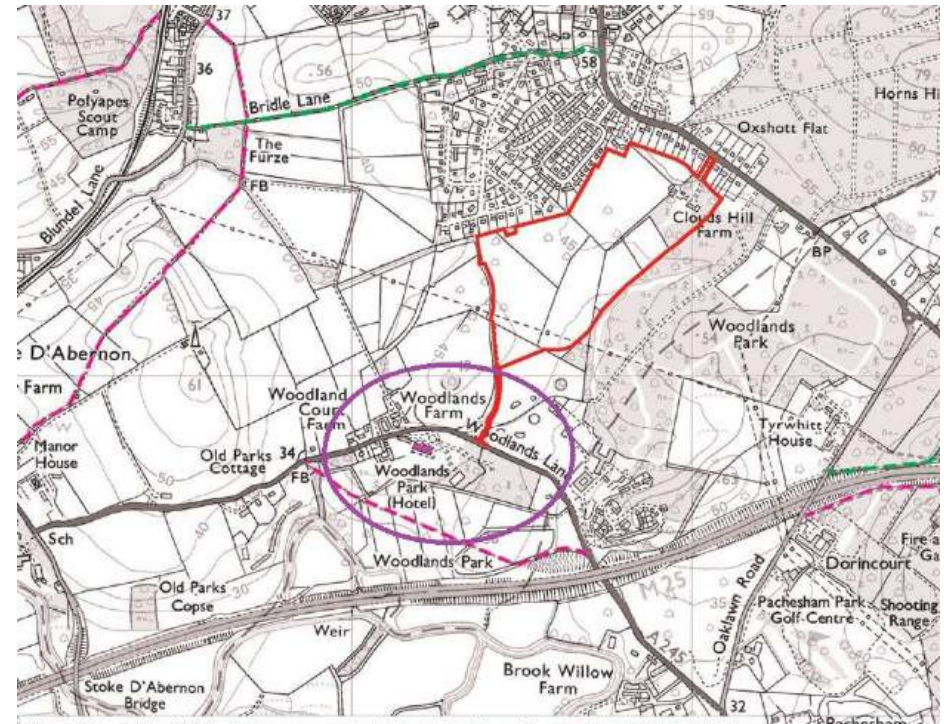


Figure 2.2 - Public Rights of Way, open access land and Registered Common Land (fabrik, 2025)

Figure 1: Extract of map showing the Site's Red line boundary (Fabrik 2025)

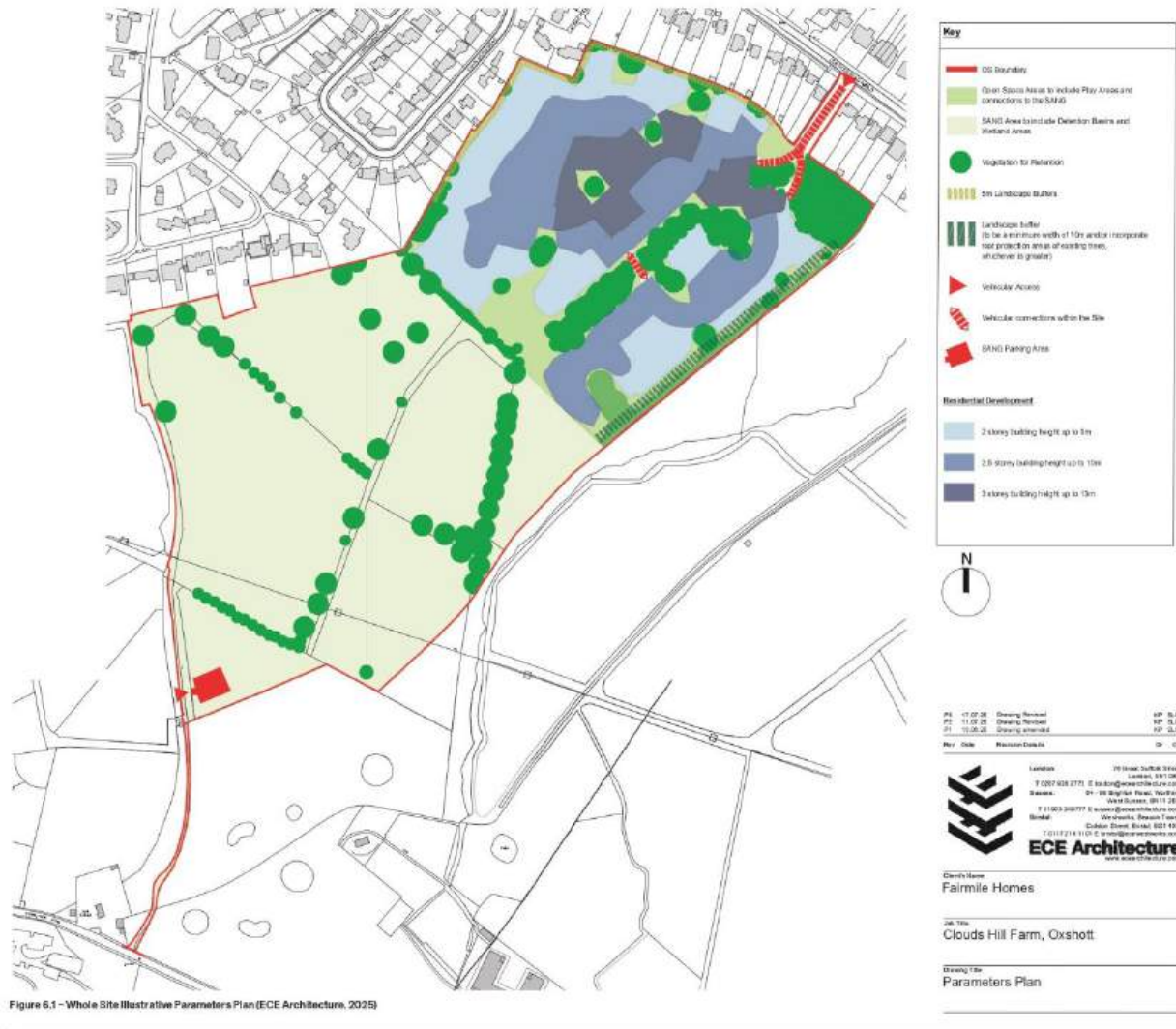


Figure 6.1 - Whole Site Illustrative Parameters Plan (ECE Architecture, 2025)

Figure 2: Parameter plan illustrating the Proposed Development (ECE Architecture 2025)



### 1.3 Purpose and aims

1.3.1 The Heritage Impact Assessment assesses the effects of the Proposed Development on the setting and of known and Potential buried Heritage Assets within the Site and in the Study Area, to the extent that is proportionate to the Significance of the Heritage Assets as part of a baseline assessment. The aims of the Heritage Impact Assessment are to assess the Potential for buried Heritage Assets within the Site, based on the information obtained from the Study Area and to advise on next steps.

1.3.2 In addition, this Heritage Impact Assessment assesses the effects of the Proposed Development on the settings of designated Heritage Assets within the Study Area with the aim to:

- assess the Significance of the settings of Heritage Assets within the Study Area;
- assess the effects of the Proposed Development on those Heritage Assets;
- advise, where appropriate, on the integration of impact avoidance, minimisation measures, conservation methods and enhancement measures.

### 1.4 Methodology and method for assessing setting

1.4.1 The assessment follows an established methodology and method of assessment (see Appendix 7), which is based on guidance and information provided in Historic

Environment Good Practice Advice in Planning: Note 3 - The Setting of Heritage Assets (Historic England 2017).

1.4.2 The assessment follows a five step approach. Step 1 identifies which Heritage Assets and their settings are likely to be affected by the Proposed Development. This information is provided in the baseline. Based on Step 2, the relevant section for each type of Heritage Asset begins by outlining the importance of the setting (see 7.2 and 7.3). It also assesses the contribution made by that setting and identifies attributes that would be affected by the Proposed Development. The sensitivity of those attributes of setting to further change is assessed. This is followed by an assessment of the Proposed Development as it relates to the setting, based on Steps 3-4, detailing impacts and effects (see Methodology 7.4, 7.5 and 7.6). The level of detail is proportionate to the Significance of the setting and the effects of the proposed changes.



## 2. Planning background and legislative framework

### 2.1 Legislative framework

2.1.1 The Historic Buildings and Ancient Monuments Act 1953 and the planning (Listed Buildings and Conservation Areas) Act 1990 provides for the preservation of buildings of outstanding historic or architectural interest and their contents and related property.

2.1.2 The National Heritage Act 2002 makes further provision in relation to the functions of the Historic Buildings and Monuments Commission for England (Historic England).

### 2.2 National Planning Policy Framework (NPPF)

2.2.1 The NPPF (Department for Levelling Up, Housing and Communities 2024) sets out the Government's planning policies for England and how these are expected to be applied. National heritage policy is contained within section 16 of the NPPF. The over-arching principles are:

*"203. Plans should set out a positive strategy for the conservation and enjoyment of the historic environment,*

*including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:*

*a) "the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;*

*b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*

*c) the desirability of new development making a positive contribution to local character and distinctiveness; and*

*d) opportunities to draw on the contribution made by the historic environment to the character of a place."*

2.2.2 The relevant policies are:

*"207. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than sufficient to understand the potential impact of the Proposed Development on their significance. As a minimum the relevant historic environment*



*record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate Heritage Impact assessment and, where necessary, a field evaluation."*

*"208. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a Proposed Development (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a Proposed Development on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the Proposed Development"*

*"210. In determining applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage*

*assets can make to sustainable communities including their economic vitality; and*

*c) the desirability of new development making a positive contribution to local character and distinctiveness."*

*"212. When considering the impact of a Proposed Development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."*

*"213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a) "Grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly*



*exceptional.”*

*“214. Where a Proposed Development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

*a) the nature of the heritage asset prevents all reasonable uses of the site; and*

*b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*

*c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*

*d) the harm or loss is outweighed by the benefit of bringing the site back into use.”*

*“215. Where a development Proposed Development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public*

*benefits of the Proposed Development including, where appropriate, securing its optimum viable use.”*

*“216. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

*“217. Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.”*

*“218. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.”*



*“219. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposed Developments that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”*

*“220. Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.”*

*“221. Local planning authorities should assess whether the benefits of a Proposed Development for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.”*

## **2.3 Local policy**

2.3.1 The Site is located within the administrative area of

Elmbridge Borough Council. The Elmbridge Borough Council Core Strategy – July 2011, Supplementary Planning Documents and Elmbridge Borough Council Local Plan – Development Management Plan, April 2015, are the documents that provide the policies taken into consideration when making a planning decision from a heritage perspective. The Council has now begun the process of preparing a New Local Plan with a Local Development Scheme (LDS) covering the period 2025 to 2028. This new plan, once adopted, will replace the 2011 Core Strategy and 2015 Development Management Plan.

2.3.2 The Council has also produced a Heritage Strategy which provides a framework for how they understand, preserve, manage, and promote heritage, and this strategy is referenced in their planning guidance. They also updated their Local Heritage Asset List (Local List) in July 2023.

### **Elmbridge Borough Council Core Strategy – July 2011**

#### **CS1 - Spatial Strategy**

New development will be delivered in accordance with a clear spatial strategy which provides the most sustainable way to accommodate growth supported by high quality infrastructure, whilst respecting the unique character of the Borough and the local distinctiveness of individual settlements.



1. The Borough's green infrastructure network, including the Green Belt and other open spaces within the urban area, will continue to be a key determinant in shaping settlements and development patterns in the future. The multi-functional role of the network will continue to be protected and enhanced and the Council will work with partners to manage and expand sustainable networks of accessible green space and corridors to, and through, the urban area. (2)

2. New development will be directed towards previously developed land (3) within the existing built up areas, taking account of the relative flood risk of available sites (4), and the potential impact on Thames Basin Heaths. Location, use and scale will need to take account of the existing characteristics, role and function of individual settlements and sites (5); access to existing or committed services and infrastructure; and the availability of developable land.

The settlements within Elmbridge fall within the following broad categories; Service Centre and rural fringe area: Cobham, Oxshott, Stoke D'Abernon and Downside. Although the 4 settlements located within this area are distinctively different, they are intrinsically linked to Cobham with regards to service provision. The majority of new development within this area will be directed towards Cobham and its immediate environs as this is the most sustainable location.

### **CS10 - Cobham, Oxshott, Stoke D'Abernon and Downside**

The Council will support initiatives that help to sustain the individual communities of Oxshott, Stoke D'Abernon and Downside and will promote measures that strengthen and support Cobham's

role as a service centre through promoting a mix of uses within the centre that adds to its vitality and viability.

There is scope for additional residential development across the area, primarily through redevelopment of previously developed land, although Downside has little if any potential.

The Council will encourage the provision of small family units, as well as housing for older people, in order to address deficiencies in the existing housing stock. In all instances, it will be important that all new development is well designed, and integrates with and enhances local character, particularly within the 5 conservation areas located within the settlement.

Higher density residential / mixed use developments could be appropriate within and around Cobham town centre, provided that it supports the centre's vitality and viability and contributes to the diversity of uses available to local people. The number of non-retail uses will be carefully controlled, in order that its function as a retail centre is not threatened.

(see CS18 - Town Centre Uses).

The Council will work with Surrey County Council to ensure that the education needs of a increasing local population can be adequately provided for.

The Council will work in partnership with service providers to consider appropriate measures that could address traffic congestion through the centre. The Council will also promote improved access to and within the area for pedestrians and cyclists, public transport users and those with impaired mobility. A parking strategy will be developed in partnership with Surrey County



Council, in order to give further consideration to the adoption of a coherent approach to on and off street parking.

See appendix 2 for settlement investment and development schedules.

### **Policy CS17 – Local Character, Density and Design**

CS17- Local Character, Density and Design Elmbridge's unique environment is characterised by its green infrastructure, river corridors, historic assets and distinctive town and village settlements. The consideration of sustainable design should be considered as an integral part of the design process (see CS27-Sustainable Buildings) In order to provide a positive strategic design framework that protects and enhances that environment, the Council's forthcoming development management policies and the Design and Character SPD will take into account the following key principles.

#### **Local Character**

New development will be required to deliver high quality and inclusive sustainable design, which maximises the efficient use of urban land whilst responding to the positive features of individual locations, integrating sensitively with the locally distinctive townscape, landscape, and heritage assets, and protecting the amenities of those within the area.(27)

Innovative contemporary design that embraces sustainability and improves local character will be supported (see CS1-Spatial

Strategy). New development should enhance the public realm and street scene, providing a clear distinction between public and private spaces.

Particular attention should be given to the design of development which could have an effect on heritage assets which include conservation areas, historic buildings, scheduled monuments, and the Borough's three historic parks and gardens. (28)

#### **Development Density**

In order to promote the best use of urban land, and to protect the Borough's green spaces, the Council will promote well designed, high quality and sustainable developments which will contribute to the achievement of an overall housing density target of 40 dwellings per hectare. Other than in the St George's Hill Estate, Burwood Park and the Crown Estate, Oxshott, a minimum density of 30dph will be required. Developments within town centres should exceed 40 dph. Specific criteria to promote higher densities within each of the town centres will be identified in the Design and Character SPD.

In exceptional circumstances, where overriding harm to the valued character of area would occur as a result of the application of the minimum density threshold, development at a lower density, which maximises the efficient use of land, may be acceptable.

#### **Sustainable Design**

The Council will support and promote exemplary design, which adopts innovative approaches to address climate change and minimise the Borough's carbon footprint and use of natural resources (see CS27-Sustainable Buildings). New development



should be appropriately landscaped, and where appropriate should incorporate biodiversity habitat, and enhance the Borough's green infrastructure network in accordance with policies CS14-Green Infrastructure and CS15-Biodiversity.

### **Inclusive Development**

New buildings should be physically integrated into the community through safe permeable access routes which minimise opportunities for crime (29).

The Council will promote developments that create accessible, socially inclusive environments. New housing will be built to lifetime homes standards and in schemes including a mix of affordable and market homes, (see CS21-Affordable Housing), tenures will be integrated to ensure social cohesion. Mixed use development will be encouraged in suitable locations with high quality design creating a harmonious, complimentary, and vibrant environment, in which a range of uses can function and flourish.

2.3.3 Elmbridge's unique environment is characterised by its green infrastructure, river corridors, historic assets and distinctive town and village settlements. The consideration of sustainable design should be considered an integral part of the design process (see CS27-Sustainable Buildings). In order to provide a positive strategic design framework that protects and enhances that environment, the Council's forthcoming development management policies and the Design and Character SPD will take into account the following key principles.

### **CS24 - Hotels and Tourism**

In order to support sustainable growth of tourism in the area and to ensure that it remains a strong element of the Borough's economy, the Council will:

1. Support existing hotels and the improvement of the quality of existing visitor attractions where this can secure their continued viability without compromising the amenities of local residents or the objectives of PPG2;
2. Promote all new hotel development on previously developed land within or adjacent to town and district centres or visitor attractions;
3. Require new hotels or visitor attractions to be accessible by public transport.

### **CS14 - Green Infrastructure**

The Council will protect, enhance and manage a diverse network of accessible multi functional green infrastructure by:

1. Continuing to give a high level of protection to and improving the Borough's green infrastructure assets including Suitable Accessible Natural Greenspace (SANG) and those sites designated for their biodiversity value in accordance with Policy CS15-Biodiversity(1). Where development of open space is proposed, the scheme will be



assessed against Planning Policy Guidance note 17: Planning for Open Space, Sport and Recreation, Planning Policy Guidance note 2: Green Belts, and CS15 - Biodiversity. Development will not be permitted on a SANG.

2. Ensuring new development protects and enhances local landscape character (2), strategic views and key landmarks as shown on the proposals map, and takes account of their setting, intrinsic character and amenity value.

3. Strengthening the network and multi functional role by:

- Requiring developer contributions from new development in accordance with CS28-Implementation and Delivery to facilitate new provision or quality and access improvements to existing facilities, including the Green Belt, in order to increase their capacity;
- Requiring the provision of facilities for public use on-site as part of development schemes over 50 dwellings, where appropriate;
- Improving the biodiversity value and function of the network in accordance with CS15-Biodiversity;
- Provision of an improved, accessible open space at Waterside Drive, Walton as shown on the proposals map;
- Securing the dual use of school facilities for sports use in accordance with CS16-Social and Community Infrastructure;
- Developing green links within and across borough boundaries in particular by supporting the Green Arc initiative, the development of a network of SANG, and

identifying green corridors;

- Promoting access to and creating SANG - Brooklands Community Park and part of Esher Common – in accordance with the measures set out in the Council’s most up-to-date mitigation strategy for the Thames Basin Heaths SPA(3);
- Safeguarding important trees, woodlands and hedgerows and securing provision of soft landscaping measures in new development, focusing on the use of native species, particularly trees, which are an important feature of the Elmbridge landscape, and taking opportunities to create links with the wider green infrastructure network;
- Considering the re-designation of lower value amenity greenspace to park and garden where this helps to address a deficiency in provision;
- Developing access routes within and between the network, building from the Thames Path National Trail, that promote sustainable transport choices and healthy living, and seeking opportunities to link to, and extend, the existing rights of way network (4).

### **Local Character**

New development will be required to deliver high quality and inclusive sustainable design, which maximises the efficient use of urban land whilst responding to the positive features of individual locations, integrating sensitively with the locally distinctive



townscape, landscape, and heritage assets, and protecting the amenities of those within the area.

Innovative contemporary design that embraces sustainability and improves local character will be supported (see CS1-Spatial Strategy). New development should enhance the public realm and street scene, providing a clear distinction between public and private spaces.

Particular attention should be given to the design of development which could have an effect on heritage assets which include conservation areas, historic buildings, scheduled monuments, and the Borough's three historic parks and gardens.

### **Development Density**

In order to promote the best use of urban land, and to protect the Borough's green spaces, the Council will promote well designed, high quality and sustainable developments which will contribute to the achievement of an overall housing density target of 40 dwellings per hectare. Other than in the St George's Hill Estate, Burwood Park and the Crown Estate, Oxshott, a minimum density of 30dph will be required. Developments within town centres should exceed 40 dph. Specific criteria to promote higher densities within each of the town centres will be identified in the Design and Character SPD.

In exceptional circumstances, where overriding harm to the valued character of the area would occur as a result of the application of the minimum density threshold, development at a lower density, which maximises the efficient use of land, may be acceptable.

### **Sustainable Design**

The Council will support and promote exemplary design, which adopts innovative approaches to address climate change and minimise the Borough's carbon footprint and use of natural resources (see CS27-Sustainable Buildings). New development should be appropriately landscaped, and where appropriate should incorporate biodiversity habitat, and enhance the Borough's green infrastructure network in accordance with policies CS14-Green Infrastructure and CS15-Biodiversity.

### **Inclusive Development**

New buildings should be physically integrated into the community through safe permeable access routes which minimise opportunities for crime.

The Council will promote developments that create accessible, socially inclusive environments. New housing will be built to lifetime homes standards and in schemes including a mix of affordable and market homes, (see CS21-Affordable Housing), tenures will be integrated to ensure social cohesion. Mixed use development will be encouraged in suitable locations with high quality design creating a harmonious, complementary, and vibrant



environment, in which a range of uses can function and flourish.

## **Elmbridge Borough Council Local Plan - Development Management Plan April 2015**

### **DM12 - Heritage**

Planning permission will be granted for developments that protect, conserve and enhance the Borough's historic environment. This includes the following heritage assets:

- Listed Buildings and their settings
- Conservation Areas and their settings
- Parks and Gardens of Special Historic Interest and their settings
- Scheduled Monuments and their settings
- Areas of High Archaeological Potential and County Sites of Archaeological Importance (CSAIs)
- Locally Listed Buildings and other identified or potential assets (including non-designated locally significant assets identified in the local lists compiled by the Council).

#### **a. Listed Buildings**

- i. The Council will encourage appropriate development to maintain and restore Listed Buildings, particularly those identified as being most at risk.
- ii. Development to, or within the curtilage or vicinity of, a listed building or structure should preserve or enhance its setting and

any features of special architectural or historical interest which it possesses.

iii. A change of use of part, or the whole, of a Listed Building will be approved provided that its setting, character and features of special architectural or historic interest would be preserved or enhanced. Consideration will also be given to the long-term preservation that might be secured through a more viable use.

iv. Development which would cause substantial harm to or loss of a listed building (including curtilage buildings), such as total or partial demolition, will be permitted only in exceptional circumstances. In such cases, consideration will be given to the asset's significance. Applicants will need to clearly demonstrate that either:

1. There are substantial public benefits outweighing any harm or loss; or
2. All of the following apply:
  - the nature of the listed building prevents all reasonable use of the site;

26. These are listed in Appendix 2. Conservation Areas, Parks and Gardens of Special Historic Interest,

Scheduled Ancient Monuments and Areas of High Archaeological Potential are shown on the Policies Map.

27. In the case of grade I and II\* listed building any development resulting in substantial harm will be wholly exceptional. In the case of all listed buildings, where the harm would be less than substantial, it will be weighed against the public benefits of the proposal, including securing its optimum viable use.



- no viable use of the listed building can be found in the medium term through appropriate marketing that will enable its conservation;
- it can be demonstrated that charitable or public funding/ownership is not available to enable its conservation;
- any harm or loss is outweighed by the benefit of bringing the site back into use.

#### **b. Conservation Areas**

- i. Proposals for all new development, including alterations and extensions to buildings, their re-use and the incorporation of energy efficiency and renewable energy technologies, must have a sensitive and appropriate response to context and good attention to detail.
- ii. Development within or affecting the setting of a conservation area, including views in or out, should preserve or enhance the character and appearance of the area, taking account of the streetscape, plot and frontage sizes, materials and relationships between existing buildings and spaces.
- iii. Open spaces, trees and other hard and soft landscape features important to the character or appearance of the area should be retained or be in keeping with the character of the area.
- iv. Proposals to demolish buildings and/or structures will be assessed against their contribution to the significance of the conservation area as a heritage asset. Where substantial harm would be caused to a conservation area's significance, the proposal

will be resisted unless exceptional circumstances, including substantial public benefits outweighing any harm to the conservation area, can be demonstrated. Where the harm would be less than substantial, it will be weighed against any public benefits of the proposal, including securing optimum viable use of the heritage asset and whether it would enhance or better reveal the significance of the conservation area.

#### **c. Parks and Gardens of Special Historic Interest**

- i. Parks and gardens identified as being of special historic interest, including landscape features and buildings, and their setting, will be protected and their sensitive restoration encouraged.
- ii. Any Proposed Development within or conspicuous from a historic park or garden will be permitted provided that it does not detract from the asset.

#### **d. Scheduled Monuments and County Sites of Archaeological Interest (CSAIs)**

- i. Development that adversely affects the physical survival, setting or overall heritage significance of any element of a Scheduled Monument or CSAI will be resisted.
- ii. Any new development should be sensitive to these criteria and positively act to enhance the monument or CSAI overall and ensure its continued survival.



**e. Areas of High Archaeological Potential**

i. Proposals for development should take account of the likelihood of heritage assets with archaeological significance being present on the site, provide for positive measures to assess the significance of any such assets, and enhance understanding of their value.

**f. Locally Listed Buildings and other non-designated heritage assets**

i. The Council will seek to retain these, where possible, and will assess proposals which would directly or indirectly impact on them in the light of their significance and the degree of harm or loss, if any, which would be caused.

**DM20 – Open spaces and views**

a. Local Green Space will be protected from inappropriate development unless there are very special circumstances that would clearly outweigh the potential harm. Uses and development that are deemed to be appropriate under Green Belt policy will be permitted provided that the character of the area is protected and there is no conflict with the purposes of designating that specific land as Local Green Space and the function it serves.

b. Other areas of existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

i. An assessment has been undertaken which has clearly shown the

open space, buildings or land to be surplus to requirements,

ii. The loss resulting from the Proposed Development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, or

iii. The development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss.

c. Development within Strategic Views or affecting Key Landmarks (as identified in the Policies Map and detailed in Appendix 3) will be permitted provided that it has been well designed to take account of the setting, character and amenity value of the view or landmark. Proposals should not obscure or adversely affect these views and landmarks and those that create new views or reinstate obscured views will be supported.



### 3. Baseline evidence and description of the Proposed Development

#### 3.1 General introduction to this section of the report

3.1.1 The baseline consists of a description of the historic development of the area and the Heritage Assets in the Study Area (see Figure 3). This Study Area provides sufficient contextual information to assess the Potential for buried Heritage Assets (archaeology) within the Site (see Methodology 7.2 and 7.3 and Glossary 11.1).

#### 3.2 Description of the Proposed Development

3.2.1 The Proposed Development involves building as many as 250 two-story homes, along with internal access roads and walkways. The plans also include parking for both cars and bicycles, a Suitable Alternative Natural Greenspace (SANG) with its own parking area accessible from Woodlands Lane, and general public open space. The entire development will be complemented by a landscaping and planting scheme. The main vehicular access will be from Leatherhead Road, and all existing buildings and structures on the site will first be demolished.

3.2.2 The Hotel's northern views are orientated towards the Proposed Development. "The site is comprised of an area c.23.23 ha in size, including 12.9ha of SANG" (Pegasus 2025). This Heritage Statement (HS) provides limited

assessment beyond baseline evidence. However, Landscape and Visual Impact Assessment formed part of the EIA and provides more detail (Fabrik 2025). Nevertheless, the visual assessment was focused on "views to be provided as part of the wider visual planning impact. We would expect to understand what the development looks like from the SANG in aesthetic terms" (Fabrik 2025, 5). None of the Viewpoints A-M incorporate views beyond the site boundary except from public paths and number 5 from Woodlands Lane (see LVIA Figures 3.4 and 4.2). The latter was recorded at road level without taking account of the site's elevated position and views from the Hotel's upper floors, which is misleading.

#### 3.3 Woodlands Park Hotel

3.3.1 This Grade II listed Hotel (List Entry No. 1192413) is located approximately 300m southwest of the site. The Hotel advertises itself as a luxury country house hotel in Cobham. The building is a stately Gothic-style venue with black timber framing, rich stonework, and tall chimneys. Inside, it features extensive oak-panelling, ornate crystal chandeliers, elaborate fireplaces, and decorative ceilings, including a stunning stained-glass ceiling in the Grand Hall. Nestled in the Surrey countryside, Woodlands Park Hotel commands presence as a historic Victorian country house estate commissioned in 1885 by industrialist William Bryant. It is known for blending its historical grandeur with modern comforts, set within landscaped grounds. The significance of Woodlands Park Hotel is intrinsically linked



to its undeveloped, spacious, and rural setting, which reinforces its function and historical narrative as a 'country house estate'. The open setting provides the visual and environmental context that distinguishes it from an urban hotel.

3.3.2 Near the Hotel, *"the character area [has] ... occasional farmstead and associated complexes of agricultural buildings"* (Fabrik 2025, 11). Further north, *"hedgerows of varying quality line field boundaries, although there are gaps in the hedge network. ... small blocks of woodland (including some ancient woodland), tree belts and tree lines along roads. There are views across areas of larger, more open fields, but tree cover limits distant views generally. There are glimpses of nearby settlement and roads, but these are mostly filtered or obscured entirely by vegetation"* (Fabrik 2025, 11). This character can be seen in the wider area but the site is more clearly visible than the surrounding area (see Figure 3). This clearer visibility is considered to amplify the assessed effects of the Proposed Development.

3.3.3 It was only possible to capture representative views rather than views from the Hotel rooms. This is an exclusive hotel and special arrangements may or may not have been possible within the timescale allowed for the submission of this Assessment.

### 3.4 SANG

3.4.1 The SANG's proposed character is influenced by its

purpose. SANG provides a Thames Basin Heaths Special Protection Area. It would be held in perpetuity, including its uncharacteristic walkways, SUDs and car park. The walkways may be proposed as 'grassed', and if well trodden will become bare. More significantly their introduction is out-of-keeping with the characteristic historic paths linking settlements. Furthermore, the SUDs may be 'hidden' but they are also alien features in the agricultural landscape. These features conflict with the built development guidelines include:

- *"Conserve and restore traditional boundary features with particular regard to their form and relationship to landscape and landscape elements."*
- *"Avoid the location of any new large development or bulky structures where these would be overly visually intrusive on this character area. Subject any development to rigorous landscape and visual impact assessment, site carefully, and design to minimise impact, and integrate with the area's rural context."*

3.4.2 The Elmbridge Borough Landscape Sensitivity Study, January 2019, states:

- *"Taking account of the assessment of landscape value and susceptibility above, the Landscape Unit is assessed as having a Moderate-High overall sensitivity to change arising from residential and mixed-use development. This is due to the landscape's intact rural qualities, the open visual*



*character of the landscape to the south and the recreational and natural value of the landscape in the north. A high degree of care would be needed in considering the location, design and siting of change within the landscape."*

- 3.4.3 Currently, the site is private farmland with no public paths. The immediate area has *"recreational land use attached to the landscape, which makes this a valuable resource for the surrounding communities"*. This conflicts with the Historic Landscape Characterisation data for the site, which is "Field Patterns" in Parkland and designed landscape, sub type 902 (CM096).



*Figure 3: Elevated view representative of views from the Hotel rooms*



3.4.4 Woodlands Park Hotel is a Grade II listed Victorian country house estate, commissioned in 1885. The house was designed by architect Rowland Plumbe, RA, in the Gothic style. Its significance is derived from its high-quality period architecture, the preservation of its "authentic period charms," and its historical status as a grand 19th-century manor. The Hotel is advertised and operated as a luxury country house hotel in the Surrey countryside (near Cobham and Leatherhead). The surrounding views and the feeling of a secluded, rural estate are fundamental components of the Hotel's appeal, and identity. Therefore, the views and the rural location are key contributors to its appeal as a place to stay.

3.4.5 As noted in the promotional information, the Hotel also serves as a popular venue for weddings and conferences. The Hotel's views of the surrounding countryside are important for guests choosing a country house or rural Hotel, often serving as a primary driver for the booking. Therefore, the existing setting directly underpins the commercial and functional significance of the listed asset.

3.4.6 The character of the surrounding countryside, including the modern designation of Green Belt, is under threat of subdivision and development. This is indicated by the need for the local authority to publish an Article 4 Direction to

### 3.5 Article 4 Direction on Land Off Woodlands Lane

3.5.1 The ongoing issue concerning the land near the Hotel,

the south of the Hotel.

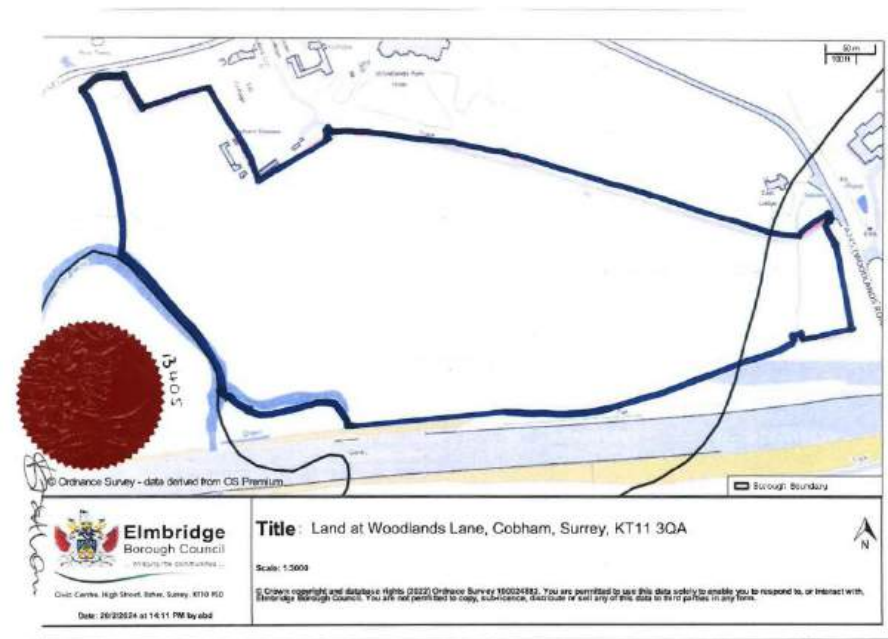


Figure 4: Extent of area associated with the Article 4 to the south of the Hotel

which directly impacts the core argument about its setting and the failure of the initial EIA scoping. The action taken by Elmbridge Borough Council for *Land off Woodlands Lane*, which is the area surrounding the Hotel. The Council



issued an Immediate Article 4(1) Direction to remove Permitted Development rights for certain types of development that would normally not require a full planning application. Specifically, it removes the rights for:

- The erection of fences, walls, or other means of enclosure (Class A of Part 2 of Schedule 2).
- The temporary use of land for certain purposes like markets, motor racing, or camping (Class B of Part 4 of Schedule 2).

3.5.2 The Council took this action because it identified attempts to sub-divide and sell the Green Belt land for potential development (referencing the intended sale of plots for housing or equestrian use) and noted the erection of new fences, stables, and widening of tracks. It explicitly stated the development would have a "negative impact on the Green Belt". The fundamental aim of Green Belt policy is to preserve its openness and permanence. The site for the Proposed Development is important to the Hotel's setting. Any new building, enclosure, or change of use in this area would harm the Hotel's aesthetic, and, therefore, its viability. This has implications for contradicting Core Strategy Policy CS24 - Hotels and Tourism.

3.5.3 Any Proposed Development impacting the Hotel must be assessed in conjunction with this Green Belt and Article 4 situation. The Scoping Report's claim that there are "sufficient separation distances and intervening landscape" for Built Heritage is demonstrably incorrect. The land intended to provide that separation must be

considered in the light of a Green Belt under severe pressure from multiple small-scale developments and the Proposed Development. While the Article 4 Direction may stop unpermitted works, it confirms that the land is under threat, making any assurance of "openness and permanence" unreliable without strong planning conditions. While the SANG is intended to be a permanent buffer, it, the car park and Proposed Development beyond permanently change the rural setting.

3.5.4 The proposed residential construction poses a significant threat to the highly sensitive Green Belt area that surrounds the Grade II listed Woodlands Park Hotel. This vulnerability strongly contradicts the initial Environmental Impact Assessment (EIA) Scoping decision.



## 4. Setting Significance and effects of the Proposed Development

### 4.1 The Site and the character of the setting

4.1.1 This section of the report assesses the Significance of the setting affected by the Proposed Development. The assessment is based on the Significance of the Heritage Assets, associated with their values (see Methodology 7.2). Setting is the surrounding from which a Heritage Asset may be experienced (see Glossary, Appendix 9). Broadly the Significance of the setting would be the same as the Significance of the nearby Heritage Assets, **Medium Importance** (see Table 1).

4.1.2 The visual aspects of setting are evidenced through photography, which is one of the setting attributes (see Appendix 11). Additional attributes contribute differently to these aspects of Significance (see Methodology 9.3 and 9.4). The attributes of the setting most likely to be affected by the Proposed Development are:

- 1) the area's time depth;
- 2) views of and from Woodlands Park Hotel;
- 3) the 'surrounding rural character'; and
- 4) 'degree of change over time' is also an important part of the setting of the listed building. These attributes of setting hold aesthetic and historical values.

4.1.3 The assessment of Significance is followed by an assessment of the effects of the Proposed Development (see Methodology 7.5 and 7.6).

### 4.2 Time Depth

4.2.1 Woodlands Park Hotel and its associated farm, Woodlands Farm, are Grade II Listed. The extent of the Hotel's associated parkland and designed landscape is shown adjacent and overlapping with the site, whereas the site comprises fields as assessed by the Historic Landscape Character study (see Pegasus, Figure 3, 34). *"The landscape of the Site and surrounding area has historic attachment to Woodlands Park c. 1890s, now Woodlands Park Hotel, and it's (sic) surrounding parkland landscape. The largely intact field boundaries within the Site contribute to a sense of historic continuity although the Site is not subject to any statutory or non-statutory heritage designations."* (Fabrik 2025, 16).

4.2.2 The field pattern within the site provides legible agricultural use and its link with land management and historic estates. The Farm is a Model Farm, stems from its connection with the Victorian era's agricultural revolution. It was a movement for improving agricultural production and was often associated with a showpiece estate developed by a wealthy or agriculturally knowledgeable landowner to demonstrate the latest techniques, technology and design to tenants and farmers. Model farms are often planned estates. As such, Woodlands farm forms part of a series of other examples of historic model



farms in Surrey. Impressive farm complexes, scattered settlements with connecting paths and rural mansions are key landscape features. These features collectively tell the story of the area's history, thus preserving the sense of time-depth. The SANG introduces planting groups that do not reflect the field pattern, a car park, a formal walkways and additional new winding walkways without historic precedent, and SUDs, which are new water features; all are alien to this landscape. While the importance of the historic paths between settlements (see section 4.4), which are considered key landscape features, yet there is no critique of these newly introduced walkways in the applicant's submissions. The following points demonstrate just how out-of-keeping this SANG is.

- 1) It introduces alien features.
- 2) Traditional boundary features have not been restored as recommended in the built development guidelines (see section 3.4).
- 3) The new large development is visually intrusive in the backdrop (see section 3.4) and brings the sense of modern development closer to the Hotel.

### 4.3 Viewpoints

4.3.1 Evidence of setting is often expressed by reference to views (see Methodology 7.3.3). A photographic record of the Site's setting is recorded by Fabrik in the Landscape

and Visual Impact Assessment (2025). It states "*Viewpoint 5 is representative of views looking northeast towards the Site from Woodlands Park Hotel. Views of the Site are wholly truncated by intervening vegetation, built form and undulating topography*". However, this does not take account of the views from the Hotel's first and second floors.

4.3.2 The Representative Viewpoint 5 illustrates the visual intrusion that brings the sense of modern development and the associated SANG closer to the Hotel's mid-ground views (see Figure 5, 29). It exaggerates the size of the nearby settlement, which combined with the SANG's alien features creates a sub-urban rather than rural setting, particularly the car park and non-agricultural land use.

4.3.3 For a historic country house hotel like Woodlands Park Hotel, the current countryside views and the experience of being "Nestled in the Surrey countryside" is unique and equally at risk during the night-time. This resource is under threat of encroachment from the north and south as demonstrated by the requirement for an Article 4. This attribute holds **Medium-High Sensitivity** to further change within their settings (see Table 8).

### 4.4 Site and 'surrounding rural character'

4.4.1 Simple tracks and footpaths connected to nearby villages until the railway's arrival. The surviving lanes reflect this older, more rural pattern of settlement. Woodlands Lane's character is defined by its strong woodland setting and its



reflection of the post-railway subdivision of large tracts of land, both of which contribute significantly to the overall protected, exclusive, and rural identity of the Oxshott area.

- 4.4.2 The M25 has changed the former tranquillity and Woodlands Lane experiences frequent car traffic. The rural character currently experienced is based more around the surrounding historic buildings and agricultural nature of the land than tranquillity. The red brick buildings, their rural uses and particularly the listed Woodlands Farm are characteristic and add to the area's appeal. Its gateway, turret, square pavilion and quadrangle of single storey farm buildings along the roadside seen progressing towards the Hotel is unique. The site is currently characterised by rolling countryside and agricultural fields, punctuated by historic farmsteads, such as the well-preserved Woodlands Farm. This setting helps to clearly illustrate the historic estates and land management of the region, which, in turn, helps viewers understand the Hotel's place in its historical context. The Hotel is visible on the right evolving views mirrored on the return journey. The 'surrounding rural character' is an attribute that holds **High Sensitivity** to further change within their settings (see Table 8).

#### 4.5 The 'degree of change over time'

- 4.5.1 Built in 1885, it was one of the first country houses in the UK to have electric light. According to the Edwardian Society Hub, the manor was a centre for lavish Edwardian

society parties and house parties. Notable frequent guests included the then Prince of Wales (later King Edward VII) and his friend, the actress Lillie Langtry. After the Bryant family, the house was owned by a Bond Street jeweller, Mr. W. Benson, and then by Lieutenant Eustratio Ralli, both of whom added ornate fireplaces.

- 4.5.2 After the Ralli family left following the Wall Street Crash of 1929, the house became a luxury hotel. It was later used as a home for the elderly and a residential educational centre before reopening as a Hotel in 1981. It was in use as a Hotel when listed in 1984. The Hotel, originally a mansion, was built at the beginning of published mapping and has been part of that landscape throughout.
- 4.5.3 The legibility of the surrounding area supports the Hotel's historic links to people and events. However, based on the map regression exercise by Pegasus (2025, 16-18), the site's character was incorrectly assessed. It was argued that the site underwent changes from its initial agricultural form towards a more "*parkland*" character. That conclusion is reassessed below.

#### Early Maps (1867 - 1885)

- The 1867 Tithe map provides the initial baseline.
- By 1885 the site was little altered from the Tithe map, though it showed slight differences in field sizes and boundaries.



### Continued agricultural use (1915 - 1948)

- By 1915 fields had been enlarged. The northern and southern parcels of land were combined into larger fields. The original field boundary trees were still visible, and it remained in agricultural use.
- By 1935, the site was relatively unaltered internally. However, the eastern portion appeared more as rough land than managed farming, and a small enclosure was installed along the northern boundary.
- Aerial photography (1948) confirmed the continued agricultural use.

### Later Developments (Post-1948)

- The Clouds Hill Farm complex appears to have been built in the later half of the 20th century, forming a discrete complex. The area was re-divided as a discrete farm complex.

### Surrounding Development

- In the years leading up to 1915, residential properties were constructed along Leatherhead Road.
- By 1935, the land surrounding the site had seen further residential development, particularly along Leatherhead Road, with the site's north-eastern boundary then abutted by residential curtilages.

through this map regression exercise, indicating gradual settlement expansion but little change in the site's character. This was enhanced by the creation of a farm complex on the site.

- 4.5.5 The protection of the low density established by the historic Crown Estate development and the conservation of the soft, green boundaries and rural character of the surviving historic lanes are important to preserving Oxshott's special identity. So too is the openness of the agricultural land. Apart from some field consolidation, the site's character has remained largely unchanged for centuries, mirroring the age of the Hotel itself. This sustained visual clarity helps to maintain the legibility of the Hotel's historical connections to past people and events. Based on these factors, 'change over time' is an attribute that holds **High Sensitivity** to further change within the setting of the Study Area (see Table 8).

4.5.4 The extent of and degree of change over time is assessed



*Figure 5: Elevated view representative of views from the Hotel rooms with the Proposed Development in mid-ground views*



## 4.6 Visibility of the Proposed Development

- 4.6.1 Scenic views of nature, like rolling fields and hills, and forests, allow guests to genuinely escape and facilitate a rural break. This aesthetic value is enhanced by waking up to a beautiful view that instantly enhances mood and contributes significantly to the feeling of a special, luxurious, or relaxing getaway. The Hotel's northern views are orientated towards the higher ground of the Proposed Development's location, as the land rises from the south. The Proposed Development, SANG, and car park, would be clearly visible from the Hotel.
- 4.6.2 The associated car park served off Woodlands Lane is approximately 250m from the junction opposite the Hotel. Screening is not considered an acceptable form of mitigation from a heritage perspective because it is deemed impermanent, while the Proposed Development is considered permanent. While the Representative View indicates a change in daytime experiences, it would become more evident during the night-time. The Hotel is located in an area of night-time darkness. This night-time character of darkness provides an opportunity for astronomy nearer the Hotel. This permanent change from the rural idyll conflicts with the Hotel's marketing promise of "beautiful countryside". For many, a stay in a countryside hotel is about reconnecting with nature. Guests are highly likely to photograph and share stunning views on social media. This user-generated content acts as

powerful, free, and trustworthy marketing for the Hotel. This equates to a **Medium Adverse Impact** (see Table 3).

## 4.7 Siting and location of the Proposed Development

- 4.7.1 The SANG and the Proposed Development beyond it, permanently changes the rural setting which has historically been a unique attribute of the listed building's character. The land's susceptibility to change has been confirmed by the Council's action in implementing an Article 4 Direction, reinforcing the importance of its current location as an element that must be conserved and is under threat of subdivision and development. The area is referred to as Woodlands Park and designated as fields in the Historic Landscape Characterisation. Historically, the surrounding grounds, which included private farmland stretching to the River Mole, was associated with the mansion. Additionally, the area is important to the Hotel's night-time darkness, a key feature of its rural setting. Changes that border this attribute of the Hotel's setting would have a **Medium Adverse Impact** (see Table 3).

## 4.8 Form and appearance of the Proposed Development

- 4.8.1 The Proposed Development consists of up to 250 2-, 2.5- and 3-storey dwellings (see Figure 2). While the height, massing, and scale of the dwellings may reflect the context of adjacent properties, the overall development, including the SANG, does not appear to integrate with the area's



rural context. Specifically, the SANG's uncharacteristic features, such as walkways, Sustainable Drainage Systems (SUDs), and the car park, do not appear to minimise the impact on the landscape and fail to conserve the area's intact rural qualities emphasised by the Elmbridge Borough Landscape Sensitivity Study. The introduction of this form of development results in an irreversible negative change to the setting.

- 4.8.2 The SANG's uncharacteristic walkways, SUDs and car park do not appear to "minimise impact, and integrate with the area's rural context" (see section 4.2). This does not adhere to the built development guidelines nor conserve the landscape's intact rural qualities leading to a **Medium Adverse Impact** (see Table 3).

## 4.9 Wider effects of the Proposed Development

- 4.9.1 The Proposed Development would cause "less than substantial harm" to the significance of the Grade II listed Woodlands Park Hotel through an irreversible negative change to its setting. This level of harm to the setting carries an unacceptable risk to the asset's long-term viability as a functioning country house hotel. The setting is critical to the Hotel's function, as guests choose a country house hotel for its rural location, which is a key driver for bookings. An impact on this viability is itself a form of harm to the heritage asset's significance, which risks the eventual deterioration due to economic failure. Core Strategy Policy CS24 - Hotels and Tourism seeks to

protect against this outcome. Additionally, construction work (including noise, light, and vibration) would be a temporary effect that could be controlled by conditions attached to any planning permission granted. However, it would deter wedding and large occasion bookings for the extended period of a 4-year construction program having a **Medium Adverse Impact** on the Hotel (see Table 3).



## 5. Measuring Effects on the Heritage Assets

### 5.1 General

- 5.1.1 This section of the report measures the High Sensitivity of the attributes that contribute to the Significance of the Heritage Assets against the Adverse Impacts of the Proposed Development. The comparison between the level of sensitivity and the magnitude of impact provides a measure of Effects (see Tables 4-5).
- 5.1.2 Reiterating the nature and character of the harm through the effects on key attributes is discussed in the context of recent appeal cases.

### 5.2 Nature and character of the harm

- 5.2.1 The area from which the Hotel's significance is derived and experienced is the Study Area. This is derived from its historical character as this secluded country house and Hotel in extensive grounds. The mechanism of harm is identified as the permanent physical change of up to 250 new dwellings, the SANG car park and associated infrastructure, new roads, lighting, and noise barriers. It would cause visual intrusion in the mid-ground of views being located on higher ground (see Figure 5, 29). This would intrude into the currently uninterrupted views from the Hotel's upper floor windows. Additionally, the SANG introduces alien features that do not reflect the current

agricultural use such as the field hedges, a car park, a formal path and additional new winding walkways without historic precedent, and SUDs. Moreover, the 'surrounding rural character' benefits from a locale of rolling countryside and agricultural fields interspersed with farmsteads, the listed Woodlands Farm being a high quality example, which facilitates the legibility of the historic estates and land management in the area. This helps to place the Hotel in its historic context and is experienced on the upper floors, which would be interrupted by the presence of the Proposed Development. This legibility supports the Hotel's historic links to people and events (see section 4.5). Furthermore, the openness of the agricultural land is a key characteristic of land management. Beyond field enlargement there has been little change in the site's character, which dates to the same centuries as the Hotel. Again, this legibility supports the Hotel's historic links to people and events. Adverse changes to this and the other attributes comprises the identified harm, which is irreversible and permanent.

### 5.3 Effects on the setting

- 5.3.1 The Proposed Development is a change in land use that harms Hotel's Significance by negatively impacted on highly sensitive setting attributes. Those attributes contribute to the asset's historic rural and agricultural links, and its current visual context. The Proposed Development degrades the experiential quality of the



setting, diminishing the historical narrative of the Hotel as a secluded country retreat. As this affects the commercial viability of the Hotel's reliance of its unique, high-quality rural setting, it threatens its optimum viable use. Therefore, the Proposed Development threatens long-term conservation. This is an unacceptable conflict with Core Strategy Policy CS24 - Hotels and Tourism.

5.3.2 Views of the existing topography, mature boundary planting, and fields under play the impact on the Hotel's appeal and associated viability. Currently, agricultural and Green Belt land use provides visual buffering and a sense of the rural idle key to the Hotel's market position and historical narrative (see section 4.3). The Proposed Development would interrupt these mid-ground views of those historic links and create a sub-urbanising impact (see Figure 5, 29). Moreover, this impact would be equally impactful during the night-time, cumulatively causing **Moderate Adverse Effects** (see Table 4).

5.3.3 The conservation of the setting should reflect the historic extent of the Hotel's associated parkland and designed landscape, *circa* 1890s, as identified in the LVIA. Historically, the surrounding grounds, which included private farmland stretching to the River Mole, was associated with the mansion. Introducing alien SANG features within this locally distinctive landscape affects the landscape's time-depth, which illustrates historic land management and local historic estates (see section 4.2). Additionally, to the loss of night-time darkness adds to the

cumulative impact, causing **Moderate Adverse Effects** (see Table 4).

5.3.4 The Proposed Development would lead to the town's extension causing the loss of rural attributes caused by permanent sub-urbanising features in the background. Those features include rooflines, hardstanding, and domestic paraphernalia affecting the attributes of the historic surrounding built and agricultural character that support the Hotel's historic links to people and events (see section 4.4). An additional impact on the meaning and role of simple tracks and footpaths, unique to the area, adds to the impact. This equates to **Moderate Adverse Effects** (see Table 4).

5.3.5 Historic links include nobility, famous historic characters and milestone events as well as the landed estates. There has been little change in the site's character, which dates to the same centuries as the Hotel. In this way, the features of land management support the Hotel's historic links to people and events. Again, this legibility supports the Hotel's historic links to people and events (see section 4.5). This equates to **Moderate Adverse Effects** (see Table 4).



## 5.4 Appeal decisions

- 5.4.1 Inspectors are giving significant weight to the harm caused to the setting of heritage assets and the local character, even when weighed against the need for housing. For example, an Appeal for Land East of Lodge Road, Hurst, Reading was a large-scale housing development that was dismissed (APP/X0360/W/22/3309202). The residential development (200 homes) was found to be incongruous in the open landscape. The *"clutter of buildings, access roads, lighting, parked cars and all the other paraphernalia of suburban life"* would *"undermine the character of the area"*. The proposal would fail to conserve the low-density pattern of settlement. Likewise, in the case of this Proposed Development, the effects on the views from upper rooms and the dark night-time sky are likely to cause a similar undermining of local character and an incongruous introduction of suburban paraphernalia.
- 5.4.2 Inspectors are also dismissed appeals on the basis of undermining the rural setting. In Dacorum, a large dwelling in the Green Belt near a Grade II Listed Hill Farmhouse was found to undermine and weaken the rural setting of the listed building complex, despite a well-considered design (APP/A1910/W/24/3353398). Similarly in the case of this Proposed Development, the effects on the rural setting will be undermined and weakened, potentially harming the setting of listed buildings.. In Warwick, a 75-bed care home in a Green Belt setting would harm the

Conservation Area and the Grade II listed Lock House (APP/V3705/W/24/3356885). Equally in the case of this Proposed Development, the effects on the the setting of nearby Grade II listed buildings would be harmful.

- 5.4.3 The High Court quashed planning permission for affordable housing in response to R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin). In that case, the council failed to give "considerable importance and weight" to preserving the setting of the listed buildings and the conservation area, as required by law.

## 5.5 Magnitude of harm

- 5.5.1 The harm is less than substantial because the proposal is not affecting the Hotel's listed building fabric itself or its immediate curtilage, but rather its wider setting. Those appeal cases illustrate decision making for decisions about the magnitude of the less than substantial harm. The heritage setting in the Dacorum Appeal was deemed a *"large, imposing and unexpected dwelling"* in an area *"of relative isolation"*. Additionally, the proposal within the heritage setting in the Warwick Appeal was deemed to *"dominate"* and *"adversely affect the rural quality"*. Likewise, the Proposed Development would *"undermine and weaken the rural setting"*. This equates to "less than substantial harm" at the higher end of the spectrum.



## 6. Statement of justification and conclusions

### 6.1 Assessment of harm and threat to viability

- 6.1.1 The Proposed Development of up to 250 dwellings represents a significant and permanent urbanising encroachment on the Hotel's setting. While the harm to the heritage asset's significance may be categorised as "less than substantial" in a technical planning sense, the community asserts that the consequences of this harm are disproportionately severe, as they directly threaten the viability of the listed building.
- 6.1.2 The introduction of dense, modern residential housing in the immediate visual and environmental setting would erode rural character, impact guest experience and devalue the asset's appeal. This would directly impact the Hotel's viability. Firstly, replacing the existing open countryside views with a residential development, fundamentally undermining the 'country house' experience the Hotel markets. Secondly, it directly harm the primary driver for bookings, the expectation of a rural retreat, leading to a degradation of the overall guest experience. Thirdly, a hotel that loses its defining characteristic (its rural setting) loses its market edge and value as a specialist country house venue.

### The Hotel's viability

- 6.1.3 **This is a matter of public interest because its conservation is deemed a benefit to the public. As an irreplaceable listed heritage resource this is a matter of public interest. Being protected by UK legislation, the Hotel's historic and architectural interest are a matter of legal concern for the state.** The long-term preservation of a Grade II listed building is best secured through its sustainable and financially viable use. By degrading the setting, the proposal severely undercuts the Hotel's commercial viability. Reduced revenue will inevitably lead to a lack of investment in the listed fabric, putting the building's maintenance and ultimate preservation at long-term risk. The proposed harm, therefore, is not merely aesthetic but existential to the listed building's sustained future. Therefore, the Proposed Development must be considered in the context of the Core Strategy Policy CS24 - Hotels and Tourism.

### 6.2 Public disbenefit

- 6.2.1 Paragraph 200 of the NPPF (2024) requires the local planning authority to give great weight to the asset's conservation when considering the impact of a Proposed Development on the significance of a designated heritage asset, including any contribution made by its setting. The more important the asset, the greater the weight should be.



6.2.2 The Assessment concludes that the Proposed Development will lead to less than substantial harm to the significance of the Grade II listed Woodlands Park Hotel through an irreversible negative change to its setting. In accordance with National Planning Policy Framework (NPPF) Paragraph 215, this harm must be weighed against the public benefits of the Proposed Development, including, where appropriate, securing its optimum viable use. The public benefits are unlikely to outweigh the harm, given that the harm directly threatens the financial viability and long-term preservation of the listed building. Furthermore, the proposal violates multiple objectives within the Elmbridge local policy framework, as detailed below.

6.2.3 The Proposed Development presents a public disbenefit by failing to comply with local planning policy objectives for the protection of heritage and local character. The harm to the Grade II listed Woodlands Park Hotel's setting, which directly undermines its commercial viability as a country house hotel, conflicts directly with the aim of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. With resulting residual adverse effects for the Hotel's viability, the Proposed Development would cause '**less than substantial harm**'. It This equates to "less than substantial harm" at the higher end of the spectrum. The final decision rests on the NPPF planning balance (Paragraph 215), where the significant public

benefits of housing could be found to outweigh the less than substantial harm to the setting. Heritage harm is one of a number of disbenefits that need to be taken into consideration in the planning balance.

6.2.4 The introduction of permanent urbanising encroachment and alien features, such as the SANG car park and new development, is contrary to the Elmbridge Borough Council's Core Strategy which requires all new development to enhance the local character of the area and protect the amenities of those within it

### 6.3 Policy CS17: Local Character, Density and Design

6.3.1 The development, with up to 250 dwellings, would result in a permanent urbanising encroachment which does not enhance the existing rural and agricultural character. Nor does it integrate sensitively with the locally distinctive townscape, landscape, and heritage assets. The proposal fails to integrate with the rural setting that is fundamental to the Hotel's significance. The site's sensitivity has been demonstrated by the Council's implementation of an Article 4 Direction specifically due to threats to the Green Belt environment.

### 6.4 Policy CS14: Green Infrastructure

6.4.1 By introducing alien features, the design approach fails to protect and enhance local landscape character, and key features. This approach negatively impacts on the Hotel.



Nor do the submitted assessments take account of the Hotel's setting, intrinsic character and amenity value.

- 6.4.2 The Proposed Development is located on higher ground and would be clearly visible from the Hotel. This directly impacts the strategic views of the surrounding countryside which are critical to the listed asset's commercial and functional significance, resulting in a permanent degradation of the rural setting and local landscape character.

## 6.5 Policy CS24 - Hotels and Tourism

- 6.5.1 Hotels remain a strong element of the Borough's tourist economy. To support this resource, the Council wants to secure their continued viability. However, the Proposed Development undercut the Hotel's market edge and commercial viability, which conflicts with the policy's aim to support existing Hotels and secure their continued viability.

## 6.6 Policy DM12 - Heritage

- 6.6.1 Development to, or within the curtilage or vicinity of, a listed building or structure should preserve or enhance its setting. The proposal will cause less than substantial harm to the Hotel's significance through an irreversible negative change to its setting, thereby failing to preserve or enhance the asset's setting.

- 6.6.2 The harm to the Hotel's setting directly undercuts its market edge and commercial viability, which is necessary for the long-term preservation of the listed fabric. This failure to support the optimum viable use conflicts with a core objective of the policy. The proposal will cause less than substantial harm to the Hotel's significance through an irreversible negative change to its setting, thereby failing to preserve or enhance the asset's setting. This failure to support the optimum viable use (by undercutting its commercial viability) conflicts with a core objective of the policy.

## 6.7 Policy CS1 - Spatial Strategy

- 6.7.1 New development must be delivered in accordance with a spatial strategy that respects the unique character of the Borough and the local distinctiveness of individual settlements. New development will be directed towards previously developed land within the existing built-up areas. Location, use, and scale will need to take account of the existing characteristics, role, and function of individual settlements and sites. The Proposed Development is located on a sensitive site where the Council has implemented an Article 4 Direction specifically due to threats to the Green Belt environment. This indicated it does not align with the spatial strategy's focus on respecting the unique character and protecting the green infrastructure network.



## **6.8 Policy CS10 - Cobham, Oxshott, Stoke D'Abernon and Downside**

6.8.1 The majority of new development within this area will be directed towards Cobham and its immediate environs as the most sustainable location. There is scope for additional residential development primarily through redevelopment of previously developed land. In all instances, it will be important that all new development is well designed, and integrates with and enhances local character. However, the Proposed Development is a large-scale housing scheme (up to 250 dwellings) that is not on previously developed land and fails to integrate with the rural setting fundamental to the Hotel's significance, thus conflicting with the aim to integrate with and enhance local character.

## **6.9 Policy DM20 – Open spaces and views**

6.9.1 Development should take account of the setting, character and amenity value of the view or landmark. Proposals should not obscure or adversely affect these views and landmarks. However, the Proposed Development is on higher ground and would be clearly visible from the Hotel, which directly impacts the strategic views of the surrounding countryside that are critical to the listed asset's commercial and functional significance, resulting in a permanent degradation of the rural setting and local landscape character. This is contrary to the policy's requirement not to adversely affect strategic views.



## 7. Appendix: Methodology and method of assessing setting

### 7.1 General approach

- 7.1.1 The historic environment consists of buildings, monuments, settlements, buried sites or scapes on land or underwater. This appendix explains the approach taken to determine the Significance of Heritage Assets, incorporating the contribution of their settings, the Potential for buried Heritage Assets to be present (together with their Significance, where known) and the predicted residual effects of the Proposed Development, where possible. Each of the aspects considered is dealt with individually in the sections below.
- 7.1.2 The detail of the assessment presented in the report is proportionate to identify issues likely to be relevant in enabling *“an informed and reasonable decision to be made”* when determining the planning application for the Proposed Development.
- 7.1.3 The assessed likely residual effect is used as the basis for assessing the ‘harm’ caused by the Proposed Development in accordance with the National Planning Policy Framework ‘NPPF’, (DCLG 2024), which stipulates that all Proposed Developments fall into one of two scenarios: ‘substantial harm’ and ‘less than substantial harm’.

- 7.1.4 The assessment was undertaken in accordance with the principles of the NPPF, within the context of the Development Plan and:
- uses the definitions and procedures set out in Conservation Principles, Policies and Guidance (Historic England 2008) and in Seeing the History in the View (Historic England 2011); and
  - follows the assessment approach set out in Historic Environment Good Practice Advice in Planning: Note 3 - The setting of Heritage Assets (Historic England 2017).
- 7.1.5 To begin the explanation of methodology and method of assessment, clarity of the use of the term Significance is provided.
- 7.1.6 The assessment is also based on information extracted from searches and studies relating to:
- The National Heritage List for England map;
  - records held at the local records office; and
  - a visit to the Application Site and Study Area.

### 7.2 Significance of Heritage Assets

- 7.2.1 From a heritage perspective, Significance is defined in Annex 2 of the NPPF as the Heritage Assets interest which *“may be archaeological, architectural, artistic or historic”*. Included in the definition of Significance, in Annex 2 of the NPPF, is a statement about setting - *“Significance derives not only from a Heritage Asset’s physical presence, but also from its setting”*.



- 7.2.2 The term Significance in this sense should not be confused with assessment of the *Significance of an effect* (as is required in Environmental Impact Assessments, for example), which is derived from a combined consideration of the nature of effect, confidence of the likelihood of the effect occurring, the sensitivity of the Heritage Asset and the magnitude of the impact.
- 7.2.3 This definition ties in with the Conservation Principles guidance document published by Historic England (2008), which provides more information on how the above may

be interpreted, as evidential, historical, aesthetic and communal. The Significance of the Heritage Asset leads to a judgement of the Heritage Assets importance, in policy terms. The degree of protection afforded to a Heritage Asset is based on its Significance and expressed as having a specific degree of importance.

- 7.2.4 Where there would be a likely reduction of Significance caused by the Proposed Development, the importance of the recorded Heritage Assets is assessed (see Table 1).



Table 1: Criteria for measuring the importance attributed to Heritage Assets

Importance	Indicative criteria
Very High	<p>Designated Heritage Assets of international Significance are legally protected and/or protected by international agreements</p> <p>Non-designated Heritage Assets of international Significance, without legal protection but are important in policy terms as they contribute to international research objectives</p>
High	<p>Scheduled Monuments and their settings are legally protected</p> <p>Non-designated Heritage Assets, without legal protection but are important in policy terms as they contribute to national research objectives</p> <p>Grade I and Grade II* listed buildings and their settings are legally protected</p> <p>Grade I Registered Parks and Gardens, Conservation Areas containing very important buildings and their settings are legally protected</p>
Medium	<p>Grade II listed buildings and their settings are legally protected</p> <p>Grade II Registered Parks and Gardens and their settings are legally protected</p> <p>Conservation Areas containing buildings that contribute significantly to its historic character are legally protected</p> <p>Non-designated Heritage Assets, which have no legal protection but are important in policy terms as they contribute to regional research objectives</p>
Low	<p>'Locally Listed' buildings or non-designated Heritage Assets and their settings</p> <p>Historic (unlisted) buildings of modest quality in their fabric or historical association and their settings</p>
Very Low	Buildings of no architectural or historical note; buildings of an intrusive character
Unknown	Buildings with some hidden (i.e. inaccessible) Potential for historic Significance

7.2.5 As discussed above, the Significance of the Heritage Assets is its archaeological, architectural, artistic or historic

interest and its setting. Four values contribute to that interest, aesthetic, historical, communal and evidential.



### 7.3 Determining the baseline for settings of Heritage Assets

7.3.1 As defined in the Historic England Guidance Note (2017), the setting of a Heritage Asset is the surrounding landscape from where that asset may be experienced. Attributes of a setting may have a positive or negative effect on the Significance of a Heritage Asset. The extent of the setting is not fixed. Setting is separate from the curtilage, character and context of a Heritage Asset although these may be found to be interrelated. The guidance provides five steps in assessing settings as follows:

- *“Step 1: identify which Heritage Assets and their settings are affected;*
- *Step 2: assess whether, how and to what degree these settings make a contribution to the Significance of the Heritage Asset(s);*
- *Step 3: assess the effects of the Proposed Development, whether beneficial or harmful, on that Significance;*
- *Step 4: explore the way to maximise enhancement and avoid or minimise harm; and*
- *Step 5: make and document the decision and monitor outcomes. The first of these steps constitutes the baseline section, which is to identify the Heritage Assets Potentially affected by the Proposed Development.”*

7.3.2 Visits to each of those Heritage Assets likely to be affected by the Proposed Development allowed the author to compile a photographic record that forms part of the evidence base. Photographic views were taken towards and from the Heritage Assets looking towards the Application Site.

7.3.3 Viewpoints from the LVIA were utilised, where relevant (Landscape Architects and Designers 2005). The photographs used to illustrate the assessment have been ‘stitched’ together using digital imaging software to provide a ‘panorama image’, thus providing a visual context to the focus of the centre photograph. The work undertaken towards the production of the assessment has included desk study, fieldwork (including a site visit) and discussions with the design and assessment team (to help inform the design and assessment process).

7.3.4 The assessment presents mitigation options, including the enhancement of the Significance of Heritage Assets where appropriate, mitigating and minimising adverse effects on the historic environment. Defining Significance of the Heritage Assets rely on professional judgement and on the information available at time of writing, thus the assessment may require revision if more information becomes available.

### 7.4 Settings of Heritage Assets

7.4.1 As defined in the Historic England Guidance Note (2017), the setting of a Heritage Asset is the surrounding



landscape from where that Heritage Asset may be experienced. Designated and non-designated Heritage Assets are defined within Annex 2 of the NPPF. There may be various individual contributing attributes of a setting and these may have a positive or negative effect on the Significance of a Heritage Asset. The extent of the setting is not fixed and is separate from the curtilage, character and context of a Heritage Asset, although these may be found to be interrelated.

7.4.2 Visits to the Application Site and each of the Heritage Assets predicted to be indirectly affected by the Proposed Development, through changes to its setting, allowed the compilation of representative photographs to be taken within and towards the Application Site, where the view is interrelated to one or more Heritage Assets. No access to

private properties was able to be obtained during the fieldwork.

7.4.3 The contribution of the current setting to the Significance of Heritage Assets was assessed (Step 2 in the Historic England Guidance Note). Identifying the contribution of setting depends on the Heritage Asset's physical surroundings and the visitor's experience of the Heritage Assets. Various individual attributes contributing to setting, likely to be affected by the Proposed Development, are assessed in terms of their individual contribution to the Significance of the Heritage Assets and an overall assessment of the contribution of the setting to the Significance of the Heritage Asset made. That contribution will vary depending on previous and proposed changes. The extent of previous changes will affect the sensitivity of the setting to further change.



## 7.5 Sensitivity

7.5.1 *“Heritage assets and their settings may contribute”* to the character of an area. *“The historic character of a place is the group of qualities derived from its past uses that make it distinctive.... including its original configuration and subsequent losses and changes.”* In the latest Guidance Note 3 publication, sensitivity of setting is explained as ‘the capacity of the setting to accommodate change without harm to the Heritage Asset’s Significance’.

7.5.2 *“Settings of Heritage Assets which closely resemble the setting at the time the asset was constructed or formed are likely to*

*contribute particularly strongly to Significance but settings which have changed may also themselves enhance Significance, for instance where townscape character has been shaped by cycles of change over the long term. Settings may also have suffered negative impact from inappropriate past developments and may be enhanced by the removal of the inappropriate structure(s)”.* A measure of the sensitivity of the Heritage Assets is based on the indicative criteria in Table 2.

7.5.3 A measure of the sensitivity of the Heritage Assets is based on the indicative criteria in Table 2.

Table 2: Criteria for measuring the sensitivity of a Heritage Asset to further change

Level	Indicative criteria
Very High	The current setting has been influenced by limited degrees of incremental changes that are a reflection of the distinctive characteristics
High	The current setting has been influenced by medium degrees of incremental changes, some of which are harmonious within the original
Medium	The current setting has been influenced to a large degree by incremental changes, some of which are not in keeping with the original
Low	Some aspects of the current setting has been compromised at specific locations within that setting such that the Heritage Asset contributes to the setting to a very limited extent
Very Low	The current setting has been widely compromised



## 7.6 Magnitude of impacts

7.6.1 The assessment of the magnitude of impacts is carried out on settings of designated Heritage Assets and the Heritage

Asset's themselves, as applicable. The indicative criteria forming the basis for the magnitude of impact is given in Table 3.

Table 3: Criteria for measuring the magnitude of impact

Magnitude	Indicative Criteria
Very Large	Total loss of the attributes of the setting of Heritage Assets
Large	Comprehensive alterations to attributes of setting that alter the way Heritage Assets are experienced
Medium	Considerable alterations to attributes of setting that affect the character of Heritage Assets
Small	Slight alterations to attributes of setting that affect the surroundings, some of which affect the heritage values of Heritage Assets
Very Small	Slight alterations to attributes of setting that affect the surroundings but not the heritage values of Heritage Assets
No	No appreciable impact on attributes of setting



### 7.7 Level of effects

7.7.1 The assessment of effects is carried out on settings of designated Heritage Assets and the Heritage Assets themselves, as applicable. When assessing the effect on the setting of Heritage Assets, the sensitivity of different attributes of the setting to change is considered in

conjunction with the impact of the Proposed Development. Assessing the combination of the sensitivity of the Heritage Asset and the magnitude of impact provides a resultant level of effect (see Table 4), which may be beneficial or adverse.

Table 4: Criteria for measuring the likely effects

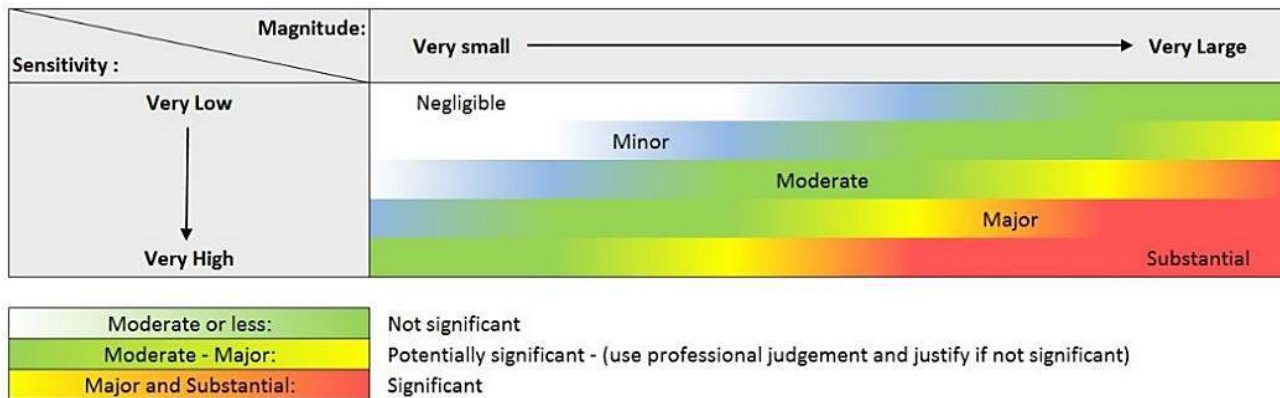
Effect	Indicative criteria
Substantial	Profound changes to attributes of setting that represents a total alteration to the setting
Major	Comprehensive changes to attributes of setting that affect the character of Heritage Assets
Moderate	Considerable changes to wider attributes of setting, some of which affect the character of Heritage Assets
Minor	Slight changes to limited attributes of setting, some of which affect the character of Heritage Assets
Negligible	Slight changes to attributes of setting, which do not alter the character of Heritage Assets
No Change	Very slight changes to attributes of setting, which do not alter the character of Heritage Assets

7.7.2 Once mitigation has been taken into consideration, what remains are the likely residual effects which may be beneficial or adverse (see Table 5). There is often a weighing exercise involved in considering whether the overall outcome is more beneficial or more adverse, that is not reliant on a mathematical equation of greater or lesser numbers of beneficial and adverse effects. A detailed explanation of how a conclusion on the balance is arrived

at is possible in circumstances where there are heritage-specific benefits. However, in projects where public benefits are wider and not heritage-specific, the judgement as to whether benefits outweigh harm needs to be made by the decision maker for the permission being sought and not the author.



Table 5: The relationship between sensitivity, magnitude that cause a level of effect



### 7.8 The assessment effects within the planning context

7.8.1 The criteria adopted for determining the likely residual effect is also equated to the degree of harm to the

Significance of a Heritage Asset. Professional judgement has been used to translate the assessed effects of the Proposed Development to the degree of harm in accordance with the NPPF which may be 'substantial harm' or 'less than substantial harm'.



## 8. Appendix: References

### Appeal cases

Land East of Lodge Road, Hurst, Reading (APP/X0360/W/22/3309202). Decision by an Inspector appointed by the Secretary of State. Wokingham Borough Council, [Decision issued March 2023].

Ferrers Hill Farm, Pipers Lane, Markyate, AL3 8QG (Appeal Ref: APP/A1910/W/24/3353398). Decision by an Inspector appointed by the Secretary of State. Dacorum Borough Council, [Decision issued March 2025].

Lock House (Appeal Ref: APP/V3705/W/24/3356885). Decision by an Inspector appointed by the Secretary of State.

R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin), delivered on 12 June 2014 by Mr Justice Lindblom.

### Unpublished documents

Fabrik, (2025) Clarence Park, Oxshott: Landscape & Visual Impact Assessment. Published online.

Pegasus (2025) Heritage Statement: Clouds Hill Farm Leatherhead Road Oxshott. Published online.

### Research documents

Surrey County Council (2017) Surrey Historic Landscape Characterisation (HLC) [data-set]. York: Archaeology Data Service [distributor] <https://doi.org/10.5284/1043263>



## 9. Appendix: Glossary

### 9.1 General terms

<b>Aesthetic Value</b>	The ways in which people draw sensory and intellectual stimulation from a place.
<b>Associative relationships</b>	The relationship between separate Heritage Assets by association, which may include functional and visual associations.
<b>Curtilage</b>	The curtilage of a building (the principal building) is in general terms any area of land and other buildings that is around and associated with that principal building. The courts have considered the precise extent of curtilage on many occasions. Determining the exact curtilage of any building is a complex question and much will depend upon the facts of the individual case. The key considerations are the physical layout of the buildings; the ownership past and present; and, the function of the buildings and spaces past and present.
<b>Communal Value</b>	The meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory.
<b>Cumulative change</b>	Cumulative change includes permitted developments, yet to be construction, to be considered when assessing whether additional change will further detract from or enhance the Significance of a Heritage Asset
<b>Evidential Value</b>	The Potential of a place to yield evidence about past human activity.
<b>Heritage Value</b>	Heritage values represent a public interest in places, regardless of ownership. The use of law, public policy and public investment is justified to protect that public interest. Heritage values comprise of evidential value, historical value, aesthetic value and communal value.
<b>Historical Value</b>	The ways in which past people, events and aspects of life can be connected through a place to the present – it tends to be illustrative or associative.
<b>Kinetic</b>	Relating to, caused by, or producing motion. The kinetic, or dynamic, nature of a view refers to the way in which it changes as the viewer moves through a Viewing Place.



<b><i>in situ</i></b>	Anything in its natural or original position or place, also referred to as 'primary context'
<b>Level of effect</b>	The level of effect ('effect' for brevity) is the measure of change caused to a Heritage Asset.
<b>Magnitude of impact</b>	The magnitude of impact ('impact' for brevity) is the measure of disturbance of buried Heritage Assets or alterations to built Heritage Assets.
<b>Natural</b>	Undisturbed natural geology accumulated without the influence of human activity
<b>Potential</b>	Professional judgement is used to interpolate Potential within a site by understanding the baseline information for each archaeological period within a Study Area
<b>Setting</b>	The setting of a Heritage Asset is the surrounding landscape from where that asset may be experienced. Attributes of a setting may have a positive or negative effect on the Significance of a Heritage Asset. The extent of the setting is not fixed. Setting is separate from the curtilage, character and context of a Heritage Asset although these may be found to be interrelated



## 10. Appendix: Listed buildings that are the focus of this Assessment

### Woodlands Park Hotel

Official list entry

Heritage Category: Listed Building

Grade: II

List Entry Number: 1192413

Date first listed: 16-Nov-1984

List Entry Name: WOODLANDS PARK HOTEL

Statutory Address 1:

WOODLANDS PARK HOTEL, WOODLANDS LANE

The scope of legal protection for listed buildings

This List entry helps identify the building designated at this address for its special architectural or historic interest.

Unless the List entry states otherwise, it includes both the structure itself and any object or structure fixed to it (whether inside or outside) as well as any object or structure within the curtilage of the building.

For these purposes, to be included within the curtilage of the building, the object or structure must have formed part of the land since before 1st July 1948.

Understanding list entries

Corrections and minor amendments

Location

Statutory Address:

WOODLANDS PARK HOTEL, WOODLANDS LANE

The building or site itself may lie within the boundary of more than one authority.

County: Surrey

District: Elmbridge (District Authority)

Parish: Non Civil Parish

National Grid Reference:

TQ 14214 58786

Details

TQ 15NW BOROUGH OF ELMBRIDGE WOODLANDS LANE

Stoke D'Abernon

8/457 Woodlands Park Hotel

GV II

Woodlands Park Hotel. c1890 by Rowland Plumbe . Red brick, tile hung above with half timbering in gables, plain tiled roofs with tall, star shaped stacks. 2 storeys and attic under gabled and hipped



roof dormers. Asymmetrical, salient features include: single storey bay to left with terracotta balustrade above, half-timbered gable front bay to left. 3 stage tower to left of centre with stone and brick banding to top. Stone bracket band and pyramidal roof above carrying iron weathervane. 2 storeys to angle bay to right of centre and gable front bay to right. Projecting gabled wing to right end. Mixed fenestration of sash windows and diamond wood tracery windows, 12 across the first floor. Single storey porte-cochere to left of centre with Jacobean style piers and pilasters, double half-glazed doors behind. Interior: oak panelled walls. Entrance hall-large carved stone fireplace and glazed hall ceiling.

Listing NGR: TQ1421458786

#### Legacy

The contents of this record have been generated from a legacy data system.

Legacy System number:

287026

Legacy System:

LBS

Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.



## Woodlands Farm Building

Official list entry

Heritage Category: Listed Building

Grade: II

List Entry Number: 1377469

Date first listed: 16-Nov-1984

List Entry Name:

WOODLANDS FARM BUILDING

Statutory Address 1:

WOODLANDS FARM BUILDING, WOODLANDS LANE

The scope of legal protection for listed buildings

This List entry helps identify the building designated at this address for its special architectural or historic interest.

Unless the List entry states otherwise, it includes both the structure itself and any object or structure fixed to it (whether inside or outside) as well as any object or structure within the curtilage of the building.

For these purposes, to be included within the curtilage of the building, the object or structure must have formed part of the land since before 1st July 1948.

Understanding list entries

Corrections and minor amendments

Location

Statutory Address:

WOODLANDS FARM BUILDING, WOODLANDS LANE

The building or site itself may lie within the boundary of more than one authority.

County: Surrey

District: Elmbridge (District Authority)

Parish: Non Civil Parish

National Grid Reference: TQ 14106 58873

Details

TQ 15NW BOROUGH OF ELMBRIDGE WOODLANDS LANE

Stoke D'Abernon

8/456 Woodlands Farm Building



II

Farm buildings. 1886. Red brick with yellow brick buttresses and plain tiled roofs, hipped to left over gateway and turret, and to right over square pavilion. A quadrangle of single storey farm buildings with a pavilion to the tight corner and a wing canted back by 45 degrees. Square entrance pavilion to the left linked to the quadrangle by a 3 bay screen wall. Quadrangle buildings- 23 narrow bays to street front with alternating lancet windows and buttresses. 4 square wooden turrets to roof ridge. Square 1½ storey pavilion to right with pyramidal roof containing gabled dormer. Entrance pavilion with moulded and arched gates to ground floor. Square wooden dovecot above. Connected by battlemented screen wall to quadrangle, centre bay with crow-stepped gable. 3 lancet windows with brick string course. PEVSNER: BUILDINGS OF ENGLAND, SURREY (1971) p469. THE BUILDER (1886)

Listing NGR: TQ1410658873

## Legacy

The contents of this record have been generated from a legacy data system.

Legacy System number: 287025

Legacy System: LBS

## Sources

### Books and journals

Pevsner, N, Nairn, I Rev. by Cherry, The Buildings of England: Surrey, (1971), 469

'The Builder' in The Builder, (1886)

## Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.



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## **ELMBRIDGE BOROUGH COUNCIL**

### **The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)**

#### **DIRECTION MADE UNDER ARTICLE 4(1) (WITH IMMEDIATE EFFECT)**

**Whereas Elmbridge Borough Council** (the Council) being the appropriate local planning authority within the meaning of Article 4(5) of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, are satisfied that it is expedient that the development of the descriptions set out in Schedule below should not be carried out on land shown edged blue on the attached plan (land off Woodlands Lane, Cobham, Surrey, KT11 3QA , also Known as Land northwest of The Old Orchard Woodlands Lane Stoke D'Abernon Cobham Surrey KT11 3QA,) unless permission is granted on an application made under Part III of The Town and County Planning Act 1990, as amended.

**AND WHEREAS** the said Council considers that the development of the said description(s) would be prejudicial to the proper planning of its area and would constitute a threat to the amenities of its area.

**NOW THEREFORE** the said Council pursuant of the power conferred on them by Article 4 (1) of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, hereby direct that the permission grant by Article 3 of the said Order shall not apply to development on the said land of the description(s) set out in Schedule below.

**THIS DIRECTION** is made under article 4(1) of the said Order and, in accordance with Article 4(4), shall remain in force until 00:00 (midnight) on 7<sup>th</sup> September 2024 (being six months from the date of this direction) and shall then expire unless it has been unless confirmed by the local planning authority in accordance with article 2(6) of Schedule 3 of the said Order before the end of the six month period.

## SCHEDULE

The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure being development comprised within **Class A of Part 2 of Schedule 2** to the said Order and not being development comprised within any other Class.

The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes of –

- a) The holding of a market;
- b) Motor car and motorcycle racing including trials of speed and practising for these activities

And the provision of the land of any moveable structure for the purposes of the permitted use being development comprising within **Class B of Part 4 of Schedule 2** to the said Order and not being development comprised within any other Class.

Made under the Common Seal of Elmbridge Borough Council this 7<sup>th</sup> day of March 2024

The Common Seal of the Council  
was affixed to this Direction  
in the presence of



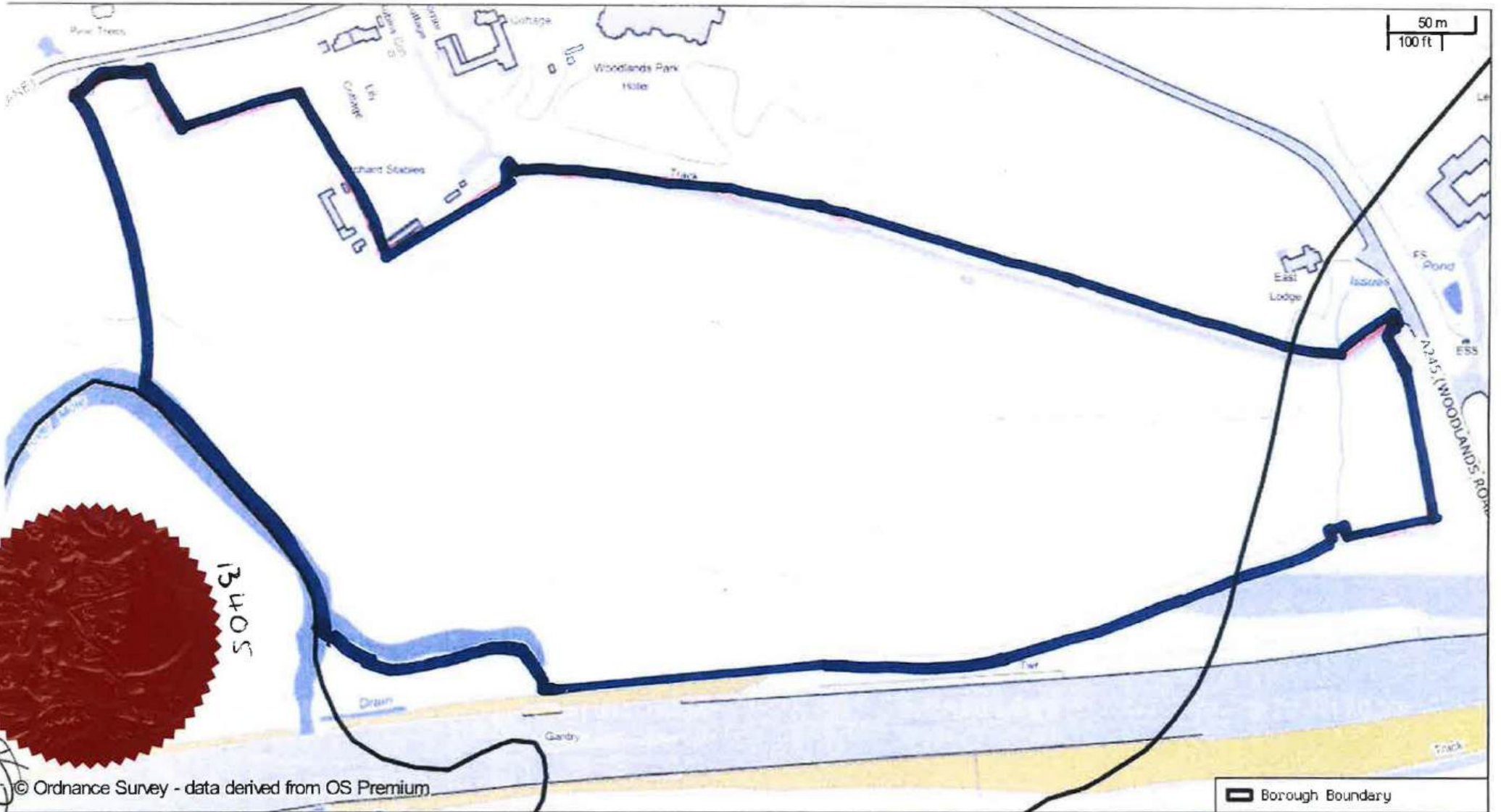
Head of Legal & Governance  
Elmbridge Borough Council



Confirmed under the Common Seal of Elmbridge Borough Council this      <sup>th</sup> day of 2024

The Common Seal of the Council  
was affixed to this Direction  
in the presence of

Head of Legal & Governance  
Elmbridge Borough Council



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— Borough Boundary



**Elmbridge**  
Borough Council

... bridging the communities ...

Civic Centre, High Street, Esher, Surrey, KT10 9SD

Date: 26/2/2024 at 14:11 PM by abd

**Title:** Land at Woodlands Lane, Cobham, Surrey, KT11 3QA

**Scale:** 1:3000

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**Appendix D: Transport Appraisal by John Russell Transport Planning**



## **Transport Appraisal**

### **Land at Clouds Hill Farm, Oxshott Residential Development**

*On behalf of*

**FEDORA**

**October 2025**

### Document Revision Control

Revision	Date	Prepared By
0	23/10/2025	JNR
1	27/10/2025	JNR

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## SUMMARY

This report is prepared in relation to planning application reference 2025/2147 which proposes to develop land at Clouds Hill Farm Leatherhead Road Oxshott Leatherhead KT22 0ET (the Site) for up to 250 residential dwellings (the Proposed Development).

Based on the available documentation this note identifies several areas where assessment work is either flawed or absent including, but not limited to:

- cumulative impacts of the Proposed Development have not been adequately addressed which is contrary to the requirements of NPPF paragraph 116;
- forecast development traffic volumes are significantly understated due to the misapplication of census data. The applicant has therefore failed to demonstrate that significant impacts have been cost effectively mitigated, that there would not be an unacceptable impact on highway safety or that residual, cumulative impacts would not be severe, which is contrary to the requirements of NPPF paragraph 115(d) and 116;
- trip generation data selected by the Applicant for use in forecasting development traffic relates to sites that spatially have no similarities to the Proposed Development, either geographically or in terms of access to facilities and amenities and are therefore inappropriate to use. For example, only one is in Surrey.
- air quality and noise assessments relying on the underestimated traffic volumes combined with an absence of any HGV traffic forecasts for the Proposed Development or known permitted developments, are accordingly unreliable;
- there are almost no facilities within the Government's walkable neighbourhood guidance, which is contrary to NPPF paragraph 115 (c).
- beyond the walkable neighbourhoods, the Applicant identifies material shortcomings in the pedestrian environment but offers no solutions, contrary to NPPF paragraphs 110, 115(a) and (b), 116 and 117 (a).
- there is no assessment of cycle safety and no proposals to provide measures to improve cycle safety, contrary to NPPF paragraphs 110, 115(a) and (b), 116 and 117 (a).
- bus services are extremely limited (weekday daytime only) with no weekend or evening provision and no changes to the existing level of provision are proposed which is contrary to NPPF paragraphs 110, 115(a) and 117(a).
- the nearest railway station is 2km away which is too far to walk. It is unsafe to cycle with no secure cycle parking at the railways station, and there is no bus link. The majority of trips to the station will therefore be by car, which is contrary to NPPF paragraphs 110, 115(a) and 117(a). Furthermore, these car trips to and from the railway station have been excluded from the assessment.
- the proposed Site access has not been tested to demonstrate that it can safely accommodate daily delivery vehicles.
- junction models have not been calibrated or validated against observed data and hence cannot be relied upon.

It is concluded that the Applicant has failed to demonstrate that:

- the Site is located within a sustainable location within the meaning of paragraphs 110 and 115 of the NPPF; or that

- 
- there would not be an unacceptable impact on highway safety or that residual, cumulative impacts would not be severe

Therefore, in accordance with the NPPF paragraph 116, the application should be refused.

## 1.0 INTRODUCTION

- 1.1 This report is prepared in relation to planning application reference 2025/2147 which proposes to develop land at Clouds Hill Farm Leatherhead Road Oxshott Leatherhead KT22 0ET (the Site) for up to 250 residential dwellings (the Proposed Development).
- 1.2 The note is prepared as at 26<sup>th</sup> October 2025 and is based on documents that are publicly available comprising:
- Transport Assessment: Land South of Leatherhead Road, Oxshott Surrey prepared by Glanville Consultants Ltd and dated August 2025 (hereafter referred to as 'the TAR');
  - Air Quality Assessment, Land at Clouds Hill Farm prepared by Rappor Consultants Ltd. and dated June 2025 (hereafter referred to as 'the AQA'); and
  - Outline Noise Impact Assessment, Clouds Hill Farm Oxshott, prepared by C80 Solutions and dated June 2025 (hereafter referred to as 'the NAR').
- 1.3 It is noted that at the time of preparing this technical note, National Highways (NH) had issued a response (dated 7<sup>th</sup> October 2025). NH raises no objection but in arriving at their conclusion, they make the following comments:
- NH has undertaken its own trip assessment exercise rather than relying on the Applicant's work;
  - NH does not accept the baseline junction modelling submitted by the Applicant; and
  - NH questions the veracity of future year modelling submitted by the Applicant.
- 1.4 Notwithstanding their concerns regarding the Applicant's assessment work, based on their own assessment against the tests set out in NPPF and Circular 01/2022, NH are satisfied that the Proposed Development will not materially affect the safety, reliability and / or operation of the strategic road network (SRN), which in the vicinity of the Site accommodates up to 140,000 vehicle movements per day (M25 west of Junction 10)
- 1.5 However, shortcomings in the Applicant's assessment work will have a much more material impact on the local road network because:
- Local roads are designed to a much lower standard than the SRN and in many cases have evolved over time rather than being specifically designed;
  - Junctions on the SRN are generally grade separated reducing the risk of accident and delay at junction compared to the local road network;
  - Local roads accommodate all traffic including pedestrians and cyclists;
  - Local roads accommodate significantly lower volumes of traffic and hence even small changes in traffic volumes can lead to unacceptable or severe impacts.
- 1.6 This Report focuses on these local impacts.

### Scope of Report

- 1.7 This report considers the following topics:

- 
- Relevant Transport Policy
  - Cumulative Impacts
  - Forecast Traffic Generation
  - Active Travel
  - Public Transport; and
  - Highway Impact.

1.8 For each of the topics, a conclusion is provided regarding its compliance with the policies of the Framework. A summary is provided in the final section together with an overall conclusion.

## 2.0 RELEVANT TRANSPORT POLICY

### National Planning Policy

2.1 The Government's planning policies for England are set out in the National Planning Policy Framework ("the NPPF"), published in December 2024 and updated with minor technical corrections in February 2025. The NPPF highlights the need for close coordination between land-use planning and transport planning to support sustainable development.

2.2 Paragraph 10 of the NPPF establishes the Government's presumption in favour of sustainable development. Section 9 deals specifically with promoting sustainable transport.

2.3 Within Section 9, paragraph 110 of the NPPF states the following:

*'The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.'*

2.4 It is noted that paragraph 110 does not require that every location considered for development must have access to every sustainable mode of travel. It does, however, require that the choice of transport modes should be 'genuine'.

2.5 The NPPF provides no definition of the term 'genuine' with reference to choice of transport modes. The inclusion of the term 'genuine' must logically signal the government's intention that the mere presence of transport modes does not meet the policy requirements. Instead, the choice of transport modes should be sufficiently attractive that people could reasonably be expected to use them. In the alternative, the government could have omitted the word 'genuine' and simply required 'a choice of transport modes'.

2.6 Paragraph 115 of the Framework states the following:

*'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*

*d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.'*

- 2.7 Turning to the National Design Guide referred to at 115(c), this identifies walkable distances as being:  
*'Walkable: Local facilities are within walking distance, generally considered to be no more than a 10 minute walk (800m radius).'*<sup>1</sup>
- 2.8 This theme of 800m walkable neighbourhoods is reiterated in mode specific design guidance including 'Planning for Walking' published by the Chartered Institution of Highways and Transportation ("CIHT Walking Guidance"), April 2015.
- 2.9 Subject to demonstrating that a site is sustainable, Paragraph 116 provides guidance regarding the transport related circumstances in which planning permission can be withheld or refused stating:  
*'Development should only be prevented or refused 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, taking into account all reasonable future scenarios.'*
- 2.10 Paragraph 116 is very clear that an applicant, inter alia, needs to demonstrate that the impacts on the road network arising from a specific development proposal would not be severe when considering it isolation and also cumulatively with all other future developments / transport proposals that are reasonably anticipated.

### **Local Planning Policy**

- 2.11 Elmbridge District Council (EDC) recognises that its adopted development plan is no longer up to date and is in the process of developing a new Local Plan.
- 2.12 EDC has commissioned a review of Green Belt accessibility (Green Belt Boundary Review - Accessibility Assessment, June 2019: hereafter referred to as "the Accessibility Assessment") pursuant to the development of the draft Elmbridge Local Plan 2037. Whilst the draft Elmbridge Local Plan 2037 has been withdrawn, EDC continues to rely on the Accessibility Assessment as evidence to inform the development of the new Local Plan.
- 2.13 Within the Accessibility Assessment, the accessibility of 105 possible locations for development within the greenbelt was assessed. The Site broadly corresponds with an area referred to "SA-5".
- 2.14 Table 16 of the Accessibility Assessment provides a summary of the 105 areas grouped by overall accessibility to public transport. The accessibility groups are defined as "Excellent" for the most accessible areas down to "Limited" for the least accessible areas. Area reference SA-5, which corresponds to the Site, falls within the "Limited" category meaning it is amongst the most poorly located

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<sup>1</sup> Page 20 National Design Guide

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areas within Elmbridge District for public transport accessibility. It is one of only 6 of the 105 locations assessed that fall within this lowest category.

- 2.15 Table 12 of the Accessibility Assessment provides a summary of overall accessibility having regard to several indicators (such as proximity to schools, doctor's, employment, local centres). Table 12 uses the same grouping as Table 16. Again, area reference SA-5, which corresponds to the Site, is assessed as having "Limited" accessibility. Again, SA-5 is one of only 6 areas assessed out of 105 locations assessed that fall within this lowest category.
- 2.16 In developing the new Local Plan, area SA-5, which corresponds with the Site, will continue to be one of the worst performing locations within the greenbelt with regards to accessibility.

## 3.0 CUMULATIVE IMPACTS

### Planning requirement

- 3.1 In order to meet the requirements of Paragraph 116 of the NPPF, an Applicant must demonstrate that a development would not lead to cumulative residual impacts on the road network that are severe having regard to all reasonable future scenarios.
- 3.2 The Proposed Development is not an allocated site in an adopted development plan and hence has not been the subject of a District wide assessment to understand the impacts of development at the Site cumulatively with other developments and transport interventions. It therefore falls to the Applicant to demonstrate that sufficient consideration has been given to cumulative impacts.

### Applicant Approach to Assessing Cumulative Impacts

- 3.3 The Applicant's approach to forecasting cumulative changes in traffic flows on the road network is set out at paragraphs 7.2 - 7.12 of the TAR. The approach follows a two-pronged approach which is:
- Identification of specific development proposals (TAR paragraphs 7.6-7.11); and
  - Application of traffic growth forecasts from the National Trip End Model (NTEM) (TAR paragraphs 7.4 - 7.5).

#### *Specific Development Proposals*

- 3.4 TAR paragraph 7.8 lists 3 sites which it is claimed the Air Quality Assessment takes into consideration. TAR paragraph 7.9 sets out the reasons why these three sites are not included in a cumulative assessment as follows:
- Merrileas (2020/0308). The Applicant claims that this site has been built out and so traffic associated with this site will have been included in the baseline traffic surveys. This is a reasonable assumption which the Applicant further evidences as being the case.
  - Mole Valley Vet Surgery (MO/2017/0555). The Applicant claims that this site would generate a modest level of trips and so it has been ignored. This approach is contrary to NPPF paragraph 116 which requires a cumulative impact assessment having regard to all reasonable future scenarios; and
  - Hersham Golf Course (2023/3519). The Applicant does not include development traffic that is travelling through Oxshott to and from this development because the applicant for 2023/3519 does not include an assignment of traffic through Oxshott in their assessment. This approach is contrary to NPPF paragraph 116 which requires a cumulative impact assessment having regard to all reasonable future scenarios.
- 3.5 Absent from the list of developments proposals is application 2025/1097 which seeks permission to build 250 dwellings at a site less than 5m from the centre of the Application Site. Application 2025/1097 was validated on 22<sup>nd</sup> May 2025. This is prior to the application for the Proposed Development being submitted. The applicant could therefore have included Application 2025/107 in their cumulative road impact assessment. There is however no reference to Application 2025/107 in the TAR nor is the traffic

forecast to arise from Application 2025/107 included in the cumulative assessment prepared for the Proposed Development.

- 3.6 Application 2025/107 seeks permission for residential development on land that is within the green belt and which is not allocated for development in an adopted development plan. This is also the case for the Proposed Development and in this respect, both sites have a similar probability of being developed.
- 3.7 Neither is there any reference to planning application reference MO/2024/0485 which is approved with permission granted for a development of 4,825sqm of land use Classes B2, B8 and Class E(g)(ii)(iii) at a location that is less than 1 mile from the Site.
- 3.8 Having chosen not to include increases in traffic volumes on local roads arising from known permitted developments, the Applicant states the following at TAR paragraph 7.12:

*“However, it should be noted that the application of the growth rates described above [TAR paragraphs 7.4 and 7.5] accounts for an increase in traffic due to future planned development, and therefore it is considered that the traffic flow data that forms the basis of the assessment of junction capacity provided in this report is robust.”*

- 3.9 The Applicant’s approach to taking into account all reasonable future scenarios in order to demonstrate that the Proposed Development would not result in a severe, cumulative impact on the road network the Applicant therefore appears to rely wholly on NTEM forecasts. The reasonableness of this approach is considered below.

#### *National Trip End Model*

- 3.10 The NTEM produces estimates of person travel by purpose, across all modes of travel (including walk and cycle) for each of its zones across Great Britain. The zonal system is suitable for a national model and can be used by modellers to provide a broad indication of changes in travel patterns over time. However there is no requirement to use the NTEM and in the case of local development, it is noteworthy that it is insufficiently granular to assist in understanding travel demand changes at a local level in response to the spatial disposition of development within a planning authority boundary. NTEM assumes that development is delivered uniformly across each zone.
- 3.11 TAR paragraph 7.5 states that TEMPro Version 8.1 was used to calculate growth rates. TEMPro is the Trip End Model Presentation Program which is the software used to allow users to interrogate the NTEM.
- 3.12 A key data source for NTEM in predicting increases / changes in travel demand is Planning Data regarding forecast dwellings. For England, this information is obtained from Development Plan Documents (DPDs).
- 3.13 NTEM8.0 Data Report (dated April 2022) is one of the supporting documents to the current version of the NTEM which is accessed through TEMPro Version 8.1. As explained at section 3.4 of the NTEM8.0 Data Report, the most current planning data available at 2022 was used in preparing the model which is confirmed in Appendix E of the NTEM8.0 Data Report as being the Elmbridge Core Strategy (ECS).

3.14 In terms of planned housing, Policy CS2 of the Elmbridge Core Strategy (July 2011) states that:

*'The Council will plan for approximately 3,375 net additional dwellings (225 net dwellings annual average) within the Borough between 2011 and 2026.'*

3.15 The version of NTEM relied on by the Applicant to assess the cumulative impacts of the Proposed Development is therefore based on the assumption that there will be 225 dwellings per annum (dpa) delivered across the whole of Elmbridge Borough.

3.16 More recently, Elmbridge Council advanced a draft Local Plan which was considered at an Examination in Public (EIP) in front of an independently appointed Planning Inspector (PI). The submitted draft Local Plan at policy SS3 identified a housing requirement of 452dpa across the whole of Elmbridge Borough. In contrast, in September 2024, the PI wrote to the Council on several matters including the following at paragraph 8 of the PI's letter:

*'Utilising the standard method as the starting point, on the basis of the Councils evidence presented to date, the Local Housing Need (LHN) for Elmbridge is 650 dwellings per annum'*

3.17 Subsequent to the PI's letter, the Government has issued a new standard method of assessing housing need. The application of this new standard, which is mandatory for all planning authorities in England, results in housing requirement of around 1,570dpa across the whole of Elmbridge Borough.

3.18 The table below provides a summary of the above changes in the number of dwellings planned to be delivered in Elmbridge:

Document	Annual Planned Housing Delivery (dwellings per annum)
Elmbridge Core Strategy (July 2011)	225dpa
Submission Elmbridge Local Plan	452dpa
EIP Inspector's letter	650dpa
Current standard method of assessing housing need	1,570dpa

Table 3.1 - Planned Housing Delivery

3.19 The table above shows that since the current version of NTEM was produced, annual planned housing delivery has increased from 225dpa (the assumption in NTEM) to what is now the reasonable future scenario of 1,570dpa. This is an approximately seven-fold increase in the number of dwellings, and the associated changes in traffic demand and patterns, than was included in the NTEM forecasts relied on by the Applicant. Over a ten-year period, NTEM is based on data that would results in 2,250 dwellings being delivered in contrast to the Government's current methodology for determining housing need which will reasonably result in 15,700 dwellings being delivered: a difference of 13,450 dwellings over the 10-year assessment period.

3.20 Whilst not quite so stark, it is noted that with the implementation of the government's new standard method for assessing housing need, the Surrey boroughs surrounding Elmbridge all also have a doubling or greater in the annual number of houses that are required to be delivered. This will

contribute to the cumulative impacts on the road network surrounding the Site, either directly or vicariously as a result of traffic displacement (this is when existing traffic on the road network changes its route, inter alia, in response to a significant increase in traffic on the route arising from new development).

- 3.21 At a national level, and in relation to strategic infrastructure (for example decision making on a new stretch of motorway), such increases may not result in changes in overall travel demand that are outside acceptable parameters for a national model. However, at a local Elmbridge level, an increase in planned housing of this magnitude will result in significant changes in travel demand within the borough which could reasonably lead to severe impacts on the road network. Having regard to pressures to release greenbelt for new housing, it is reasonable to conclude that a significant proportion of this impact would be to the south of Elmbridge Borough, where the Site is located.
- 3.22 It is therefore concluded that the Applicant has failed to demonstrate that the residual cumulative impacts of the Proposed Development would not be severe having regard to all reasonable planning scenarios because:
- The NTEM zoning system is simply too coarse to be able to understand travel demand changes at a local level in response to the spatial disposition of development within a planning authority boundary; and
  - The planning data inputs to the NTEM in this particular area of the Country are based on planning data that has been superseded, which as a consequence means that the highway impacts arising from 13,450 new dwellings in Elmbridge over the 10-year assessment period has not been assessed.
- 3.23 The Proposed Development is therefore contrary to the requirements of NPPF paragraph 116.
- 3.24 Furthermore, air quality and noise assessments relying on these cumulative traffic forecasts are accordingly unreliable.

## 4.0 TRAFFIC GENERATION

### Mode Choice

- 4.1 The TAR relies on census data for the Elmbridge 018 output area in order to predict mode choice in relation to the Site. Elmbridge 018 is a relatively large area which includes the centres of Oxshott and Stoke d'Abernon and residential development within an 800m walk of these centres. As a consequence, it can be expected that the Elmbridge 018 mode choice data will overestimate the willingness of people to walk to and from the Site rather than drive because for reasons set out in this note, the distance of the Site to facilities and amenities is too far.
- 4.2 The census mode choice has been applied to all peak hour journeys made to and from the Site irrespective of journey purpose concluding, for example, that some 30.4% of all journeys made during the peak hours for all journey purposes would be undertaken by rail. This is an incorrect approach because the census data only considers mode of choice for journeys to work. Whilst 30.4% of journeys to work may be made by rail as the main mode of travel, it is extremely unlikely that journeys for other purposes, for example education, would be made by rail. As a consequence, it can be expected that the forecast number of journeys made by rail, which includes all journey purposes, is an overestimation and that in fact, many more journeys will be made by car.
- 4.3 For example, the Government's National Travel Survey (referring to the latest, 2025 release) identifies that during the morning peak hour assessed in the TAR, only 24% underway are for commuting purposes. The majority of trips underway during the morning peak hour are for education purposes. It is inconceivable that 30.4% of trips made for education purposes are undertaken by train.
- 4.4 Importantly the census mode choice data measures the main mode of travel for a trip. The TAR has erroneously applied the census mode choice data to the total person trip data for the Proposed Development meaning that the Applicant is claiming that 30.4% of all journeys made to and from the Site itself will be made by rail. This is clearly incorrect as residents will need to travel between the Site and the railway station. The Applicant needs to identify how residents will travel between the Site and the railway station which, having regard to the sustainable travel opportunities set out below, is most likely going to be by car. These car journeys need to be included in the traffic forecasts and assessed accordingly.
- 4.5 Using the Applicant's own data which assumes that 30.4% of all trips for all journey purposes are made by rail during the morning peak hour (which for the reasons set out above is a flawed assumption), this amounts to some 63 additional car trips exiting the Site during the morning peak hour related to residents travelling between the Site and the railway station, with a similar number arriving back to the Site during the evening peak hour. The potential impact of these car journeys on the local road network is not assessed.
- 4.6 These errors in assumptions are magnified in the forecasts for daily vehicle movements arising from the Site. For example, the forecasts continue to claim that for all journey purposes throughout the entire day, 30.4% will be made by rail. Underestimating daily traffic volumes (as opposed to peak hour traffic volumes which are similarly underestimated) will, in particular, have a significant impact on the outcome

of the cycle safety, air quality and noise assessments, which rely on daily traffic volume forecasts. Importantly, the omission of car journeys between the Site and the railway station throughout the day will have a significant impact on noise and air quality within the centre of Oxshott through which all such traffic will need to pass.

- 4.7 Again, using the Applicant's own data which assumes that 30.4% of all trips for all journey purposes are made by rail across the whole day (which for the reasons set out above is a flawed assumption), there is the potential for an additional 508 additional car trips exiting the Site related to residents travelling between the Site and the railway station. The potential impact of these car journeys on the local road network is not assessed.

### **HGV forecasts**

- 4.8 There is no data provided regarding HGV traffic forecasts. Changes in HGV volumes can have disproportionately significant impacts with regards to noise and air quality. The definition of HGV traffic includes vehicles such as home grocery delivery vehicles etc which are now ubiquitous in residential areas.

### **Trip Forecasting**

- 4.9 Appendix N of the TAR provides details of the residential developments that the Applicant has relied on to arrive at forecast trips per dwelling for the Proposed Development.
- 4.10 A total of eleven sites have been identified by the Applicant as being comparable to the Proposed Development and hence reliable to use as a proxy for forecasting travel patterns in relation to the Site. It is noted that:
- None of the sites selected are located within Elmbridge;
  - Only one of the sites selected is within Surrey, located at its western border with Hampshire;
  - Only three of the sites selected are located within the Southeast Region; and
  - All eleven sites selected are located within an 800m walk of local services and amenities including a local shop.
- 4.11 None of the sites identified share spatial characteristics with the Proposed Development, either geographically or in terms of access to facilities and amenities. They are therefore inappropriate for use in predicting how and when residents from the Proposed Development might travel.

### **Traffic Generation Conclusion**

- 4.12 It is concluded that the Proposed Development fails to meet the requirements of NPPF paragraph 115(d) and 116 because the applicant has failed to demonstrate that:
- significant impacts have been cost effectively mitigated;
  - there would not be an unacceptable impact on highway safety; or
  - residual, cumulative impacts on the road safety would not be severe.

- 4.13 Therefore, in accordance with the NPPF, planning permission should be refused.
- 4.14 Furthermore, air quality and noise assessments based on unreliable traffic forecasts combined with an absence of any HGV traffic forecasts for the Proposed Development are accordingly unreliable.

## 5.0 ACTIVE TRAVEL

### Walking

#### *Design Guidance*

5.1 When considering genuine sustainable transport accessibility of the Site it is important that this is considered in the context of functional trips i.e. the trips that need to be made at a specific time of day irrespective of weather conditions, for example a journey to school or work. These functional trips would make up the majority of trips generated by the development.

5.2 The CIHT Walking Guidance advises:

*'Most people will only walk if their destination is less than a mile away. Land use patterns most conducive to walking are thus mixed in use and resemble patchworks of "walkable neighbourhoods," with a typical catchment of around 800 m, or 10 minutes walk.'*

5.3 And qualifies the above statement with the following:

*'Walking neighbourhoods are typically characterised as having a range of facilities within 10 minutes' walking distance (around 800 metres). However, the propensity to walk or cycle is not only influenced by distance but also the quality of the experience; people may be willing to walk or cycle further where their surroundings are more attractive, safe and stimulating. Developers should consider the safety of the routes (adequacy of surveillance, sight lines and appropriate lighting) as well as landscaping factors (indigenous planting, habitat creation) in their design.'*

5.4 The attractiveness of travelling to and from a site by foot is thus a function of:

- Journey distance; and
- Infrastructure for safe and convenient journeys on foot

5.5 These factors are considered below in relation to the Site.

#### *Distance*

5.6 Having regard to the guidance pointed to by NPPF paragraph 115(c) regarding walkable neighbourhoods of 800m which aligns with mode specific design guidance regarding the propensity for people to choose to walk, the following facilities and amenities have been identified in relation to the Site:

- The Bear Public House;
- Danes Hill Independent School.

5.7 These two facilities are located to the north of the Site. There are no facilities located to the south of the Site within an 800m walk.

- 5.8 There are no local shops, state schools, employment or health facilities or amenities within this walking distance. There are no publicly accessible sports or leisure facilities within this distance.
- 5.9 It is noted that the 800m distance measured is from the edge of the Site. On average, subject to density layout, people living in a development at the Site would need to walk an additional 300m to reach the edge of the Site.

#### *Infrastructure*

- 5.10 There is a continuous, lit footway on the western side of Leatherhead Road within the 800m walkable catchment, leading northwards from the Site's access from Leatherhead Road. Beyond this point heading towards the centre of Oxshott, there are gaps in the continuity of the footway requiring people to cross the road to continue their journey safely. There is no crossing facility to support pedestrians making this crossing safely.
- 5.11 To the south of the Site access, there is a continuous, lit footway on the western side of Leatherhead Road for approximately 400m. At this point the footway and street lighting terminate, and pedestrians are required to cross Leatherhead Road and continue along a footway on the eastern side for the remaining 400m of the walkable catchment. The crossing is provided with dropped kerbs and tactile paving.
- 5.12 Pedestrians are required to cross the full width of Leatherhead Road in a single movement, which for an able-bodied person requires gap in traffic of around 5 seconds. There are between 16,000 and 20,000 vehicle movements per day on Leatherhead Road at this location travelling at 85percentile speeds in excess of 40mph. Even if vehicle movements are evenly spread over a 24-hour period, results in one vehicle passing every 4 or 5 seconds. In reality daytime traffic would be passing at a rate of one vehicle every 1 or 2 seconds on average with over-night traffic much less frequent. By either measure, crossing the full width of Leatherhead Road at this location represents an unsafe, and at times impossible, proposition.

#### *Conclusions with regards to Walking Opportunities*

- 5.13 Based on the analysis set out above, it is concluded that the Site does not offer genuine opportunities to travel by foot because there are almost no destinations within the distance established by national and mode specific guidance which people are likely to walk.
- 5.14 Therefore, with regards to walking, the Site is not located within a sustainable location within the meaning of paragraphs 110 and 115 of the NPPF.

### **Journeys by Cycle**

#### *Design Guidance*

- 5.15 Local Transport Note 1/20 (LTN 1/20), Department for Transport, 2020 provides guidance on the design of cycle infrastructure LTN1/20 is the government's current guidance on designing infrastructure for cyclists in order to encourage a greater uptake in cycling in accordance with the Government's adopted

policy '*Gear Change A bold vision for cycling and walking*' which was issued in July 2020. This was inspired by and endorsed by the then Prime Minister.

5.16 It is clear from the Government's currently adopted cycle policy and design guidance that the outcomes of cycle infrastructure interventions are to:

- Create better streets for cycling and people
- Put cycling and walking at the heart of transport, place-making, and health policy
- Enable people to cycle and protect them when they cycle

5.17 With regards to design principles 'Gear Change A bold vision for cycling and walking' states that:

*'In order to see the increases in cycling we want, the quality of cycling infrastructure installed on our roads must dramatically improve.'*

and

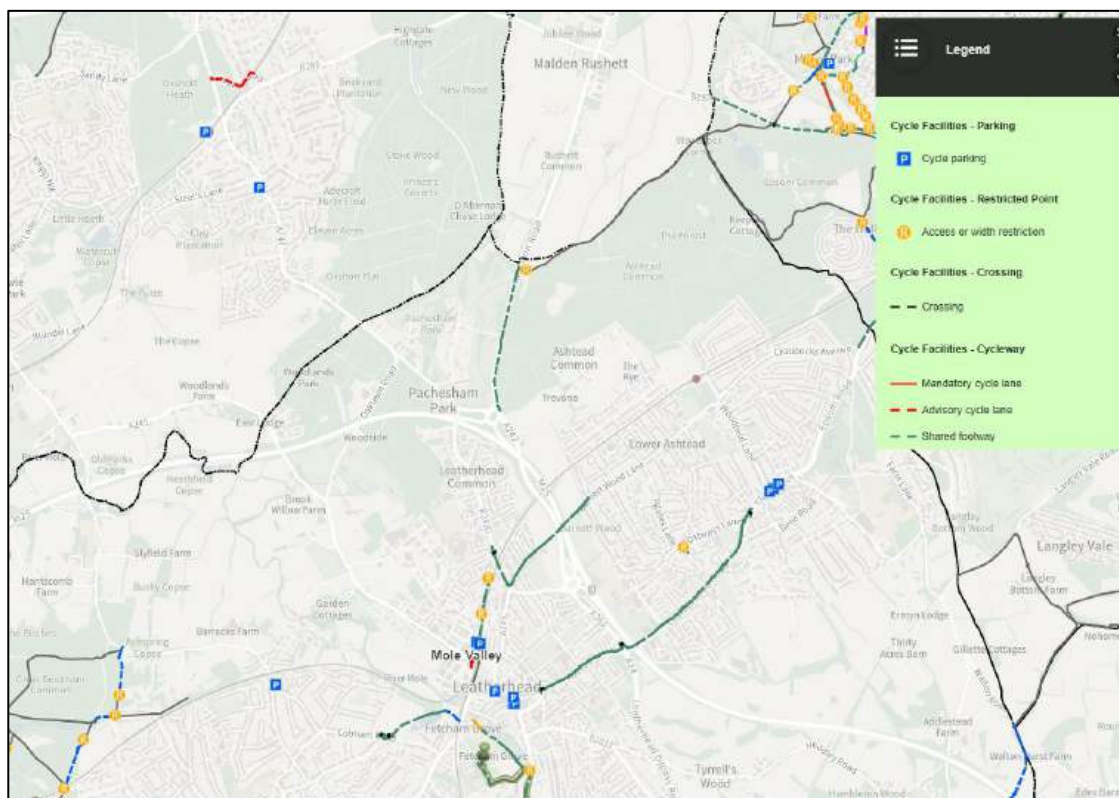
*'Cycling is or will become mass transit and must be treated as such. Routes must be designed for larger numbers of cyclists, for users of all abilities and disabilities.'*

5.18 Having regard to how critical the creation of a safe and attractive network of cycle is to Government, it is reasonable to expect that cycle infrastructure meets the minimum requirements of LTN1/20, which in many cases are no more onerous than previous versions of the LTN. The substantive change in LTN1/20 is its reflection of Government policy which is that cycling should be accessible by most people irrespective of ability.

#### *Existing Cycle Infrastructure*

5.19 There is currently no cycle infrastructure provided on the network surrounding the Site and no continuous protected cycle routes.

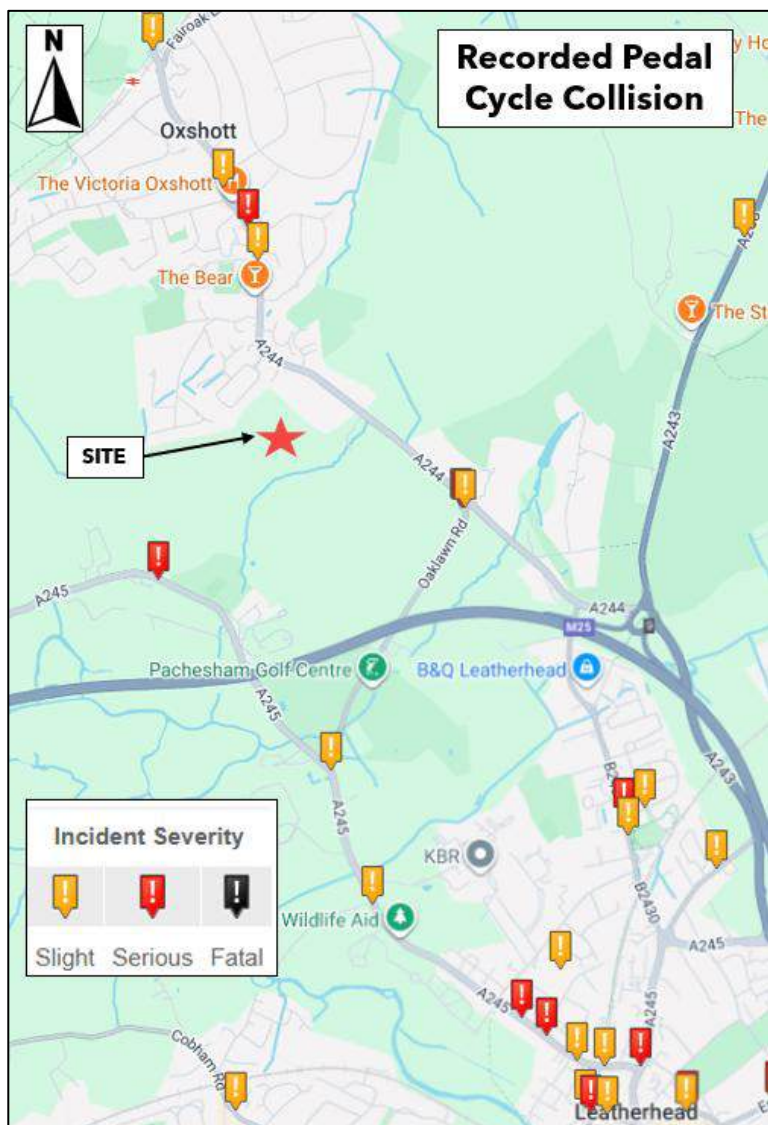
5.20 Surrey County Council maintains a map identifying cycle facilities. An extract is provided below.



- 5.21 The above extract from the Surrey County Council (SCC) cycle facilities maps shows that SCC have no records of any cycle facilities in the vicinity of the Site.
- 5.22 A review of SCC's Local Cycling and Walking Investment Plan (LCWIP) identifies that there is no investment planned for cycle infrastructure within the vicinity of the Site.

#### *Road Safety*

- 5.23 Reported road collision data has been obtained for the highway network within the vicinity of the Site for the most recent 5-year period for which data is available. This is for the five-year period ending 31<sup>st</sup> December 2023. The data has been filtered so that only recorded collisions involving a pedal cyclist are shown.
- 5.24 It is noted that the data only relates to recorded collisions which are almost exclusively those at which the emergency services have been required to attend. Other collisions, for example where medical treatment has not been required at the scene of the collision or else the injured person has been taken independently for medical treatment, almost never appear in the data because it would require the individual to separately contact the police to advise them of the collision details.



5.25 The figure above shows that during the most recent 5-year period for which data is available:

- On the route between the Site access on Leatherhead Road and Oxshott railway station (2km) there has been 4 recorded road collisions including cyclists. One of these collisions resulted in serious injuries with the remaining three resulting in slight injuries.
- On the route between the Site access on Leatherhead Road and Leatherhead town centre / railway station (3.5km) there has been 9 recorded road collisions including cyclists. Three of these collisions resulted in serious injuries with the remaining six resulting in slight injuries.

5.26 The number of incidents involving cyclists summarised above, that were sufficiently severe to require the emergency services to attend, is significant. It indicates an environment that is not conducive to safe cycling.

*Assessment of Infrastructure Requirements*

5.27 Referring to LTN1/20<sup>2</sup>, the table below provides an assessment of the recommended appropriate protection for cyclists travelling between the Site and the key destinations in order for cycling to be considered suitable for most people. The current level of protection is also provided.

Route	Traffic Speed	Motor Traffic Flow (vehs)	Minimum appropriate protection	Current protection
Leatherhead Road heading north between Site and Oxshott Village <sup>3</sup>	28mph	ca. 21,000 AADT	Segregated protected space for cyclists	None
Leatherhead Road between Site and Oaklawn Road <sup>4</sup>	40mph	ca. 21,000 AADT	Fully kerbed cycle track	None
Oaklawn Road <sup>5</sup>	40mph	Ca. 5,900 AADF	Fully kerbed cycle track	None

Table 4.1 – Assessment of Appropriate Protection

5.28 The table above shows that in order to meet Government policy on encouraging inclusive cycling, the minimum appropriate protection required to make a route attractive to most people, as set out in LTN1/20, is a segregated space.

5.29 North of the Site access on Leatherhead Road this should take the form of a cycle lane which is separated from general traffic by, for example, traffic wands, or rubber lane segregators etc.

5.30 South of the access Site access on Leatherhead Road a fully kerbed cycle track is required.

5.31 In addition to the guidance in Figure 4.1 of LTN1/20, the document provides the following advice:

*'7.1.1 Where motor traffic flows are light and speeds are low, cyclists are likely to be able to cycle on-carriageway in mixed traffic, as shown in Figure 4.1. Most people, especially with younger children, will not feel comfortable [cycling] on-carriageways with more than 2,500 vehicles per day and speeds of more than 20 mph. These values should be regarded as desirable upper limits for inclusive cycling within the carriageway.'*

5.32 In comparison to the level of protection required for cycling to be suitable for most people, there is currently no protection provided. According to the Government's guidance, this means that cycling would only be suitable for 'few people' and would 'exclude most potential users and/ or have safety concerns'.

<sup>2</sup> LTN 1/20 Figure 4.1 "Appropriate protection from motor traffic on highways"

<sup>3</sup> Speed and traffic volume data obtained from FEDORA for May 2024

<sup>4</sup> Traffic volume data obtained from FEDORA. Posted speed limit which commences approximately 120m south of the Site access onto Leatherhead Road

<sup>5</sup> Traffic volume data obtained from DfT. Posted speed limit

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*Conclusions with regards to Cycling Opportunities*

- 5.33 Based on the analysis set out above, it is concluded that the Site does not offer genuine opportunities to travel by cycle because the paucity of cycle infrastructure excludes most potential users. Cycling will be attractive to only a few people.
- 5.34 Therefore, with regards to cycling, the Site is not located within a sustainable location within the meaning of paragraphs 110 and 115 of the NPPF.

## 6.0 PUBLIC TRANSPORT

### Design Guidance

- 6.1 'Planning for Walking' published by the Chartered Institution of Highways and Transportation ("CIHT Walking Guidance"), April 2015 sets out in section 6.4 advice on walking catchments for public transport as follows:

*"The power of a destination determines how far people will walk to get to it. For bus stops in residential areas, 400 metres has traditionally been regarded as a cut-off point and in town centres, 200 metres (DOENI, 2000). People will walk up to 800 metres to get to a railway station, which reflects the greater perceived quality or importance of rail services."*

### Journeys by Bus

- 6.2 The nearest bus stop to the proposed Site access on Leatherhead Road is located approximately 140m to the north. This is within reasonable walking distance of the access.
- 6.3 On average, subject to density layout, people living in a development at the Site would need to walk an additional 300m to reach the edge of the Site resulting in a walk distance of 440m to the bus stop. This exceeds what is considered cut off distance beyond which people will not walk to reach a bus stop. Notwithstanding this, it is recognised that people can be willing to walk farther distances to bus stops if there is a good range of services for example through frequency or journey quality.
- 6.4 Existing bus services operating from the nearest bus stop comprise the 408 which operates between Cobham and Epsom via Leatherhead during the following times:
- A weekday service of 10 buses over the course of the day in each direction.
  - One bus in each direction during the morning peak hour.
  - No buses in either direction during the evening peak hour.
  - No weekday evening service
  - No Saturday service
  - No Sunday service
  - No bank holiday service
- 6.5 This is a very limited bus service, which is focussed on daytime, weekday travel. It provides a limited opportunity to travel by bus. However it is concluded that it does not represent a genuine opportunity to travel by bus based public transport because residents would have to rely on car travel for:
- Weekday evening peak hour travel including to the railways station and schools;
  - Weekday evening travel;
  - Saturday travel;
  - Sunday travel; and
  - Bank holiday travel

- 6.6 Therefore, with regards to travel by bus based public transport, the Site is not located within a sustainable location within the meaning of paragraphs 110 and 115 of the NPPF.

### **Journeys by Train**

- 6.7 The nearest railway station is Oxshott railway station, approximately 2km from the proposed Site access on Leatherhead Road. This is more than twice the distance considered reasonable for people to walk to reach a railway station. It is therefore concluded that few people would walk to the railway station, which is currently the case for people living on the southern edge of Oxshott.
- 6.8 There is no guidance regarding the distance that people will cycle to reach a railway station for onward travel by train, but it would be reasonable to conclude that 2km is a reasonable distance. However, for the reasons set out above, cycling does not represent a genuine travel opportunity for most people. Furthermore there is no secure cycle parking at the railway station.
- 6.9 There is no bus connecting the Site to Oxshott railway station.
- 6.10 It is recognised that, travel by rail, especially for destinations towards and in central London, will be a genuine travel choice for residents living at the Site with regards to weekday commuting. However, due to the relative remoteness of the Site to the railway station and the deficiency in sustainable transport connections, it is expected that most Site users of rail services would travel to and from the railway station by car or at the weekend when services are reduced, simply use the car for the whole journey. An increase in car drivers to the railway station will increase parking stress at the railway station, which is already at capacity during the week. The Applicant makes no reference to available car park capacity for rail users nor how an increase in demand for car parking could be resolved such that it does not lead to dangerous on-street car parking.
- 6.11 NPPF paragraph 110 is clear that development should be focussed on locations which are or can be made sustainable by offering a genuine choice of transport modes. What is less clear but implied is that a site is not considered sustainable if, rather than offering a choice of transport modes directly or at a location that can reasonably and safely be accessed by other sustainable modes, the sustainable travel opportunity presented requires the person to drive somewhere else to access it.
- 6.12 Therefore, with regards to travel by rail based public transport, the Site is not located within a sustainable location within the meaning of paragraphs 110 and 115 of the NPPF notwithstanding that it is accepted that a material proportion of residents may drive by car to a railway station to make an onward journey by rail.

## 7.0 HIGHWAY IMPACT

### Site Access

- 7.1 A swept path analysis of the proposed site access is provided at Appendix L of the TAR. This shows the swept path analysis of the following vehicles:
- Fire tender
  - Refuse Collection Vehicle (RCV)
- 7.2 The swept path analysis demonstrates that both the fire tender and the RCV would encroach into on-coming traffic:
- turning into the Site thereby conflicting with traffic exiting the Site; and
  - exiting the Site thereby conflicting with traffic on the A244 Leatherhead Road.
- 7.3 It is accepted that neither vehicle is likely to need to access the Site on a regular basis (the RCV once per week and the fire tender very rarely and in emergency situations) and so such conflicts could reasonably be accommodated by other road users. However home deliver vans (whether groceries or other shopping) are every day and regular occurrences. Whilst most home delivery vehicles are not as large as a fire tender, they are nonetheless much larger than a car. The applicant has failed to demonstrate that these larger vehicles that will be accessing the Site in a daily basis are able to turn in and out of the Site do so without conflicting with other vehicle movements. Such a conflict on daily basis would be an unacceptable road safety impact, and therefore, in accordance with the NPPF paragraph 116, the application should be refused based on the information provided.

### Off-Site Highway Capacity

- 7.4 The applicant presents no data within the TAR demonstrating that baseline traffic models have been calibrated and / or validated to ensure that they replicate existing conditions. It is noteworthy that NH raises concerns regarding the accuracy of the baseline modelling of the SRN junction.
- 7.5 Notwithstanding the above, for the reasons set out above, the Applicant's approach to forecasting cumulative traffic volumes and development traffic volumes is flawed.
- 7.6 It is therefore concluded that the Applicant has failed to demonstrate that there would not be a severe residual impact on the road network because:
- The base models have not been calibrated against observed data and hence cannot be relied upon; and
  - The approach to traffic forecasting is flawed.
- 7.7 Therefore, in accordance with the NPPF paragraph 116, the application should be refused.

## 8.0 SUMMARY AND CONCLUSION

8.1 The Applicant's Transport Assessment Report (TAR) and supporting evidence are fundamentally flawed and underestimate the true transport and environmental impacts of the Proposed Development.

### Cumulative Impacts

8.2 The Site is not allocated in the adopted development plan and has not been subject to any district-wide cumulative assessment.

8.3 The Applicant relies wholly on the National Trip End Model (NTEM), which is too coarse for subdistrict-level analysis and based on outdated assumptions that understate growth in Elmbridge District and in any event, do not respond to the spatial disposition of specific developments. No known local developments (such as planning application 2025/1097) have been included in the cumulative assessment.

8.4 The Applicant has failed to demonstrate that the residual cumulative impacts of the Proposed Development would not be severe having regard to all reasonable planning scenarios because:

- The NTEM zoning system is simply too coarse to be able to understand travel demand changes at a local level in response to the spatial disposition of development within a planning authority boundary; and
- The planning data inputs to the NTEM in this particular area of the Country are based on planning data that has been superseded, which as a consequence means that the highway impacts arising from 13,450 new dwellings in Elmbridge over the 10-year assessment period (an increase of around 700% compared to the planning data in NTEM) has not been assessed.

8.5 The Proposed Development is therefore contrary to the requirements of NPPF paragraph 116.

8.6 Furthermore, air quality and noise assessments relying on these cumulative traffic forecasts are accordingly unreliable.

### Traffic Generation

8.7 Census data has been misapplied, assuming 30.4% of *all* trips will be by rail. This ignores:

- That the census figure only relates to commuting.
- That there is no railways station at the Site and so residents will require a car journey to access Oxshott railway station.

8.8 Forecast development traffic volumes are therefore significantly understated, undermining both traffic and related air quality and noise assessments.

8.9 No assessment of HGV or delivery traffic has been provided, despite their material contribution to air and noise impacts.

- 8.10 None of the sites identified by the Applicant for forecasting development traffic share spatial characteristics with the Proposed Development, either geographically or in terms of access to facilities and amenities. They are therefore inappropriate for use in predicting how and when residents from the Proposed Development might travel.
- 8.11 The Proposed Development fails to meet the requirements of NPPF paragraph 115(d) and 116 because the applicant has failed to demonstrate that:
- significant impacts have been cost effectively mitigated;
  - there would not be an unacceptable impact on highway safety; or
  - residual, cumulative impacts on the road safety would not be severe.
- 8.12 Therefore, in accordance with the NPPF, planning permission should be refused.
- 8.13 Furthermore, air quality and noise assessments based on unreliable traffic forecasts combined with an absence of any HGV traffic forecasts for the Proposed Development are accordingly unreliable.

## **Active Travel**

### *Walking*

- 8.14 Only two facilities (pub and independent school) fall within an 800m walkable neighbourhood. Shops, state schools, health and leisure facilities do not. Walking routes are unsafe due to discontinuous footways and dangerous crossings of the heavily trafficked Leatherhead Road. The principle of a contribution to improving pedestrian facilities is agreed but no assessment made of what is required or commitment to delivery.
- 8.15 It is concluded that the Site does not offer genuine opportunities to travel by foot and therefore that the Site is not located within a sustainable location within the meaning of paragraphs 110 and 115 of the NPPF.

### *Cycling*

- 8.16 No cycle infrastructure exists and none is proposed. Guidance (LTN 1/20) requires segregated provision on such high-traffic roads. Collision data shows the network is unsafe for all users.
- 8.17 It is concluded that the Site does not offer genuine opportunities to travel by cycle because the absence of cycle infrastructure combined with high volumes of road traffic excludes most potential users. Cycling will be attractive to only a few people. Therefore, with regards to cycling, the Site is not located within a sustainable location within the meaning of paragraphs 110 and 115 of the NPPF.

## **Public Transport**

### *Journeys by Bus*

- 8.18 Bus services are extremely limited (weekday daytime only) with no weekend or evening provision and no changes to the existing level of provision proposed.

- 8.19 It is concluded that bus travel does not represent a genuine opportunity to travel by bus based public transport because residents would have to rely on car travel for a large proportion of the week including all weekend. Therefore, with regards to travel by bus based public transport, the Site is not located within a sustainable location within the meaning of paragraphs 110 and 115 of the NPPF.

#### *Journeys by Rail*

- 8.20 The nearest railway station is 2km away which is too far to walk, it is unsafe to cycle, and there is no bus link. The majority of trips to the station will therefore be by car.
- 8.21 Therefore, with regards to travel by rail based public transport, the Site is not located within a sustainable location within the meaning of paragraphs 110 and 115 of the NPPF notwithstanding that it is accepted that a material proportion of residents may drive by car to a railway station to make an onward journey by rail.

#### **Highway Impact**

- 8.22 The proposed Site access has not been tested to demonstrate that it can safely accommodate daily delivery vehicles without conflicts, which would result in an unacceptable road safety impact, and therefore, in accordance with the NPPF paragraph 116, the application should be refused based on the information provided.
- 8.23 Junction models have not been calibrated or validated against observed data and hence cannot be relied upon. The approach to forecasting traffic volumes is flawed.
- 8.24 The Applicant has therefore failed to demonstrate that there would not be a severe residual impact on the road network and in accordance with the NPPF paragraph 116, the application should be refused

#### **Conclusion**

- 8.25 The TAR underestimates car dependency and overstates sustainable travel opportunities. Without infrastructure interventions, the Proposed Development will generate significantly more car traffic than forecast. The applicant has not demonstrated that this would not lead to severe impacts on congestion, air quality, and noise either in isolation or cumulatively.
- 8.26 Therefore, in accordance with the NPPF paragraph 116, the application should be refused.



| Land Promotion  
| Planning  
| Sequential Tests

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