

## ITEM 5.2

**Application:** 2021/1983

**Location:** Pendell Camp, Land off Merstham Road, Merstham, Surrey

**Proposal:** Use of land as a ten-pitch transit site for the Gypsy, Roma and Traveller (GRT) community, including the erection of amenity blocks and site manager's office, creation of a vehicular access, landscaping, parking

**Ward:** Bletchingley and Nutfield

**Decision Level:** Planning Committee (consultation response recommendation)

*Constraints – Green Belt, AONB, AGLV, Gatwick Bird strike, Gatwick Safeguarding, Minerals Safeguarding (Silica sand and Soft sand), C Road, M23, EA\_Risk Surface Water Flooding, 30, 100 and 1000, Source Protection Zone 3*

### RECOMMENDATION:

### OBJECTION

#### Summary

1. The proposal relates to land owned by Surrey County Council (SCC) who are the applicant. Under Regulation 3 of The Town and Country Planning General Regulations 1992 (SI 1992/1492) *“an application for planning permission by an interested planning authority to develop any land of that authority or for development of any land by an interested planning authority or by an interested planning authority jointly with any other person, shall be determined by the authority concerned, unless the application is referred to the Secretary of State under section 77 of the 1990 Act for determination by him”*. Consents issued under Regulation 3 are for the benefit of the applicant only, unlike most other planning permissions which are usually for the benefit of the land in question.
2. Given that the land is owned by SCC and the interest in the development by SCC is significant, the formal decision will be made by them. However, Tandridge District Council are a consultee and this report provides a summary of matters to be considered locally. Consultations in the normal manner, such as SCC Highways and other statutory bodies, will be undertaken by SCC.
3. Permission is being sought for use of the land as a ten-pitch site for Gypsy, Roma and Traveller community with the erection of amenity blocks and a site manager's office, creation of vehicular access, landscaping, parking and refuse storage and associated works. The application sets out that the purpose of the proposal is *“to help address the complete absence of transit Gypsy, Roma and Traveller accommodation across the County”* (para.2.2, Planning Statement). If granted, the site would be the County's first transit site.
4. The proposal has been assessed in terms of Green Belt, AONB/AGLV landscape, visual impact and amenity grounds. It is considered that the proposal would constitute inappropriate development in the Green Belt and would result in significant harm to the local environment and an unsatisfactory living environment for future occupants. Whilst the argument that there is a need for such sites as a County priority is noted, it is not considered that this forms the very special circumstances required to clearly outweigh the identified harm. As such, this authority respectfully asks that Surrey County Council refuse planning permission for the proposal.

## Site Description

5. The application site is served by Merstham Road and lies to the immediate east of the M23, separated by a landscaped buffer and situated within the ward of Bletchingley and Nutfield. The site adjoins the existing Pendell Camp traveller site.

## Relevant History

6. Pendell Camp to the north was originally an army school established during the War. Permission was subsequently given for use by the Wycliffe Language Course subject to being returned to agriculture. The land was then purchased by the Ministry of Transport (Roads Construction Unit) for construction of the motorway and was used as a camp to accommodate motorway workers and their families. In 1979, the land was occupied unlawfully by about 20 gipsy families and on the northern section was a large building used by a local farmer for storage purposes. A temporary planning permission was originally granted in 1979 for use of the land to the north of the application site for 15 traveller pitches for a period of 15 years. A permanent planning permission for the retention of the traveller pitches was granted in December 1980. That use with a varying number of pitches has continued ever since.
7. On this application site, an application was lodged in 1983 under reference 83/193/331 for the erection of a 1.8-metre-high wooden screen fence and gates, and retention of footpath access to Merstham Road near the motorway embankment. By letter dated 7<sup>th</sup> April 1983, the applicant (Surrey County Council) was advised by the Council's Chief Planning Officer that no objection was raised to the proposal provided the fence be maintained in a satisfactory condition in accordance with plan no. CP83/22A.

## Key Issues

8. The site is in the Green Belt, an Area of Outstanding Natural Beauty and an Area of Great Landscape Value. The key issues are whether the proposal would constitute inappropriate development in the Green Belt and, if so, whether very special circumstances exist which clearly outweigh the harm. The impact on the AONB, AGLV and character of the site and area will be considered. The location of the site adjacent to M23 requires that the residential amenities of future occupants of the site living in caravans should also be considered.
9. This is a consultation by Surrey County Council and therefore other key issues which would ordinarily be considered by the Local Planning Authority are to be assessed by SCC as the determining authority, such as highways, contamination, biodiversity and flooding.

## Proposal

10. This is a consultation upon a Surrey County Council planning application (2021/0170) for the change of use of the site to a transit site for the Gypsy, Roma and Traveller (GRT) communities with associated works/development including the erection of amenity blocks and a site manager's office, creation of a vehicular office, landscaping and parking.
11. Specifically, the development referred to in the Planning Statement accompanying the application is:

- Site clearance, including preparatory groundworks and soil bund remediation (relating to providing the proposed site access from the existing Pendell Camp internal access road, and associated removal of existing fly tipped material);
- The construction of a new internal vehicular access road, linking into/ from the existing internal access road and its junction serving Pendell Camp to/ from Merstham Road;
- The construction of transit camp pitches (10no.) and associated works, comprising: 10 pitches for tourer/ caravan parking (with hook-ups); 5 single-storey double amenity blocks (providing kitchens and bathrooms); patio spaces; car and other vehicle parking spaces (including spaces for visitors and SCC Estates Management) and refuse storage;
- The construction of a manager's block for use in the day today management of the Proposed Development, with associated security features such as CCTV, ANPR and barrier gate with bollards; and
- The provision of areas of hardstanding for access and ancillary use, external amenity space and soft landscaping with biodiversity value (including new trees, supplementing existing hedgerows, and other new planting).

The is no reference in the Planning Statement description of development to the 3-metre-high screen bund along the boundary of the site with the M23 motorway which is identified as an essential requirement of the development in a noise report accompanying the application; this is referred to in the report below.

### **Development Plan Policy**

12. Tandridge District Core Strategy 2008 – Policies CSP1, CSP9, CSP11, CSP12, CSP15, CSP17, CSP18, CSP19, CSP20, CSP21
13. Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP5, DP7, DP9, DP10, DP13, DP19, DP21, DP22
14. Emerging Tandridge Local Plan 2033 – Policies TLP01, TLP02, TLP03, TLP10, TLP15, TLP16, TLP17, TLP18, TLP19, TLP30, TLP31, TLP32, TLP33, TLP34, TLP35, TLP37, TLP46, TLP47, TLP49, TLP50

### **Supplementary Planning Documents (SPDs), Supplementary Planning Guidance (SPGs) and non-statutory guidance**

15. Tandridge Parking Standards SPD (2012)
16. Tandridge Trees and Soft Landscaping SPD (2017)
17. Surrey Design Guide (2002)

### **National Advice**

18. National Planning Policy Framework (NPPF) (2021)
19. Planning Practice Guidance (PPG)
20. National Design Guide (2019)
21. Planning Policy for Traveller Sites (PPTS) 2015

## **Statutory Consultation Responses**

22. Bletchingley Parish Council – strongly objects. Summary of main concerns (full consultation response available to view on the Council’s website):

1. Within the AONB and expansion will disrupt and harm countryside and wildlife. NPPF requires that Surrey and Tandridge District Council (TDC) investigate more appropriate locations. Query cost of proposal in light of SCC financial position at present and whether this is best use of taxpayer’s money.
2. Would like to understand what the committed budget is for annual operating costs of running such a site and who will be responsible. Concerns about condition of site and it being prone to flooding and long-term site management for both transit and permanent residents.
3. Concerns that SCC has not consulted existing GRT resident’s views or the appropriateness of having a permanent and transit camp together with potential for conflict on site or within the local village.
4. Concerns about suitability of site for large number of families. Site is very close to M23 with newly built stair access points directly next to the site which is concern with potentially large number of children and animals in the immediate area. Pendall/Merstham Road is a busy country road and particularly during winter periods is known as a village accident back spot with no safe pavements to give access to local services.

## **Non-statutory Advice Received**

23. Normal consultation for this application has not been undertaken given that this LPA is a consultee itself and consultation required will be undertaken by Surrey County Council as the determining authority.

## **TDC advice**

24. Chief Community Services Officer (Environmental Health) –concerns about the use of the site, due to the noise from the motorway. While traditionally built houses can implement measures to reduce the internal noise, caravans wouldn’t have the same facility.

## **Other Representations**

25. Third Party Comments: the comments below have been edited to remove any unacceptable references to the GRT communities:

- Close to ancient woodland and in Area of Outstanding Natural Beauty
- Already a permanent site; to allow another 10 sites with access roads that are not the widest
- To add further encampments, bringing more fly-tipping and burden on a community is unjust
- Once built there is no turning back and Green Belt and AONB are gone forever
- Building on a special protection area
- Development in Green Belt can be granted in very special circumstances and can’t see this development being one of them

- Would adversely affect the safety and convenience of existing road users, cause more traffic on a road that floods regularly and is sometimes impassable
- No pavements or street lighting
- Effect of the development on character would change considerably as there will be a conflict of interest with existing camp residents
- Possibility that the capacity will be exceeded quicker than anticipated and overflow of caravans will need somewhere to pitch.
- Where will horses/animals go?
- Presume GRT's will be charged to stay, for a period of up to 28 days and a site manager will be employed to regulate the site?
- Proposal appears to divert investment away from the existing site which has been neglected
- Surrounding land is a haven for wildlife, including badgers and goldfinches. New planting would prevent their dispersal
- Present Gypsy residents have become accepted by their local community and fear this will be overturned by an influx of new GRT residents
- Suggested the proposed access investment (which serves the existing site) should include a sum for repairs to the existing site and new site management officer help existing site as well.
- . It is not the correct place to introduce temporary travellers that won't be there long enough to become part of the community
- This would be the only transit site in the country put beside a permanent travellers site
- A transit/transient site should be placed on its own, out of the way from residents and the AONB.
- The Gypsy and Traveller communities are comprised of several distinct social groups which do not traditionally mix and locating permanent and transit groups on adjacent sites is inappropriate
- The site has practical deficiencies: no pavements, no street lighting, no bus services and access to the nearest railway station at Merstham by foot will involve walking in the road
- Unclear what additional investment SCC are going to make towards local education, health services to support this transitory community as existing services are already severely over-stretched and operating at capacity
- The proposed plan is ill-conceived and would appear to show a lack of understanding for the GRT communities, and a lack of imagination by SCC
- Historic site reduced in size in recent years
- Construction according to plans with on-site security may be beneficial, though historically local 'issues'
- Other sites exist in Surrey for a GRT transit site that would make use of previously developed land in the Green Belt and which are subject to a planning application (e.g. Stone Castle in Guildford BC's area)

26. SCC sent copies of their consultation responses as of 8<sup>th</sup> December 2021 which contained objections (12No.) to the proposal and any update on this matter will be provided at the Planning Committee meeting.

27. Chelsham & Farleigh Parish Council – Fully supports this application and considers it will be beneficial to the County and residents.

## Assessment of the application:

28. This part of the report sets out the Applicant's (SCC) case why planning permission should be granted and your officers' response to that case.
29. Appendix 1 to the Planning Statement (PS) accompanying the planning application is a report entitled "County-wide assessment of potential transit site locations, and detailed site search within Tandridge District Council's administrative area." At paragraph 2.10 of the report it is stated that "*At SCC's Cabinet meeting in June 2021, it was confirmed that SCC together with 10 district/borough authorities would fund the delivery of a transit site in the County. Tandridge District Council has agreed to accommodate the site within its jurisdiction as part of the proposal*". However, any such commitment by this Council cannot pre-determine its response to this application which must be considered entirely on its planning merits.
30. The planning assessment of this application should address the case advanced on behalf of SCC in terms of both the need for the development and why, notwithstanding planning policies indicating to the contrary, very special circumstances exist to override harm to the Green Belt and other planning harms (including potential harm to the AONB/AGLV) such that very special circumstances exist why planning permission should be granted.
31. The PS accompanying the application sets out the following case for planning permission to be granted:
  - i) PS para 6.7.8: In order to demonstrate very special circumstances, SCC as applicant, as endorsed by the County's Districts and Boroughs and Surrey Police, considers that very substantial weight should be attached to the positive contribution this development proposal would make to the provision of Gypsy, Roma and Traveller transit accommodation across the County, with indirect consequential benefits arising for the public as a consequence too. There is currently no Gypsy, Roma and Traveller transit accommodation available anywhere across Surrey County.
  - ii) PS para 6.7.15: Lack of supply through an allocation in the development plan, or through formal TDC-led amendments to the emerging development plan has contributed to an acute demand for Gypsy and Traveller transit site provision in the County as a whole, and in the eastern area in particular. Despite an increase in the number of UEs (unauthorised encampments) over recent years, Both SCC, TDC and the other Districts and Boroughs have failed to allocate any sites for Gypsy, Roma and Traveller transit accommodation. The degree of harm to local communities caused by unauthorised encampments should not be underestimated, particularly in terms of social and environmental outcomes.
  - iii) PS para 6.7.16: There being no emerging allocations for additional pitches for the Gypsy, Roma and Traveller community in TDC either, and the substantial and increasing understanding of the scale and type of requirements that should be fulfilled, both mean that great weight should be placed on proposed additions to pitch delivery – whether for transit use or permanent occupation.
  - iv) PS para 6.7.17: As a result of not meeting a clear need and this long running lack of supply, the proposed ten new transit pitches would be

of fundamental benefit in helping to meet the current requirement for pitches, and the entirely unmet demand for a transit site in this location. The seriousness of the crisis in Surrey means that great weight should be attached to the contribution to pitch delivery in the County that will be provided by this scheme.

- v) PS para 6.5.5: The number of transit pitches proposed in this application responds directly to addressing the scale of need and resulting transit site requirement and will help resolve the issues that arise from unauthorised encampments across the County.
- vi) PS para 6.7.21: Therefore, the entirely unmet need and demand, taken together with a clear requirement for transit pitches, the lack of alternative sites alongside the fulfilment of relevant development plan policies, and consistency with the criteria in emerging Tandridge Local Plan policy TLP15, all mean that the benefits of the proposal and the suitability of this unique site clearly outweigh the very limited harm identified and amount to the very special circumstances necessary to justify the development.
- vii) PS para 7.2.2 sets out the environmental and social benefits of the proposed development as follows: the conclusions that can be drawn include:
  - Surrey's councils and Surrey Police are seeking to meet the transit site needs of Gypsy, Roma and Traveller communities who travel in Surrey, and solve the problems caused by unauthorised encampments
  - There is a total absence of supply of serviced transit facilities for Gypsy, Roma and Traveller communities anywhere in the County
  - The unique ability of the Application Site to start to meet the County-wide requirement for two transit sites, one in the eastern part of Surrey (this site) and another in the west
  - The scale of development being appropriate to meet the recognised need for a 10-pitch transit camp, as part of the County-wide vision and strategy for Gypsy, Roma and Traveller communities who do not seek permanent sites.
  - The specific circumstances supporting a Gypsy, Roma and Traveller transit camp on this site, it being well located to cater for the travelling community to stay at temporarily, in order for the Surrey authorities (and particularly Tandridge) to start to fulfil their wider housing related duties in serving this community), and for the Surrey Police to be able to prevent/ remove unauthorised encampments under primary legislation.
  - The provision of open space within the site that will incorporate land remediation and a design layout allowing the introduction of a planting scheme with ecological and environmental benefits.
  - The access being taken from an existing access point onto Merstham Road, to help minimise the extent of new hard surfacing in the Green Belt, AONB and AGLV.
  - The development does not impact detrimentally on the conservation and enhancement of the natural beauty of the Surrey Hills AONB and the locally designated AGLV.
  - The sustainable development principles demonstrated by the proposed layout, design and appearance of the pitches, the amenity buildings, hard surfacing and landscaping strategy all being consistent with national policy and guidance.

- The respect given to the residential amenity of transit site users, residents of the adjacent permanent Pendell Camp and nearby residential properties, achieved by careful design and planting, reinforced by a detailed and proactive management strategy for day-to-day operation.
  - The site's relative accessibility to and from the major road network, and the scale and design of parking provision catering specifically for the travelling community's usual needs.
  - There being no concerns around any increase in potential flood risk, with a proposed SuDS that includes green roofed amenity buildings.
  - There being no land contamination risks.
  - Electricity being the site's sustainable single energy source.
- viii) The 10no. pitches have also been carefully designed and they have been laid out specifically to respond to the site's characteristics, its wider context and surrounding landscape features and sensitivities.
- ix) While the Application Site is perhaps not the most sustainable location from a transport accessibility perspective, this is not a major consideration attracting significant weight, as the site's residents will not be permanent (private motor vehicles are also inherently part of GRT way of life); they will be in transit and will only be staying for a maximum of four weeks.
- x) PS paras 6.6.2 and 6.6.3: refers to the Landscape and Visual Appraisal forming part of the application which states that *"The assessment continues that the site is well-contained by landform and existing green infrastructure, and that 'the enclosed nature of the Site also limits impacts on the wider AONB landscape'.*
- xi) PS para 7.3.1: There will be extensive, albeit indirect economic benefits arising from the proposal. For the travelling community, a safe and secure temporary stopping place will be provided from which they can conduct their daily working and community-based lives. There will be economic benefits for Surrey Police and SCC together with the Districts and Boroughs, in meeting the requirement to cater directly for Gypsy, Roma and Traveller needs with a suitable tool they can use in seeking to reduce the number of unauthorised encampments and lessen or even remove the harmful impact they can have on settled communities.
- xii) PS para 8.1.5: Defined in policy as inappropriate development, in terms of Green Belt location, scale, the building footprints being limited, their layout and design being carefully conceived and the site access arrangements minimising new road construction, it is concluded that the proposal will have an acceptable, minimal visual impact. There are no specific concerns regarding the development in relation to undermining the national policy-defined purposes of the Green Belt. With reference to the conservation and enhancement of the natural beauty of the AONB and AGLV landscape, the proposal's landscape strategy will enhance the biodiversity of the site and immediately adjoining land in SCC's ownership, on-site by extensively retaining and supplementing existing hedgerow, trees and other vegetation both within and on its boundaries, particularly fronting onto Merstham Road, and off-site to the immediate south by wildflower seeding of existing grassland.

**Planning Officers' response to the case advanced by SCC:**

**Gypsy and Traveller caravan sites**

32. In August 2015, the Government published its Planning Policy for Traveller's Sites (PPTS). The policy repeats the provisions of the National Planning Policy Framework (NPPF) that inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.
33. In making decisions on planning applications for traveller's sites, applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF and the PPTS. Local planning authorities should determine applications from any travellers and not just those with local connections. New traveller site development in open countryside should be very strictly limited and such sites should respect the scale of, and not dominate, the nearest settled community.
34. If local planning authorities cannot demonstrate an up-to-date 5-year supply of deliverable sites for gypsies and travellers, this should be a significant material consideration when considering applications for grant of temporary planning permission, with the exception of designated land such as Green Belt.
35. The PPTS makes no provision for dealing with transit site development for GRT's transiting an area. However, this proposed transit site is proposed as permanent development. Although none of the intended occupants will stay for more than four weeks, the permanent buildings and other infrastructure required for such a use, and the ongoing presence on site of caravans and vehicles, will mean that for all intents and purposes it has the character and appearance of a permanent site and should be treated as such when being considered against relevant national and development plan policies. The development is therefore inappropriate development in the Green Belt.
36. Furthermore, it is considered that the provisions of the PPTS that "*Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances*" apply to this transit site development." The need for this site is based entirely on the need to have somewhere to direct GRT who are transiting the area. Time limits will be applied to how long any individuals can stay on the site. As such, the site will not contribute to any identified need for permanent GRT sites in Tandridge DC's area and will not contribute to any development plan policies that quantify any identified need for permanent GRT sites in Tandridge DC's area in the future. The best interests of the child may be served by providing a transit site as an alternative to a roadside stopping place, but a maximum limit of a 4 week stay on the site does not enable any other medium to long term benefits, such as full-time education, to be provided for GRT children transiting with their parents. Accordingly, the reasons advanced in the Planning Statement accompanying the application as set out in paragraph 29 above, referring to paragraphs 6.7.15, 16, 17 and 21 of the Planning Statement should be given no weight in the recommendation on this planning application to SCC by Tandridge District Council.
37. Policy CSP9 of the Core Strategy set out that this Council will make provision for Gypsies and Travellers through a Site Allocations Development Plan document and that, in allocating such sites, there will be a preference for urban sites though when none are identified, Green Belt sites will be considered.

Proposals for Gypsy and Traveller sites to meet unexpected and proven need will be permitted where criteria contained in Policy CSP9 are met. This includes that unallocated sites in the Green Belt will only be acceptable where it can be demonstrated that very special circumstances exist, where significant harm to the visual amenities and character of the area is not caused, the number of pitches is appropriate to the site size and availability of infrastructure, safe access to the highway and provision of on-site parking/turning can be provided.

38. A Site Allocation Development Plan document has not been prepared by the Council. Furthermore, the above provisions of Policy CSP9 of the Core Strategy pre-date and are no longer in accordance with national policy as set out in the NPPF (2021) and the PPTS (2015). In accordance with paragraph 213 of the NPPF, these provisions of Policy CSP9 of the Core Strategy cannot now be afforded weight in the determination of planning applications for gypsy and traveller sites in Tandridge. Accordingly, these provisions of Core Strategy Policy CSP9 can be given no weight in the determination of this planning application.

### **Principle of Development and Green Belt considerations**

39. The site is in the Green Belt. In first considering whether the principle of the development is acceptable, an assessment of whether the land comprises 'previously developed land' (PDL) is made. The NPPF (2021) defines PDL as:

*“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”*

40. The application form describes the existing use of the site as 'none' with 'no previous use'. It is noted to be adjacent to the existing Pendell camp to the north but not used for that purpose and has no buildings or permanent structures. There is, as such, no curtilage as no land within this application is developed. For these reasons, the site is not considered to comprise PDL.
41. The NPPF (2021) advises that the Government attaches great importance to Green Belts for which 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” (para.137, NPPF). In relation to proposals affecting the Green Belt, para. 147 of the NPPF states clearly that “*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*”. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that '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 (para.148). Policy DP10 of the Tandridge District Local Plan: Part 2 – Detailed Policies (2014) is aligned with these objectives of the NPPF.

42. Both the NPPF, (para.149) and the Local Plan, Policy DP13, regard the construction of new buildings in the Green Belt as inappropriate development.
43. The NPPF (para.150) and the Local Plan regard other operations including engineering operations and material changes in the use of land as not being inappropriate in the Green Belt provided they preserve openness and do not conflict with the purposes of including land within it.
44. The application site is, at present, an undeveloped and unused parcel of land which is laid to grass with vegetation/trees on the boundaries to the east and west. Excluding the access, the proposed site would have an area of approximately 5413m<sup>2</sup>. A significant proportion of this would be split into the ten pitches, with internal access road, parking, refuse store, manager's office. In terms of the buildings proposed, they would not be an exception to inappropriate development in the Green Belt as detailed in the NPPF (2021) and/or the Local Plan under Policy DP13. Furthermore, the engineering operations and material change in the use of the site would have a significant impact on Green Belt openness and conflict with the purposes of including land within it.
45. Openness has both a visual and spatial dimension. Development in the Green Belt does not necessarily have to be visible to conflict with retaining openness. Any development that uses land spatially in the Green Belt conflicts with the purpose of retaining openness.
46. As such, this proposal is considered in both regards (visually and spatially) to comprise inappropriate development which should not be approved unless 'very special circumstances' exist which clearly outweigh that harm are identified and this will be assessed after other material considerations below.

#### **Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV)**

47. The site lies both within the Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV) wherein great weight should be given to conserving and enhancing landscape and scenic designations which have the highest status of protection in relation to these issues.
48. The NPPF advises that when considering applications for development within Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances where it can be demonstrated that the development is in the public interest (para.177). Policy CSP20 of the Core Strategy states that the conservation and enhancement of the natural beauty of the landscape is of primary importance within the two Areas of Outstanding Natural Beauty which reflects their national status and contains six principles to be followed in the areas which seek to protect their qualities and applies to AGLVs. Policy CSP21 of the Core Strategy also advises that the character and distinctiveness of the District's landscapes and

countryside will be protected for their own sake and new development will be required to conserve and enhance landscape character.

49. Other than the adjoining Pendell Camp immediately to the north, the site is well-removed from any development of a similar density and intensity to the proposal. The location adjacent to the M23 is recognised though that is a substantially different form of development which provides infrastructure on a national scale. The proposal would result in a material change in use of the site which permanently changes the nature of the land. It would no longer provide a green buffer to the motorway but would provide an intensive form of development which fails to accord with any objectives for the AONB as set out in the NPPF and Development Plan nor the objectives for the AGLV as contained in the Core Strategy.
50. Therefore, the proposal would fail to preserve or enhance the AONB and AGLV and would result in significant harm to its important qualities in clear contradiction with the objectives of the NPPF, Policies CSP20 and CSP21 of the Tandridge District Council Core Strategy (2008).
51. There is an argument that the AONB/AGLV in which the application site is situated now forms something of a detached area to the main Surrey Hills AONB/AGLV to the north. The construction of the M25 and M23 motorways could be said to have caused this separation. However, the recently announced review of the Surrey Hills AONB makes no provision for reviewing the AONB designation within which the application site lies. Development Plan policies for the AONB/AGLV must therefore continue to be applied to the application site.

### **Character and Appearance**

52. The NPPF (2021) sets out that one of the objectives to achieve sustainable development is the social aspect and by the fostering of well-designed, beautiful and safe places with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being (para.8). Paragraph 92 of the NPPF (2021) sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles.
53. The proposed occupants of the development are members of the GRT communities and it is recognised that some objectives of policies/guidance are not necessarily appropriate in this instance given the travelling lifestyle of these communities. Concerns have been raised in representations about this application in relation to the mixing of GRT communities and stationing of permanent and transitory sites next to one another, but this is not considered a material planning consideration in the determination of this application. These are matters that the County Authority will need to carefully consider as the promoters of the development.
54. However, in terms of assessing the design of this proposal, it is considered that its layout and intensity would not be appropriate to the site or its surroundings. The intensity would be wholly inappropriate to the characteristics of the locality and would urbanise the site in a manner incongruous to the rural setting. The adjacent site to the north is acknowledged though that visually appears less intensive than this proposal. This proposal would provide on-site facilities to create a better temporary living conditions for its proposed transiting occupants but that increases the expanse of built form and infrastructure which is

considered harmful and would conflict with national and Development Plan policy.

55. There would be some improvements in the appearance of the site from an arboricultural perspective which has been identified by the Council's Tree Officer which is welcomed. The site currently comprises mainly grassland and large scrubby trees made up of young willow, elder, hazel and bramble. No high value trees are to be removed and there are few trees of any stature growing within the site. The proposed landscaping scheme shows new planting of high quality and a diverse mix of native species including beech, field maple, whitebeam, lime and several others. A native hedgerow is also proposed together with some ornamental hedge planting internally to separate the pitches. Green roofs are also proposed. Most of the planting would be to the north, east and south which is reasonable given the presence of the extensive landscape buffer to the west on the M23 embankment.
56. The landscaping scheme has evidently been carefully considered and would enhance the soft vegetation on the site. However, that alone does not outweigh the significant harms identified by the proposal to the local environment and Green Belt and AONB/AGLV.

### **Residential Amenities**

57. Policy CSP18 of the Tandridge Core Strategy states that new development proposals must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any other adverse effect. Policy DP7 of the Tandridge District Local Plan (2014) seeks to safeguard amenity and requires that proposals do not significantly harm the amenity and privacy of neighbouring properties and that they do provide a satisfactory environment for the occupiers of both existing and new development.
58. Policy DP22 of the Local Plan (2014) advises that for proposals involving new residential development sited close to transport derived noise sources, applications will be considered against the noise exposure categories as outlined in the Noise Exposure Categories table as well as other material considerations where necessary.
59. 57 In terms of the potential impact of the proposal on existing residential amenity, the nearest to the site is located at Pendell Camp directly to the north. The proposal would be adjacent to that site but sufficiently distanced so that the built forms/structures would not have an overbearing or harmful impact on amenity. The use of the site would evidently be more intensive than at present, but vehicles using the site would direct to the south from the vehicular access and it is not considered that traffic associated with the transit site would be harmful to the extent that significant harm to residential amenity would be caused. It is recognised that there are serious concerns about the suitability of this transit site adjacent to a permanent site but, as stated above, that is a matter that this LPA trusts the County Council, as landowner, will give serious consideration to when determining the application.
60. In terms of the living environment of future occupants of the development, Policy DP7 and DP22 seek to ensure that a satisfactory environment is created. The creation of a new transit site in this location is of serious concern and the Council's Environmental Health department have expressed their concern about the proximity of the site to the M23 motorway and the construction of the

caravans/homes not being able to insulate against noise in the same manner as houses.

61. The Noise Assessment accompanying the application identifies a number of matters in the development including that there are no designated amenity areas which would typically be included as part of new residential development but, for its assessment, the site has been considered an amenity space. The range of noise levels contained in the report (Table 4.2) is in every instance above the 55dB (noting that within amenity and external areas noise levels should be less than 50dB to 55dB where practically achievable). The assessment recommends a 3m high Noise barrier to the west of the site and north and south boundaries of pitches 1 and 4 to mitigate the noise impact on residents. Due to the elevated position of the M23 relative to the site, a barrier any lower would not mitigate noise. However, a 3m high barrier with a total length of approximately 82 metres against a landscaped embankment and in the Green Belt, AONB and AGLV is considered wholly inappropriate and would be an alien and incongruous feature which would be contrary to Development Plan policy. Furthermore, as referred to above, such an embankment is not part of the description of development for which planning permission is being sought.
62. At section 7.2.1 of the Noise Assessment, it is concluded that the provision of an environmental noise barrier would result in an “insignificant reduction in traffic noise levels” and recommendations to alter the site layout would not be practicable because of the loss of valuable habitat. The report then concludes that given the marginal noise exceedance and short-term occupancy that the proposed development is considered acceptable on noise grounds. However, this finding appears to have been weakly substantiated when the noise experts initial suggestion for a 3m barrier proves to be ineffective in addressing the noise. There is cause for serious concern at the apparent lack of regard to ensuring a satisfactory environment for future occupants based on their short-term occupation of the site. Residents should be entitled to a satisfactory living environment irrespective of the length of their stay and the transit nature of the site does not justify what appears to be suggested that a lower quality standard of residential amenity is acceptable. As such, this LPA considers the proposal fails to provide a satisfactory environment for future occupants contrary to Policies DP7 and DP22 of the Tandridge District Local Plan: Part 2 – Detailed Policies (2014).

### **Other matters**

63. Consultation responses to this application have raised a number of matters which the LPA, as the non-determining authority, are not in a position to consider. Infrastructure, road safety, additional health facilities and similar matters should be assessed by Surrey County Council when they come to determine the application. Other concerns relating to fly-tipping and relationships between occupants and the local community are not a planning consideration.

### **Very Special Circumstances**

64. It has to be acknowledged that there is an absence of transit sites for the GRT communities in the District and in the County. This site would be the first and for which there is an identified need. However, the only justification to support the identification of this site for the proposed transit use is the fact that it adjoins the existing SCC owned and operated permanent Pendell Camp traveller site.

65. The proposed development of a GRT transit site would not contribute to any identified need going forward for additional permanent pitches for travellers and, as such, this cannot be a very special circumstance in the determination of this application.
66. The Planning Statement accompanying the application at paragraph 6.5.5 states that “...the number of transit pitches proposed in this application responds directly to addressing the scale of need and resulting transit site requirement and will help resolve the issues that arise from unauthorised encampments across the County.” However, the application contains no information that quantifies that scale of need and how the ten pitches proposed in the application respond to that scale of need.
67. Likewise, the Planning Statement at paragraph 7.3.1 states “There will be extensive, albeit indirect economic benefits arising from the proposal. For the travelling community, a safe and secure temporary stopping place will be provided from which they can conduct their daily working and community-based lives. There will be economic benefits for Surrey Police and SCC together with the Districts and Boroughs, in meeting the requirement to cater directly for Gypsy, Roma and Traveller needs with a suitable tool they can use in seeking to reduce the number of unauthorised encampments and lessen or even remove the harmful impact they can have on settled communities.” However, the application contains no information on comparable transit site developments, that is areas of the country where such transit site provision has been made and measurable economic benefits have been derived. These statements are made without any supporting information.
68. Given that nature of the proposed development which will not contribute to making permanent provision for the GRT community resorting to Tandridge to live there permanently, and the absence of any justification for the claimed benefits of the GRT transit site development referred to in paragraphs 63 and 64 above, as reasons why planning permission should be granted, no very special circumstances for overriding Green Belt policy have been adduced on behalf of SCC. The proposal is inappropriate development in the Green Belt and would cause significant additional harm in respect of adverse visual impact and adverse impact on the character of the AONB, AGLV and local environment. Furthermore, the proposal would fail to provide a satisfactory living environment for future occupants by reason of the noise impact from the adjacent M23.

## Conclusion

69. In conclusion, the proposal would amount to inappropriate development in the Green Belt for which very special circumstances to clearly outweigh the harm have not been identified. The proposal would erode the openness of the Green Belt and cause significant harm to the Area of Outstanding Natural Beauty, Area of Great Landscape Value and countryside. The proposal would have adverse impact on the local landscape and character of the area by reason of overdevelopment and intensification in use. Furthermore, the future occupants of the development would be significantly impacted by noise levels generated by the M23. For these reasons, an **objection** is raised to this proposal.
70. The recommendation is made considering the National Planning Policy Framework (NPPF) and the Government’s Planning Practice Guidance (PPG) and Planning Policy for Traveller Sites (PPTS). It is considered that in respect

of the assessment of this application significant weight has been given to policies within the Council's Core Strategy 2008 and the Tandridge Local Plan: Part 2 – Detailed Policies 2014 in accordance with the NPPF. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation. The policies of the emerging Local Plan are still subject to consideration and potentially may change such that limited, if any, weight can be afforded to them.

71. All other material considerations, including representations in support of the application, have been considered but none are considered sufficient to change the recommendation.

**RECOMMENDATION:**

**OBJECT ON THE FOLLOWING GROUNDS**

1. The proposal would constitute inappropriate development in the Green Belt. The openness and visual amenities of the area would be eroded and no 'very special circumstances' to clearly outweigh those harms have been identified. As such, the development is contrary to the NPPF (2021), Policy CSP9 of the Tandridge District Core Strategy (2008) and Policies DP10 and DP13 of the Tandridge District Local Plan: Part 2 – Detailed Policies (2014).
2. The site is in the Area of Outstanding Natural Beauty and Area of Great Landscape Value. The proposal would have an urbanising effect which would be incongruous to its setting and fails to conserve or enhance the landscape contrary to the NPPF (2021) and Policies CSP20 and CSP21 of the Tandridge District Core Strategy (2008).
3. The proposal would result in an intensification in the use of the land which is considered to cause significant harm to the character and appearance of the site and surrounding area contrary to the NPPF (2021), Policies CSP9 and CSP18 of the Tandridge District Core Strategy (2008) and Policy DP7 of the Tandridge District Local Plan: Part 2 – Detailed Policies (2014).
4. Due to the proximity of the site to the adjacent motorway (M23) and its elevated position, the proposal would fail to provide a satisfactory living environment to future occupants of the development by reason of noise and disturbance contrary to Policies DP7 and DP22 of the Tandridge District Local Plan: Part 2 – Detailed Policies (2014).