

**PLANNING AND REGULATORY COMMITTEE  
NOTICE OF MEETING**

**Date:** Wednesday, 25 January 2023  
**Time** 10.30 am  
**Place:** Council Chamber, Woodhatch Place, 11 Cockshot Hill, Reigate, Surrey, RH2 8EF

**Contact:** Joss Butler

**Email:** [joss.butler@surreycc.gov.uk](mailto:joss.butler@surreycc.gov.uk)

[For queries on the content of the agenda and requests for copies of related documents]

---

**APPOINTED MEMBERS [11]**

Tim Hall (Chairman)	Leatherhead and Fetcham East;
Ernest Mallett MBE	West Molesey;
Penny Rivers	Godalming North;
Jeffrey Gray	Caterham Valley;
Jonathan Hulley (Vice-Chairman)	Foxhills, Thorpe & Virginia Water;
Victor Lewanski	Reigate;
Scott Lewis	Woodham and New Haw;
Catherine Powell	Farnham North;
Richard Tear	Bagshot, Windlesham and Chobham;
Jeremy Webster	Caterham Hill;
Edward Hawkins	Heatherside and Parkside;

**EX OFFICIO MEMBERS (NON-VOTING) [4]**

Saj Hussain	Vice-Chair of the Council	Knaphill and Goldsworth West;
Tim Oliver	Leader of the Council	Weybridge;
Helyn Clack	Chair of the Council	Dorking Rural;
Denise Turner-Stewart	Deputy Leader of the Council	Staines South and Ashford West

**APPOINTED SUBSTITUTES [09]**

Stephen Cooksey	Dorking South and the Holmwoods;
Nick Darby	The Dittons;
Amanda Boote	The Byfleets;
David Harmer	Waverley Western Villages;
Trefor Hogg	Camberley East;
Riasat Khan	Woking North;
Mark Sugden	Hinchley Wood, Claygate and Oxshott;
Buddhi Weerasinghe	Lower Sunbury and Halliford;
Fiona White	Guildford West;
Keith Witham	Worplesdon;
Luke Bennett	Banstead, Woodmansterne & Chipstead;

**Register of planning applications: <http://planning.surreycc.gov.uk/>**



## AGENDA

### 1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive any apologies for absence and notices of substitutions under Standing Order 41.

### 2 MINUTES OF THE LAST MEETING

To confirm the minutes of the meeting held on 7 December 2022.

### 3 PETITIONS

To receive any petitions from members of the public in accordance with Standing Order 84 (please see note 5 below).

### 4 PUBLIC QUESTION TIME

To answer any questions received from local government electors within Surrey in accordance with Standing Order 85 (please see note 6 below).

### 5 MEMBERS' QUESTION TIME

To answer any questions received from Members of the Council in accordance with Standing Order 68.

### 6 DECLARATIONS OF INTERESTS

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter

- (i) Any disclosable pecuniary interests and / or
- (ii) Other interests arising under the Code of Conduct in respect of any item(s) of business being considered at this meeting

#### NOTES:

- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest
- As well as an interest of the Member, this includes any interest, of which the Member is aware, that relates to the Member's spouse or civil partner (or any person with whom the Member is living as a spouse or civil partner)
- Members with a significant personal interest may participate in the discussion and vote on that matter unless that interest could be reasonably regarded as prejudicial.

### 7 SURREY COUNTY COUNCIL PROPOSAL TA/2021/1983 - PENDELL TRANSIT CAMP, LAND OFF MERSTHAM ROAD, MERSTHAM, SURREY

(Pages 1 - 52)

Use of the land as a ten-pitch transit site for the Gypsy, Roma and Traveller community, including the erection of amenity blocks and site manager's office, creation of a vehicular access, landscaping, parking and refuse storage and associated works.

## 8 DATE OF NEXT MEETING

The next meeting of the Planning and Regulatory Committee will be on 22 February 2023.

**Joanna Killian**  
**Chief Executive**  
17 January 2023

### MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE

Those attending for the purpose of reporting on the meeting may use social media or mobile devices in silent mode to send electronic messages about the progress of the public parts of the meeting.

Anyone is permitted to film, record or take photographs at council meetings. Please liaise with the council officer listed in the agenda prior to the start of the meeting so that those attending the meeting can be made aware of any filming taking place.

Use of mobile devices, including for the purpose of recording or filming a meeting, is subject to no interruptions, distractions or interference being caused to the PA or Induction Loop systems, or any general disturbance to proceedings. The Chairman may ask for mobile devices to be switched off in these circumstances.

It is requested that if you are not using your mobile device for any of the activities outlined above, it be switched off or placed in silent mode during the meeting to prevent interruptions and interference with PA and Induction Loop systems.

*Thank you for your co-operation*

**Note:** *This meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The images and sound recording may be used for training purposes within the Council.*

*Generally the public seating areas are not filmed. However by entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.*

*If you have any queries regarding this, please contact the representative of Legal and Democratic Services at the meeting*

## NOTES:

1. Members are requested to let the Democratic Services Officer have the wording of any motions and amendments not later than one hour before the start of the meeting.
2. Substitutions must be notified to the Democratic Services Officer by the absent Member or group representative at least half an hour in advance of the meeting.
3. Planning officers will introduce their report and be able to provide information or advice to Members during the meeting. They can also be contacted before the meeting if you require information or advice on any matter. Members are strongly encouraged to contact the relevant case officer in advance of the meeting if you are looking to amend or add conditions or are likely to be proposing a reason for refusal. It is helpful if officers are aware of these matters in advance so that they can better advise Members both before and during the meeting.
4. Members of the public can speak at the Committee meeting on any planning application that is being reported to the Committee for decision, provided they have made written representations on the application at least 14 days in advance of the meeting, and provided they have registered their wish to do so with the Democratic Services Officer no later than midday on the working day before the meeting. The number of public speakers is restricted to five objectors and five supporters in respect of each application.
5. Petitions from members of the public may be presented to the Committee provided that they contain 100 or more signatures and relate to a matter within the Committee's terms of reference. The presentation of petitions on the following matters is not allowed: (a) matters which are "confidential" or "exempt" under the Local Government Access to Information Act 1985; and (b) planning applications. Notice must be given in writing at least 14 days before the meeting. Please contact the Democratic Services Officer for further advice.
6. Notice of public questions must be given in writing at least 7 days before the meeting. Members of the public may ask one question relating to a matter within the Committee's terms of reference. Questions on "confidential" or "exempt" matters and planning applications are not allowed. Questions should relate to general policy and not detail. Please contact the Democratic Services Officer for further advice.
7. On 10 December 2013, the Council agreed amendments to the Scheme of Delegation so that:
  - All details pursuant (applications relating to a previously granted permission) and non-material amendments (minor issues that do not change the principles of an existing permission) will be delegated to officers (irrespective of the number of objections).
  - Any full application with fewer than 5 objections, which is in accordance with the development plan and national policies will be delegated to officers.
  - Any full application with fewer than 5 objections that is not in accordance with the development plan (i.e. waste development in Green Belt) and national policies will be delegated to officers in liaison with either the Chairman or Vice Chairman of the Planning & Regulatory Committee.
  - Any application can come before committee if requested by the local member or a member of the Planning & Regulatory Committee.

The revised Scheme of Delegation came into effect as of the date of the Council decision.

## **TOWN AND COUNTRY PLANNING ACT 1990 – GUIDANCE ON THE DETERMINATION OF PLANNING APPLICATIONS**

This guidance forms part of and should be read in conjunction with the Planning Considerations section in the following committee reports.

Surrey County Council as County Planning Authority (also known as Mineral or Waste Planning Authority in relation to matters relating to mineral or waste development) is required under Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) when determining planning applications to “*have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations*”. This section of the 1990 Act must be read together with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (2004 Act), which provides that: “*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*”

### **Development plan**

In Surrey the adopted development plan consists of the:

- Surrey Minerals Local Plan 2011 (comprised of the Core Strategy and Primary Aggregates Development Plan Documents (DPD))
- Surrey Waste Local Plan 2019-2033 adopted December 2020 (comprised of the Surrey Waste Local Plan Part 1 Policies and Surrey Waste Local Plan Part 2 Sites)
- Aggregates Recycling Joint DPD for the Minerals and Waste Plans 2013 (Aggregates Recycling DPD 2013)
- Any saved local plan policies and the adopted Local Development Documents (development plan documents and supplementary planning documents) prepared by the eleven Surrey district/borough councils in Surrey
- South East Plan 2009 Policy NRM6 Thames Basin Heaths Special Protection Area (apart from a policy relating to the former Upper Heyford Air Base in Oxfordshire the rest of the plan was revoked on 25 March 2013)
- Any neighbourhood plans (where they have been approved by the local community at referendum)

Set out in each report are the development plan documents and policies which provide the development plan framework relevant to the application under consideration.

### **Material considerations**

Material considerations will vary from planning application to planning application and can include: relevant European policy; the National Planning Policy Framework (NPPF) 2021 and subsequent updates; the March 2014 national Planning Practice Guidance (PPG) and updates; National Planning Policy for Waste (NPPW) October 2014; Waste Management Plan for England 2021; extant planning policy statements; Government Circulars and letters to Chief Planning Officers; emerging local development documents (being produced by Surrey County Council, the district/borough council or neighbourhood forum in whose area the application site lies).

### **National Planning Policy Framework and Planning Practice Guidance**

The [National Planning Policy Framework](#) (NPPF) was revised in July 2021. The revised NPPF replaces the previous NPPF published in March 2012 and revised in July 2018 and February 2019. It continues to provide consolidated guidance for local planning authorities and decision takers in relation to decision-taking (determining planning applications) and in preparing plans (plan making).

The NPPF sets out the Government's planning policies for England and how these are expected to be applied and the associated March 2014 [Planning Practice Guidance](#) (PPG) provides related guidance. The NPPF should be read alongside other national planning policies on [Waste](#), [Travellers](#), [Planning for Schools Development](#), [Sustainable Drainage Systems](#), [Parking](#), and [Starter Homes](#).

At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 10). The NPPF makes clear that the planning system has three overarching objectives in order to achieve sustainable development, which are interdependent and need to be pursued in mutually supportive ways in order to take opportunities to secure net gains across each of the different objectives. These objectives are economic, social and environmental.

The presumption in favour of sustainable development in the NPPF does not change the statutory principle that determination of planning applications must be made in accordance with the adopted development plan unless material considerations indicate otherwise. The NPPF is one of those material considerations. In determining planning applications the NPPF (paragraph 11) states that development proposals that accord with the development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important in determining an application are out of date, permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Annex 1 paragraph 219 states that in determining planning applications, local planning authorities should give due weight to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies are to the policies in the Framework, the greater the weight they may be given).

## **HUMAN RIGHTS ACT 1998 GUIDANCE FOR INTERPRETATION**

The Human Rights Act 1998 does not incorporate the European Convention on Human Rights into English law. It does, however, impose an obligation on public authorities not to act incompatibly with those Convention rights specified in Schedule 1 of that Act. As such, those persons directly affected by the adverse effects of decisions of public authorities may be able to claim a breach of their human rights. Decision makers are required to weigh the adverse impact of the development against the benefits to the public at large.

The most commonly relied upon articles of the European Convention are Articles 6, 8 and Article 1 of Protocol 1. These are specified in Schedule 1 of the Act.

Article 6 provides the right to a fair and public hearing. Officers must be satisfied that the application has been subject to proper public consultation and that the public have had an opportunity to make representations in the normal way and that any representations received have been properly covered in the report.

Article 8 covers the right to respect for a private and family life. This has been interpreted as the right to live one's personal life without unjustified interference. Officers must judge whether the development proposed would constitute such an interference and thus engage Article 8.

Article 1 of Protocol 1 provides that a person is entitled to the peaceful enjoyment of his possessions and that no-one shall be deprived of his possessions except in the public interest. Possessions will include material possessions, such as property, and also planning permissions

and possibly other rights. Officers will wish to consider whether the impact of the proposed development will affect the peaceful enjoyment of such possessions.

These are qualified rights, which means that interference with them may be justified if deemed necessary in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Any interference with a Convention right must be proportionate to the intended objective. This means that such an interference should be carefully designed to meet the objective in question and not be arbitrary, unfair or overly severe.

European case law suggests that interference with the human rights described above will only be considered to engage those Articles and thereby cause a breach of human rights where that interference is significant. Officers will therefore consider the impacts of all applications for planning permission and will express a view as to whether an Article of the Convention may be engaged.



**To:** Planning & Regulatory Committee

**Date:** 25 January 2023

**By:** Planning Development Manager

**District(s)** Tandridge District Council

**Electoral Division(s):**

Godstone  
Chris Farr

**Case Officer:**

Chris Turner

**Purpose:** For Decision

**Grid Ref:** 531050 152486

---

**Title: Surrey County Council Proposal TA/2021/1983**

**Summary Report**

**Pendell Transit Camp, Land off Merstham Road, Merstham, Surrey**

**Use of the land as a ten-pitch transit site for the Gypsy, Roma and Traveller community, including the erection of amenity blocks and site manager's office, creation of a vehicular access, landscaping, parking and refuse storage and associated works.**

The application site is located to the south of the existing Traveller site known as Pendell Camp, Merstham. This existing Traveller site provides permanent pitches for the Traveller community. This application is not seeking to extend this existing permanent Gypsy and Traveller site.

The application site has been identified to provide transit site pitches which can provide temporary accommodation for the Gypsy, Roma and Traveller communities and if permission was granted would provide Surrey's first transit site. The proposal is being brought forward via a coordinated approach between the County, Districts and Borough Councils and Surrey Police.

The application site measures approximately 0.57 hectares. The site currently comprises scrubland. Historic photographs show that the application site was once part of the wider Pendell Army Camp, however, it has been disused for a long period of time and has since become overgrown. It is currently covered in scrub with an earth bund to the north of the application site which runs adjacent to the existing access road serving the existing Traveller pitches.

The site is relatively flat with a large hedge on the eastern side of the site. To the west of the site is the M23 embankment and beyond this the M23 motorway. The boundary to the west is well treed.

The application seeks permission for a transit Traveller camp. The transit camp would comprise a new internal vehicular access road, construction of 10 transit camp pitches for tourer/caravan parking, 5 single storey double amenity blocks (providing kitchen and bathrooms), parking spaces and a manager's office for the day to day management of the site and hard and soft landscaping.

The proposal site would provide temporary accommodation for Travellers and could assist with the management of unauthorised camps by providing alternative accommodation. It is proposed that the site would be managed by Surrey County Council (SCC) to ensure that pitches would not be used for permanent residence.

The proposal is located within the Green Belt, the Surrey Hills Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV). It is sited immediately adjacent to the M23 motorway.

The applicant has put forward what they consider to be factors that amount to very special circumstances to demonstrate, that despite the proposal being inappropriate development in the Green Belt, there are benefits that clearly outweigh the harm to the Green Belt and any other harm.

Officers have considered the very special circumstances put forward by the applicant and have balanced these against the harm to the Green Belt and any other harm. Officers are of the opinion that the proposal would harm the openness of the Green Belt, would result in harm to landscape character and to the AONB, as well as providing a poor standard of accommodation. Officers do not consider that the very special circumstances advanced by the applicant outweighs these harms.

As per the Council's procedures, as this application is one submitted by Surrey County Council, Officers recommend that the application be referred back to the applicant so they can choose to reconsider the proposal they have submitted.

**The recommendation is that the application be referred back to the applicant with the grounds for refusal which would apply were the application to be determined.**

## ***Application details***

### ***Applicant***

SCC Property

### ***Date application valid***

5 November 2021

### ***Period for Determination***

31 December 2021

## ***Amending Documents***

Dust Impact Assessment dated 13.06.2022

Green Belt Statement dated 1st August 2022

Overall Review of Alternative Sites 1st August 2022

Strategic Statement for Transit Accommodation 1st August 2022

Noise Impact Assessment Dated 29th July 2022

Landscape and Visual Impact Addendum Dated 28th July 2022

Air Quality Assessment Dated 29th July 2022

Technical Note Dated 07/09/2022 Response to Comments made by RPS

Pendell Camp BNG Detra Matrix received 8/12/22

Email response regarding GCN dated 11/1/23

13538-CRH-XX-XX-FG-G-7070 Biodiversity Net Gain Area Rev P1

3258-20-02 Rev A Proposed Elevations Managers Office Dated 1st July 2022

3258-10-02 Rev B Proposed Ground Floor and Roof Plan Manager's Office Dated 1st July 2022

13538-CRH-XX-XX-GF-G-7054 Rev P3 Master Plan Dated 13 July 2022

## ***Summary of Planning Issues***

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

**Is this aspect of the proposal in accordance with the development plan?**

**Paragraphs in the report where this has been discussed**

Principle of the Application Site	No	33-38
Need for Gypsy and Traveller Accommodation	Yes	39-53
Location of Development and Sustainability	No	54-72
Green Belt	No	73-116
Area of Outstanding Natural Beauty	No	117-133
Landscape Character and Appearance	No	134-142
Standard of Accommodation/Living Conditions	No	143-176
Archaeology	Yes	177-181
Residential Amenity	No	182-185
Contaminated Land	Yes	186-191
Drainage	Yes	192-197
Highways	Yes	198-202
Biodiversity and Impact on the SSI	No	204-211
Trees	Yes	212-217
Green Belt Planning Balance	No	218-224

## ***Illustrative material***

### **Site Plan**

Masterplan 7054 Rev P3 July 2021

### **Aerial Photographs**

Aerial 1, Aerial Guide, Aerial 2.

### **Site Photographs**

Figure 1 - Entrance looking north

Figure 2 - Entrance looking south

Figure 3 - Looking into site existing Pendell site to the north shown on right

Figure 4 - Looking South into the site

Figure 5 - Looking towards M23 west

Figure 6 - Looking west towards M23 along bund

Figure 7 - Site at Ground Level

---

## **Background**

### **Site Description**

1. The existing Pendell Camp Travellers site is located between the Merstham Road (C69) and the M23 embankment being bounded to the north, east and west by these roads. To the south lies scrubland and the Redhill Brook. Beyond the Merstham Road lay more fields and scattered residential properties, the closest of which is North Lodge some 0.03 kilometres (km) from the existing Travellers site. The existing Pendell Camp Travellers site extends to approximately 0.3 hectares (ha) and consists currently of 7 occupied permanent Traveller pitches though planning permission exists for 15. The existing Pendell Camp Travellers site has an existing access onto the Bletchingley Road which is gated. The western boundary with the M23 embankment is well treed.
2. The application site is located immediately to the south of the existing Pendell Camp Travellers site and would measure approximately 0.57ha. The site currently comprises scrubland. Historic photographs show that the site was once part of the wider Pendell Army Camp, however, it has been disused for a long period of time and has since become overgrown. It is currently covered in scrub with an earth bund to the north of the site which runs adjacent to the existing access road serving the existing Traveller pitches.
3. The site is relatively flat with a large hedge on the eastern side of the site. To the west of the site is the M23 embankment and beyond this the M23 motorway.

### **Planning History**

4. The existing Pendell Camp Travellers site to the north was originally an army school established during the War. Planning Permission was granted 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 M23 motorway and was used as a camp to accommodate motorway workers and their families. In 1979, this land was occupied unlawfully by about 20 Gypsy/Traveller families and on the northern section was a large building used by a local farmer for storage purposes. A temporary planning permission was 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 Gypsy/Traveller pitches was granted in December 1980. That use with a varying number of pitches has continued ever since.

---

### **The proposal**

5. The application seeks permission for a transit Traveller camp. The transit camp would comprise a new internal vehicular access road, construction of 10 transit camp pitches for tourer/caravan parking, 5 single storey double amenity blocks (providing kitchen and bathrooms), parking spaces and a manager's office for the day to day management of the site and hard and soft landscaping.
6. The pitches would be arranged to be on the southern and western sides of the site. Access from the site would be taken from the existing access to the existing Pendell Traveller site to the north. An acoustic fence measuring 3m in height is also proposed to mitigate noise impacts from the adjacent motorway located to the west of the site. The acoustic fence would be located on the west and southern sides of the site and would wrap around the proposed pitches.

7. A barrier gate is proposed on the access to the site on the northern boundary and an access/security gate would be located on the southern boundary leading to the fields to the south.
8. Each pitch would be served by parking spaces. There would be two parking spaces per pitch as well as the parking areas for the caravans. Adjacent to each amenity block there is amenity space for each pitch.

## **Consultations and publicity**

### **District Council**

9. Tandridge District Council (planning) - Objects to the application on the grounds of:
  - Inappropriate Green Belt development. The openness and visual amenities of the area would be eroded and no 'very special circumstances' to clearly outweigh those harms have been identified.
  - 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.
  - 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.
  - 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.
10. Tandridge District Council (Environmental Health) – No objection subject to conditions

### **Consultees (Statutory and Non-Statutory)**

11. Reigate and Banstead Borough Council – Regulatory Services – Supports.

Reigate and Banstead is an adjoining authority to Tandridge and the proposed site is just metres from the borough boundary. At least one transit site in Surrey is welcomed to help promote equality by enabling members of the GRT community to stop within the county legally and safely in a place that has good sanitation and amenities. This space, once in use will allow Surrey residents to enjoy the benefit of the land they use and enjoy around them knowing that travelling groups who may be considering setting up in these places can be directed towards a nearby transit site by the Police reducing the frequency of illegal encampments throughout the county. This, the first transit site in Surrey, is a welcome addition that will be a huge leap towards the County's wider activities supporting and managing accommodation for the GRT community in the area.

12. County Arboriculturist - No objection subject to conditions
13. County Landscape Architect – No objection - The site sits adjacent to the M23 embankment and would be seen within this context. Where acoustic fences are necessary they should be conditioned to be a dark colour to reduce visual impact.
14. Lead Local Flood Authority – No objection subject to conditions
15. Transport Development Planning – No objection subject to conditions
16. County Noise Consultant - No objection subject to conditions. Although the site is not ideal from an acoustic perspective (and is less sensitive to noise than 'permanent' residential dwellings) any potential adverse impacts are acceptable when weighed against other non-acoustic factors.

17. Crime Prevention Design Advisor - No objection subject to conditions
18. County Archaeologist - No objection subject to conditions
19. County Ecologist – Has sought further clarification on matters related to great crested newts and biodiversity net gain. Subject to this additional information being received conditions would be required (officer comment: ongoing discussions are taking place with the applicant on this matter but until the comments of this consultee are satisfied there is reason to refuse the application on these grounds).
20. Surrey AONB Officer - Objects – Not only buildings and built form which impact on the AONB but also the paraphernalia, including vehicles which can be unsightly.
21. County Air Quality Consultant - No objection subject to conditions.
22. Natural England – No objection. The proposal should be referred to the Surrey AONB Officer for comment.
23. Minerals and Waster Planning Policy Team – The proposal would be not prejudice minerals working.
24. Surrey Gypsy and Traveller Forum – Supports the scheme.

### **Parish/Town Council and Amenity Groups**

#### 25. Nutfield Parish Council Response – Objects

- The site selection process was not adequate.
- Pre application consultation was not representative of local concerns.
- Impact on the Green Belt.
- The proposal does not address Tandridge’s Need for Gypsy and Traveller Sites
- The site is within a minerals safeguarding area.
- The application should be required to achieve a secure by design award.

#### 26. Bletchingley Parish Council Response – Objects

- The proposal will harm the AONB
- The existing Traveller site is of a poor condition and the Parish Council would like to see commitment by the County Planning Authority that appropriate funding is in place to secure the long term management of the proposed site.
- The County Council has not considered the long term impact the site could have on the adjacent Gypsy and Travellers.
- BPC has concerns over the location and the proximity to the adjacent motorway in terms of access to the motorway and potential for children/animals to access.
- BPC raises concern with the traffic impacts on the road and the safety issues that could occur on a country road.

#### 27. Godstone Parish Council - Objects

- Access is not suitable
- Reservations about the management of the site
- Suitability of the site adjacent to M23

### **Summary of publicity undertaken and key issues raised by public**

28. The application was publicised by the posting of one site notices *and an advert was placed in the local newspaper*. A total of 6 of owner/occupiers of neighbouring properties were directly notified by letter in the first round of publicity. 54 letters were sent to those

that made representations and neighbours in August 2022 when a second round of publicity was completed.

29. 98 letters/comments of representation have been received on the application. There was approximately 90 letters of objection received and 8 letters raising no objection were received. Letters of objection were received on the following grounds:

- The proposal is dangerous owing to the proximity to the motorway whereby animals and children would be able to access the motorway via the service accesses to the rear of the proposal site.
- The local community have not been thoroughly consulted on the proposal.
- The proposal does not take into account the impact on the adjoining settled Traveller community.
- The proposal is located on narrow country lanes which are liable to large areas of standing water.
- The proposal would have poor visibility on the access and therefore would be dangerous for vehicles entering and exiting the site and for other road users passing the site.
- There are no public transport links to or from the site and therefore the proposal is relying on the private vehicle.
- The area has been subject to fly tipping and this could result in increased fly tipping.
- The site is not appropriate within the AONB.
- The proposal would not provide enough space for travelling show people.
- It is unclear how the site would be managed by Surrey County Council.
- The current public infrastructure such as doctors and dentists are inadequate and therefore people accessing the site would be unable to use these services.
- The proposed development adjacent to the settled community could be incendiary to this existing group of Travellers.
- There are other more suitable sites which are available in the wider Surrey area.
- The submitted archaeology report identifies that there could be archaeology on the site which could be damaged by the proposal.
- The proposal will not enhance the local area and would be detrimental to the surrounding area.
- The proposal would constitute inappropriate Green Belt development.
- No very special circumstances exist which would allow the proposal within the Green Belt. The benefits of the scheme do not outweigh the harm.
- The existing Gypsy and Traveller site has been very poorly managed by the Surrey County Council in the past.
- The proposal would result in too much of a concentration of Gypsy and Traveller provision in one area. A more appropriate scheme would integrate this within a new proposed development.
- The unmet need of Gypsy and Traveller provision is not enough justification to allow the proposal in this location.
- The alternative site assessment has not considered previous Gypsy and Traveller sites such as The Downs as a suitable location for this kind of facility.

Letters of support were received on the following grounds:

- The proposal will provide accommodation for Gypsy and Travellers which will help to eliminate health inequalities
- Additional Gypsy and Traveller services are the key to reducing the discrimination that Gypsy and Travellers face.
- There is a lack of Gypsy and Traveller sites and therefore, this will contribute to providing for this shortfall in sites.
- The proposal would help the Gypsy and Traveller community.
- The proposal will help the authority to manage Gypsy and Traveller communities and unauthorised encampments.



### **Introduction**

30. The guidance on the determination of planning applications contained in the Preamble/Agenda front sheet is expressly incorporated into this report and must be read in conjunction with the following paragraphs.
31. In this case the statutory development plan for consideration of the application consists of the Tandridge District Local Plan Part 2 Detailed Policies Document (2014) and the Tandridge District Core Strategy (2008).
32. Tandridge District Council submitted their emerging local plan “Our Local Plan 2033” in January 2019 to the Planning Inspectorate. An Examination in Public (EiP) commenced in October 2019 and was completed by the end of November 2019. Following this the Inspector’s preliminary conclusions and advice was received in December 2020 with this being discussed on 8 February 2021. Since that time, correspondence has taken place between Tandridge District Council and the Planning Inspectorate with regards to transport modelling of the capacity of Junction 6 at the request of the County Highway Authority and Highways England. These matters remain unresolved at the time of this report. Given the plan has undergone EiP stage, Officers consider that policies within this Plan be afforded some weight in decision making for this application. However, this weight does not outweigh those policies that form part of the TDCS2008 and TDLP2014 which are part of the adopted Development Plan.
33. There is no neighbourhood plan for the application site. The application site lies within the Surrey Hills AONB, therefore it is important to ensure that the development proposal does not cause harm to the setting of the AONB. The Surrey Hills AONB Management Plan 2020-2025 has been adopted to provide a focus of the whole of the AONB designation and its conservation and enhancement. The AONB Management Plan provides policies and objectives for development that may occur within the AONB or its setting. Policy P1 states that in balancing different considerations associated with determining planning applications, great weight will be attached to any adverse impact that a development proposal would have on the amenity, landscape, and scenic beauty on the AONB and the need for its enhancement.
34. In considering this application the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations.
35. In assessing the application against development plan policy it will be necessary to determine whether the proposed measures for mitigating any environmental impact of the development are satisfactory. In this case the main planning considerations are: Principle of the application; location of the development and sustainability; planning policy and Traveller sites policies document; need; green belt; landscape character; visual impact; AONB; AGLV; environment and amenity; archaeology; contaminated land; drainage; highways and trees.

### **THE PRINCIPLE OF THE APPLICATION SITE FOR THE PROPOSED USE**

#### **Tandridge District Core Strategy**

Policy CSP1 – Location of Development

#### **Tandridge District Detailed Policies 2014**

Policy DP5 – Highway Safety and Design

#### **Planning Policy for Travellers 2015 (PPTS)**

36. The application site is located within the Green Belt, where development is considered to be inappropriate except for specific types of development as specified in the NPPF or where very special circumstances which outweigh the harm can be demonstrated. The principle of development may be acceptable should the development be considered



appropriate, it does not conflict with the purposes of the Green Belt and does not lead to harm to the openness of the Green Belt.

- 37. Policy CSP1 of the Tandridge Core Strategy states that development should be focused in the existing built-up areas of the district in order to promote the reuse of previously developed land and be located where there is a choice of transport modes available where the distance to services is minimised.
- 38. Draft Policy TLP01 of the Emerging Tandridge Local Plan is afforded limited weight as it is unadopted and states that development will be directed towards the most sustainable settlements which are the most built up (urban) areas and semi-rural service settlements.
- 39. The site is also located within the AONB where the principle of development may be acceptable subject to the proposals conserving and enhancing important viewpoints, protecting the setting and safeguarding views out of and into the AONB.
- 40. Policy A of the PPTS Document advises that in providing evidence for development local planning authorities should use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions.
- 41. Policy B of the PPTS outlines that, in preparing Local Plans, Local Planning Authorities (LPAs) should:

Identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets;

Identify a supply of specific, deliverable sites or broad locations for growth, for years six to ten, and where possible, years 11 to 15;

Consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area;

Relate the number of pitches or plots to circumstances of the specific size and location of the site and the surrounding population's size and density; and

Protect local amenity and environment.

***Need for Gypsy and Traveller Accommodation***

**Planning Policy for Traveller Sites (2015)**

- 42. National planning policy relating to the provision of Gypsy and Traveller sites is set out in the Planning Policy for Traveller Sites (2015) (PPTS). Paragraph 27 of that document states "If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission". It goes on to say the exception to this is where the proposal is on land designated as Green Belt and/or AONB. The overarching aim of this policy document is to ensure fair and equal treatment for Gypsies and Travellers, in a way that facilitates the traditional and nomadic way of life of Travellers whilst respecting the interests of the settled community.
- 43. Paragraph 24 states: Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for Traveller sites:
  - a) the existing level of local provision and need for sites
  - b) the availability (or lack) of alternative accommodation for the applicants
  - c) other personal circumstances of the applicant

- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any Travellers and not just those with local connections.

44. As this planning application is being pursued by Surrey County Council, parts 'b', 'c', 'd', and 'e' are not considered relevant to this application as there are no personal circumstances to consider.

**a. the existing level of local provision and need for sites**

45. Tandridge District Council's Traveller Site provision has been considered by the Planning Inspectorate under two recent appeal decisions APP/M3645/W/18/3205027 – Highview, Beech Farm Road and APP/M3645/W/19/3228261, Land adjacent to Caravan Site, Beech Farm Road. Planning appeal decision: APP/M3645/W/19/3228261 was dismissed for the material change of use of land for stationing of four static caravans for residential occupation by Gypsy-Travellers with new access, access track, hard standing, utility block, cess pool, storage area for up to four touring caravans and fencing.

46. In this decision, the Planning Inspector noted that within Tandridge there is a shortfall of permanent Traveller pitches. Despite this, the Inspector concluded that the Green Belt harm by reason of inappropriate development, loss of openness and effect on a Green Belt purpose, together with the harm to character and appearance, biodiversity and highway safety, are not clearly outweighed by other considerations - the unmet need for Traveller sites in the District, the lack of alternative sites, the failure of policy in providing sites and a 5 year supply, the fact that new Traveller sites are likely to be in the Green Belt, the personal circumstances of the site occupants and the sustainability benefits.

47. In support of the application, the applicant as part of their Planning Statement, Green Belt Statement and Strategic Statement has sought to demonstrate the need for the application.

48. The applicant points out that the proposal for a transit site in the east of the County is part of a wider strategy to provide transit sites in both the east and west of the County, with the eastern side of the County taking priority due to the number of unauthorised encampments here. Within the submitted Strategic Statement table 1 sets out occurrences of unauthorised encampments within Tandridge, Reigate and Banstead, Epsom and Ewell and Mole Valley (the east of the County) dating back to April 2018.

49. This table is reproduced below:

**TABLE 1: Occurrences of Unauthorised Encampments within Tandridge, Reigate & Banstead, Epsom & Ewell and Mole Valley**

Period	Number of UEs	Average Duration
April 2018 – September 2018	30	9.3 days
October 2018 – March 2019	7	5 days
April 2019 – September 2019	25	5.2 days
October 2019 – March 2020	3	5 days
April 2020 – July 2020	14	2.8 days

50. Included in the submitted Strategic Statement is a letter from Surrey Police which endorses the proposal. The letter sets out that the proposal would allow for the application of Police powers to move unauthorised encampments to the transit site under Section 62A of the Criminal Justice & Public Order Act 1994 which allows police to direct a group or individual to a 'suitable pitch on a relevant caravan site' should it be available.

51. Furthermore, in support of the application is a letter from the Chair of the Surrey Gypsy and Traveller Forum which supports development of permanent and transit facilities and emphasises that there is a particular need for transit sites to accommodate members of the community who travel for example to work, to visit family and friends, for health care or as part of their traditional, and legal, way of life.
52. The applicant refers to the appeal decision: APP/M3645/W/18/3205027 which was determined a few months earlier than the appeal decision referred to above. In this appeal APP/M3645/W/18/3205027 which was allowed for retrospective permission for the use of land as Gypsy and Traveller caravan site consisting of 4 no. pitches, the Planning Inspector similarly criticises Tandridge for their lack of permanent Traveller pitches stating that:
- 'there has been a persistent and woeful failure on the part of the Council to meet the needs of the Gypsy and Traveller community both historically and potentially going forward.'*
53. The Planning Inspector attributed significant weight to the shortfall of permanent Traveller site provision within this decision. As this proposal seeks only to provide temporary accommodation for Travellers, this proposal cannot be relied upon to fully contribute to the permanent pitch provision in the County and therefore the same level of weight cannot be attributed to it as a benefit.
54. It is accepted that there is a shortfall in permanent Traveller pitches within the Tandridge District as identified by the Planning Inspectorate in both appeal decisions cited above and by the applicant.
55. It is also accepted that the applicant has provided evidence that there are unauthorised encampments that occur in the eastern part of the County and that a transit site to some extent would assist in the management of unauthorised encampments, by providing alternative, legal accommodation.

## **LOCATION OF DEVELOPMENT AND SUSTAINABILITY**

### **Tandridge District Core Strategy (2008)**

CSP1 – Location of development

### **Tandridge Detailed Policies Document (2014-2029)**

DP5 – Highway Safety and Design

### **Tandridge Emerging Local Plan (2033)**

TLP01 – Spatial Strategy

#### *Sustainability*

56. CSP1 of the Tandridge Core Strategy states that development should be focused in the existing built-up areas of the district in order to promote the reuse of previously developed land and be located where there is a choice of transport mode available where the distance to services is minimised.
57. Policy CSP9 of the Tandridge Core Strategy relates to Gypsy and Traveller caravan sites. However, under examination at appeal, the Planning Inspector determined that this policy is out of date and does not accord with the guidance of the PPTS. As such in decision making it can not be afforded any weight.
58. Policy DP5 of the Detailed Policies Document relates to highways and design. Part 4 of this policy requires that proposals are safe and accessible by all and promotes access by public transport, foot and bicycle to nearby residential, commercial, retail, educational, leisure and recreational areas where appropriate.

59. TLP01 of the Emerging Tandridge Local Plan is afforded limited weight as it is unadopted and states that development will be directed towards the most sustainable settlements which are the most built up (urban) areas and semi-rural service settlements.
60. Paragraph 25 of the PPTS states that Local planning authorities should very strictly limit new Traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.
61. Occupiers of this proposed development would be reliant on private car use to access everyday shops and services. There is no bus route along Merstham Road with the closest bus route being in Merstham itself. Whilst the applicant has stated within their documents that the site managers office could be used to provide some services to residents, it is not considered that this would be adequate provision to prevent the need to use other services and shops.
62. The site is located outside of the settlement boundaries within the Green Belt. It is not therefore within a preferable location for development in accordance with the Core Strategy and Emerging Tandridge Local Plan. The proposal would not therefore be located within a sustainable location and would be reliant on the use of a private car. This would be contrary to Policy DP5 of the Tandridge Detailed Policies Document.

#### *Location of Development*

63. The application site is in the Green Belt and is proposed on an undeveloped green field. The openness of which has been discussed in the Green Belt section.
64. To the north of the site is the Pendell Camp Traveller site. According to the applicant's Review of Alternative Sites document, the existing Pendell Camp Site can accommodate up to 15 pitches. This was granted approval under planning permission ref: TA79/31/74. There are currently only 7 pitches which are in use and 8 pitches which could be lawfully accommodated on site. Tandridge acknowledges the site as an established site for permanent pitches within the Tandridge Policy Documents. Officers consider there is an opportunity to provide additional pitches on the existing site which could be further explored as this would be acceptable as planning permission already exists for these.
65. The applicant sets out in their statement that the site is well-established and has been occupied by the same occupants and their extended family since the 1980's who predominantly occupy the southern part of the existing site whilst the northern part of the site has been covered by imported material. It is understood the imported material was intended to prevent occupation of these other pitches.
66. Paragraph 25 of the PPTS states that Local planning authorities should very strictly limit new Traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.
67. As the site has been occupied by the same family for approximately 40 years Officers consider it reasonable to consider the existing residents of the adjacent site as a permanent settled community, albeit Gypsy and Travellers. Officers consider that the provision of 10 transit pitches adjacent to the 7 pitches of the settled community would be considered dominant to the nearest settled community within this rural area and therefore would be contrary to paragraph 25 of the PPTS.

68. Paragraph 26 of the PPTS states that when considering applications, local planning authorities should attach weight to the following matters:
- a. effective use of previously developed (brownfield), untidy or derelict land
  - b. sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
  - c. promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
  - d. not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community
69. The site is not previously developed land and is open, undeveloped countryside, it is not considered to be derelict land or necessarily untidy however, it is acknowledged as part of the proposals the scheme would remediate some areas of contaminated land. Therefore limited weight is attached to this criteria/ matter.
70. The proposal is not considered to increase the openness of the existing site despite landscaping being proposed as part of the scheme as there would be visual and spatial impact on the existing landscape. No weight is therefore attached to the scheme relation to criteria (b) above.
71. The site would provide appropriate amenity space within the site, however, the adjacent M23 would have an unacceptable noise impact on the site and therefore it is not considered that the proposal would promote a healthy lifestyle. It is also noted that the scheme relies on the private car and there are no sustainable methods of accessing the site. Therefore no weight is attached to this matter (c) above.
72. The site would be enclosed by an acoustic fence and would be separated from the adjacent site. It is in a rural area away from the nearest settlement. It would therefore give the impression the site would be isolated from the rest of community ((d) above).

#### *Conclusion*

73. The site is located within the open countryside and is not an allocated site within the development plan. Officers, having reviewed the proposed location of the application site against the criteria set out in paragraph 26 of the PPTS consider that no weight is able to be attached to the proposal and that it does not meet the requirements of paragraph 26 of the PPTS. As such it is not considered that the proposal accords with the requirements of the Planning Policy for Gypsy and Travellers (2015) on locational grounds.

## **GREEN BELT**

### **Tandridge Detailed Policies Document (2014-2029)**

DP10- Green Belt

DP13 – Buildings in the Green Belt

74. The site is located within the Green Belt, outside of any settlement. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
75. Policy DP10 of the Tandridge Local Plan Part 2 detailed Policies Document states that, within the Green Belt, planning permission for any inappropriate development which is, by definition, harmful to the Green Belt, will normally be refused. Proposals involving inappropriate development in the Green Belt will only be permitted where very special circumstances exist, to the extent that other considerations clearly outweigh any potential harm to the Green Belt by reason of inappropriateness and any other harm.

76. Policy DP13 states that unless very special circumstances can clearly be demonstrated, the Council will regard the construction of new buildings as inappropriate in the Green Belt. Part G of this Policy refers to the infill, partial or complete redevelopment of a previously developed brownfield site.
77. Paragraph 138 of the NPPF sets out the five purposes of the Green Belt. These are:
- 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.
78. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, in line with Policy DP10 of the Tandridge Local Plan detailed policies document.
79. Paragraph 148 goes on to say that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.
80. Paragraph 149 states that Local Authorities should consider the construction of new buildings in the Green Belt as inappropriate in the Green Belt. It also provides a list of exceptions:
- a) buildings for agriculture and forestry;
  - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
  - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
  - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
  - e) limited infilling in villages;
  - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
  - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
81. Paragraph 150 sets out that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
- a) mineral extraction;
  - b) engineering operations;
  - c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
  - d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
  - e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and



- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.
82. The proposed development would not provide buildings for forestry or agriculture, the provision of appropriate facilities for outdoor sport or recreation, would not extend an existing building, would not provide a replacement building, would not provide limited infilling in villages and would not provide limited affordable housing. It would not therefore fall under the exception of parts a-f of paragraph 149.
83. In relation to parts g, the limited infilling or partial or complete redevelopment of previously developed land, the NPPF defines previously developed land 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 71 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.*
84. 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 previously developed land.
85. The proposal is not therefore considered to fall within the exceptions of paragraph 149 of the NPPF.
86. The proposal would not be mineral extraction; an engineering operation; local transport infrastructure; would not reuse existing buildings; would go beyond the material change of use of the land; and has not been brought forward under a community right to build or neighbourhood development order. The proposal would not therefore fall under the exceptions of paragraphs 150 of the NPPF. As the proposal does not fall under the exceptions of paragraphs 149 or 150 of the NPPF the proposal is not considered to be appropriate development in the Green Belt and is therefore harmful.
87. Within the applicant's Green Belt statement, at paragraph 5.25 the applicant acknowledges the proposal is inappropriate development within the Green Belt. Therefore the principle of this development within the Green Belt is not acceptable.
88. Policy DP10 of the Tandridge Local Plan Part 2 detailed Policies Document states that, within the Green Belt, planning permission for any inappropriate development which is, by definition, harmful to the Green Belt, will normally be refused. Proposals involving inappropriate development in the Green Belt will only be permitted where very special circumstances exist, to the extent that other considerations clearly outweigh any potential harm to the Green Belt by reason of inappropriateness and any other harm.
89. Policy DP13 of the Tandridge Local Plan Part 2 detailed Policies Document states that unless very special circumstances can clearly be demonstrated, the Council will regard the construction of new buildings as inappropriate in the Green Belt. Part G of the this Policy refers to the infill, partial or complete redevelopment of a previously developed brownfield site.

*Openness*

90. The NPPF states that the fundamental aim of the Green Belt is to prevent sprawl by keeping land permanently open and it is therefore necessary to assess the impact of any proposal on the openness of the Green Belt. As per the Planning Practice Guidance on Green Belt it is well established in caselaw that the assessment of openness is not only visual but spatial; the duration of development and its reversibility, any remediation and the degree of activity likely to be generated.
91. The proposal would introduce an acoustic barrier on the southern and western boundaries which would be 3m in height and would be of solid wood construction, there would be hardstanding running throughout the site providing pitches and access tracks through the site. There would also be security fences. Amenity blocks are proposed on the site which would be single storey and finished with flat roofs, the managers block is also single storey and to be finished with a flat roof.
92. In the longer views along Mertham Road, the proposed acoustic barrier, on the southern boundary of the site, at least until the landscaping has been established would introduce a solid barrier with no intervisibility into the landscape, which would be likely visible from Mertham Road heading north and would introduce a permanent structure into the landscape. This would have a high degree of permanence within the wider landscape. Even if painted, the barrier would have a high degree of solidity contrary to the typical post and rail fence types typically found in the countryside and evidenced in the local area.
93. The existing view along Mertham Road is that of the open countryside with post and rail fencing and trees forming field boundaries when travelling from the south to the north. When travelling south there is the discreet entrance way of the existing Pendell Camp. The proposal would alter these views, with the acoustic fencing at odds with the countryside character of the existing field boundaries and more akin to urban development.
94. The proposed hardstanding which would be primarily visible from the entrance to the site would also lead to a permanent structure in the landscape along with the amenity blocks and managers office. None of these structures or buildings would be temporary, likewise the use of security fencing would further contribute to the solidity of the site and the permanence.
95. The applicant's supporting statement assesses the impact on the openness of the Green Belt and is supported by the Landscape Visual Assessment (LVA). The statement acknowledges that the proposal would have local visual harm, however argues that the site is well contained as existing and that landscaping would further enhance the screening of the site. The LVA was updated with an addendum following the inclusion of the acoustic fence. However, the LVA and the Green Belt statement relies on improved landscaping, primarily through planting to reduce the impact on the visual openness of the site. The LVA addendum also argues that the fence would have limited visibility from the users of the M23 and those using Mertham Road, with views limited to only through existing vegetation. The proposal is therefore reliant on the improvement of the landscaping in order to reduce the harm to the visual openness of the site.
96. For the above reasons Officers consider the proposal would be considered to be harmful visually to the openness of the Green Belt, and the permanence of the structures proposed would not be readily remediable.
97. The definition in planning terms of *Openness* is not precise and a number of factors are capable of being relevant as established within (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant) [2020]. Officers consider that another contributory harm to the openness of the Green Belt in this location would be the significant movement of vehicles on and off the site during the arrival and departure of residents to the site. The existing Traveller site to the north of the proposal site is well established and it is acknowledged that there



are some vehicular movements to and from the site. The proposal could result in the significant arrival or departure of residents to/from the site, which could comprise up to 10 caravans and associated commercial vehicles. The intensity of this activity would result in a harmful impact on the openness of the Green Belt.

98. The site is currently undeveloped and as such is spatially open and visually comprises an agricultural field. Independently the extent of the proposals would extend into open countryside, with a mix of single storey buildings, hardstanding, acoustic fences and security fencing. The proposal would therefore result in a permanent reduction in spatial openness which the applicant acknowledges in their supporting statement. The applicant argues that the proposed scale of the site is small and the area of the site to be developed is approximately 50% of the site area. However, the proposal site introduces permanent structures into an undeveloped field and the site area would be defined by an acoustic fence. Therefore, the extent of development is for the most part irrelevant in this sense, given the visual definition of the fence would screen 'undeveloped' parts of the site.
99. When considered with the adjacent Pendell camp, it would effectively double the extent of development in this particular location and as such it is considered that it would result in harm to the spatial openness of the Green Belt.

#### *Purposes of the Green Belt*

100. Paragraph 138 of the NPPF sets out the purposes of the Green Belt. As the site is not adjacent or part of a large built-up area, it would not result in coalescence of neighbouring towns, is not adjacent to any historic towns and is not part of a wider urban regeneration scheme, parts a,b,d and e of this paragraph are not relevant to this proposal.
101. Part c of the five purposes seeks to assist in safeguarding the countryside from encroachment. The applicant in annex 2 of their Green Belt statement argues that the proposal would not significantly encroach into the Countryside as they state the site is well screened and the additional planting would reduce the perception of encroachment into the Countryside.
102. However, Officers disagrees with this as the proposal would result in the development of undeveloped open countryside, visually extending the extent of development to the south of the existing Pendell Camp and to the east of the M23 motorway, the proposal would conflict with part c of this paragraph which seeks to safeguard the countryside from encroachment.
103. Within the Tandridge Local Plan evidence base Green Belt Assessment (Part 1), the site is identified as being within the GBA014 Green Belt Parcel. Although the document assesses this entire parcel of land ranging from Bletchingley at the south up to the M25 to the north and the M23 to the east and to the end of Godstone Road where it meets Bletchingley Road to the west. The document does note within this parcel that, aside from the settlement of Bletchingley, the parcel is generally free from any significant concentration of development. The document goes on to state that the parcel as a whole makes a strong contribution to almost all of the Green Belt purposes.
104. The document also notes the contribution the M23 makes in creating a defensible barrier between the open countryside and the urban areas of Redhill and Merstham. At a local level the undeveloped nature of the site contributes to maintaining the relatively undeveloped part of the green belt and contributes towards not creating an infill of development between the M23 to the east and Merstham Road to the west.
105. As the proposed development is considered to be inappropriate development within the Green Belt, which conflicts with the purposes of Green Belt and harms the openness of the Green Belt in accordance with paragraph 147 of the NPPF, Policy DP10

and Policy DP13 of the Tandridge Local Plan, very special circumstances will be required to demonstrate that the potential harm by inappropriateness and any other harm (which includes harm to openness) resulting from the proposal is clearly outweighed by other considerations.

### ***Alternative Sites Assessment***

106. In support of the application, the applicant has submitted an alternative sites assessment which has considered a range of sites against a list of parameters to demonstrate the proposed site is the most preferable for development. Officers have considered the alternative site assessment and make the following comment.
107. The methodology proposed by the applicant ought to consider sites which are both owned by SCC themselves, sites on the open market and off-market opportunities which may reasonably be considered for development as part of the assessment.
108. All site searches have sought sites of between 0.5-0.75ha (or at least 1.5acres) in order to accommodate the 10 pitches that SCC require to deliver the strategic objectives for the eastern side of the County. Brownfield and greenfield sites have been considered along with sites with physical or planning constraints including those within the Green Belt or AONB/AGLV. The deliverability of the sites has been based upon the need for the sites to be available within the next 18 months.
109. This criteria is considered reasonable in relation to site assessments.
110. It has been noted that within the third party representations there has been suggestion that a site has been put forward by a third party within the Guildford Area during a Parish meeting. However, this site has not been formally submitted to the authority and as such cannot be considered as an alternative site in this instance.
111. The applicant has considered 45 sites in total discounting those which it doesn't consider meet its criteria.
112. However, the site assessment also considered the site adjacent to the proposed site which comprises the existing Pendell Camp site. At the time of the application, the site as per the submitted statement has planning permission granted under reference TA79/31/74 for 15 pitches. According to the applicant there are currently 8 pitches which are not used on the site which could be lawfully used to accommodate up to 7 Gypsy and Traveller pitches.
113. The applicant discounts this site owing to the amount of remediation required and the volume of clearance required to make the site suitable within the required timeframe due to the urgent delivery requirement.
114. However, Officers respectfully consider that the deliverability of the proposed site may not be straightforward. If planning permission were to be granted for this site it would be subject to pre-commencement conditions, which would require discharging prior to starting works on the site. This would not be the case for the existing site, whereby the permission has been lawfully implemented for permanent Traveller accommodation and therefore the principle of Traveller accommodation has already been established.
115. Furthermore, this development itself requires planning permission whereas the existing, adjacent site works could have started without the need for additional planning permission. It would also have delivered permanent pitches and would not have required the technical works associated with a planning application.
116. Whilst it is accepted the adjacent site could not accommodate the full transit requirement, it could accommodate a mix of permanent and transit pitches, without

encroaching into the undeveloped proposal site and therefore overall harms would be much more limited. As the principle of development has been established in this location, there would be no additional consideration of additional Green Belt harm as this would have been considered on the original planning application, there would be less impact on the AONB and AGLV as the extent of development would be less and the proposal would not extend into undeveloped land. It would also provide the benefits of improving the site for the existing residents which would also be considered a benefit.

117. Officers therefore consider that on the basis of the information currently available to it, there is a potential alternative site available utilising the currently unused section of the existing Pendell Camp site which could be delivered within the required time frame.

***LANDSCAPE CHARACTER, VISUAL IMPACT AND THE SURREY HILLS AREA OF OUTSTANDING NATURAL BEAUTY AND AREA OF GREAT LANDSCAPE VALUE.***

**Tandridge Core Strategy 2008**

Policy CSP19 – Density

Policy CSP20 – AONB

**Tandridge Local Plan Part 2 Detailed Policies Document**

Policy DP7 – General Policy for New Development

**Emerging Tandridge Local Plan**

TLP32 – Landscape Character

TLP33 – Surrey Hills and High Weald AONB

TLP34 – Area of Greater Landscape Value and AONB Candidate Areas

***Area of Outstanding Natural Beauty and Area of Great Landscape Value***

118. 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.
119. Paragraph 174 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside. Paragraph 176 goes on to state that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. It goes on to say the scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
120. In considering harm in the AONB the guidance of the NPPF differs to that of the Green Belt, where the AONB is a landscape designation and the Green Belt is a policy designation.
121. Paragraph 177 states that when considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.
122. Footnote 60 explains that for the purposes of paragraphs 176 and 177, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. The site has an area of approximately 0.5 hectares, against the back drop of the M23 and the adjacent Pendell Camp. For this reason, the County Council does not consider that the proposal should be considered as major development within the AONB for the purposes of decision

making.

- 7
123. Policy CSP20 of the Council's Core Strategy relates to the AONB and sets out a range of principles to be followed within the AONB. These include: conserve and enhance the special landscape character, heritage, distinctiveness and sense of place of the locality; b) conserve and enhance important viewpoints, protect the setting and safeguard views out of and into the AONB.
  124. The Emerging Tandridge Local Plan (ETLP) is afforded limited weight. Draft Policy TLP 32 states that proposals for development in the District will protect and enhance the key landscape features and visual sensitivities of the landscape character areas, protecting and enhancing the character and qualities of the local landscape through appropriate design and management.
  125. Draft Policy TLP 33 of the ETLP deals with the Surrey Hills AONB and states that any planning applications within the AONB and that influence its setting will need to demonstrate that the development: has sought to conserve and enhance: the special landscape character, heritage, distinctiveness, sense of place of the locality and where appropriate, relative tranquillity; would safeguard public views out of and into the AONB and not adversely impact skylines and slopes; is designed to take advantage of existing landscape features and tree screening; and has met the provisions of the most up-to-date AONB Management Plan for the area.
  126. Draft Policy TLP 34 of the ETLP states that any planning applications within the AGLV will be required to demonstrate that they would not result in harm to the setting of the AONB or the distinctive character of the AGLV itself.
  127. Policy P1 of the Surrey Hills AONB management plan states that In balancing different considerations associated with determining planning applications and development plan land allocations, great weight will be attached to any adverse impact that a development proposal would have on the amenity, landscape and scenic beauty of the AONB and the need for its enhancement.
  128. P2 of the Surrey Hills AONB management plan states that development will respect the special landscape character of the locality, giving particular attention to potential impacts on ridgelines, public views and tranquillity.
  129. Policy P3 of the Surrey Hills AONB Management Plan states that development proposals will be required to be of high-quality design, respecting local distinctiveness and complimentary in form, setting and scale with their surroundings, and should take any opportunities to enhance their setting
  130. The Surrey Hills AONB Officer has been consulted on the proposals.
  131. The Surrey Hills AONB Officer accepts that some screening would visually reduce the impact of the proposed development, however, screening should not be relied upon in all cases to make unacceptable development acceptable and should the landscaping fail after five years there would be no method of reinstating the screening. As such, the Surrey Hills AONB Officer describes the provision of screening on the application as a negligible benefit of the scheme.
  132. The Surrey Hills AONB Officer goes on to say that whilst the LVIA considers the visual impacts of the proposal, there are also other elements of the proposal which impact on the AONB such as the associated paraphernalia, including vehicles associated with Gypsy and Traveller sites that can be unsightly. The Surrey Hills AONB Officer also disputes the conclusion of the LVIA in so far as the LVIA states that "the enclosed nature of the site also limits impacts on the wider AONB landscape". The Surrey Hills AONB Officer raises concern with the localised visual impact upon the character of this part of the AONB as the currently open site would be developed. The

site and activity associated with it would be evident from local public rights of way and the local road network.

133. The District Council considers that the proposal would have an urbanising impact on the area owing to the introduction of an intensive form of development which would partially remove a green buffer between Merstham Road and the M23 and would not be in accordance with the objectives of the AONB. Whilst it is acknowledged that the proposal would introduce development within the countryside, Countryside is by definition not devoid of development.

134. Officers recognise the County Landscape Architect is of the view that the special quality of the AONB would not be substantially harmed. However Officers also recognise that the AONB Officer raises concerns that there would be impact on the character on this part of the AONB and the District Council are also of the view that the proposal would lead to harm to the AONB. Officers are of the view that the proposal in terms of the built development proposed and the physical extension proposed, would be harmful to the AONB and AGLV and would therefore not accord with Policy CSP20 of the Tandridge Core Strategy, Policies TLP32, TLP33, TLP34 of the Emerging Tandridge Local Plan and the paragraphs of the NPPF.

### ***Landscape Character and Appearance***

135. The application site lies within the Merstham to Clacket Lane Greensand Valley Landscape Character Area (LCA) GV45. The key characteristics of GV4 are:

- Undulating landform, rising up to meet the chalk ridge scarp to the north and wooded greensand hills to the south
- Medium – large scale, open arable fields which a mixture of other uses including smaller pastoral fields, large scale sand quarry workings, golf courses, road and motorway corridors and settlement
- Blocks of woodland and hedgerows line field boundaries. There is ancient woodland the size and occurrence increasing at the eastern end of the character area
- Northerly views from the character area include the chalk ridge scarp
- A comprehensive network of public rights of way
- A number of Conservation Areas and small woodland areas designated as SNCIs with a few larger blocks of woodland designated as SSSI.
- Relatively rural landscape with tranquillity and remoteness varying across the character area due to the degree of urban influence
- Publicly accessible elevated views south over the application site include Quarry Hangers SSSI, which is open access land, and the promoted viewpoint at Gravelly Hill. The ridge is heavily wooded in parts, including areas of ancient woodland, and also supports nationally important areas of chalk grassland.

136. Policy CSP19 of the Tandridge Core Strategy relates to design and character. The policy states that the Council will require that new development, within town centres, built up areas, the villages and the countryside is of a high standard of design that must reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness.

137. Policy DP7 of the Detailed Policies Document sets out general principles for new development. Generally the Policy seeks to ensure that development should integrate effectively with its surroundings, reinforcing local distinctiveness and landscape character.

138. The application site would be approximately 0.5 hectares in size and would seek to provide 10 transit Traveller pitches. The proposal site would sit adjacent to the existing Pendell Traveller site using a shared access. The wider character of the area is rural. The high hedges of Merstham Road and the wider views of open countryside along Merstham Road enforce this. However, the site does sit adjacent to the M23, a nationally



significant piece of infrastructure and the existing Pendell Camp. In isolation, the existing Pendell Camp is consistent with the rural nature of the area which is not visible from the M23 and which is not served by any signage. As such the existing Traveller site is visually discreet from Merstham Road. This is further evidenced by the lack of any signage.

139. The proposal site is a relatively undisturbed field surrounded by untreated hedge, used only for the grazing of animals, although it is acknowledged that there has previously been fly tipping which has taken place on the site. The application site from the adjacent road has an 'unmanaged' feel to it. The proposal site would introduce a new form of development, which would be at odds with the character of the existing site and surroundings. The proposal would be less discreet than the existing Pendell Camp site to the north and would result in a more managed feel than the existing site. Fundamentally as well as featuring new screening, fencing, entrances etc, which would be contrary to the unmanaged feel of the site and fencing not consistent with that within a countryside location, there could potentially be regular and heavy movement of traffic to and from the site. To this effect, the District Council consider that the proposal would have an urbanising impact. Officers agree with this assessment.
140. The Council's Landscape Officer has been consulted on the proposals. They concur with the submitted landscape visual impact assessment which has been submitted in support of the application that the proposals will be restricted to a localised geographical area and would not result in substantial harm to landscape character beyond the site boundary. However, the Landscape Officer does raise concern with the proposed acoustic fence. They state that this element of the scheme would be the tallest part of the scheme and would impact visual prominence of the site, particularly in the winter and prior to landscaping establishing to screen this part of the development.
141. As the District Council and Surrey Hills AONB Officer's raise concern with the proposal, and the County's Landscape Officer, does raise concern with the acoustic fencing and the impact on the visual prominence, County Officers do not agree with the Landscape Officer's view that the proposal would not result in substantial harm to the landscape character.
142. The proposal would not be as discreet as the existing Traveller site and would feature acoustic hard fencing and entrances to the site, the laying of hardstanding, single storey flat roofed buildings which would be akin to a more urban development. It is not considered that these harms can be overcome through the application of conditions.
143. The proposal would therefore result in an urbanising impact, which does not reflect and respect the character of the existing Countryside and would not integrate with its surroundings, contrary to Policies CSP19 of the Tandridge Core Strategy and DP7 of the Detailed Policies Document. Officers consider the proposal would be harmful in this regard.

## **ENVIRONMENT AND AMENITY**

### **Tandridge Local Plan Part 2 Detailed Policies Document**

DP7 – General Policy for New Development

DP22 – Minimising contamination

#### ***Standard of Accommodation/Living Conditions***

144. Policy DP7 of the Local Plan Detailed Policies Document sets out general policies for new development. The policy states that new proposals should provide a satisfactory environment for the occupiers of existing and new development.
145. The NPPF seeks to create healthy and safe communities and states that decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles. Paragraph 185 states that decisions should ensure that new

development is appropriate for its location taking in account the likely effects, including cumulative effects, of pollution on health, living conditions and the Natural Environment.

146. Part a) of paragraph 185 states that new development should avoid giving rise to significant impacts on health and the quality of life.

147. In order to consider living conditions, as the proposal is sited adjacent to the M23 motorway, the County Council considers it appropriate to consider noise impacts, air quality and availability of amenity space in order to assess the quality of the living conditions for future occupiers.

*Noise*

148. Policy DP22 of the Tandridge Detailed Policies Document sets out 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.

149. The Noise Exposure Categories table sets out where the Council will consider road traffic noise is a consideration in planning applications. The table does not distinguish between internal or external noise levels but does distinguish between daytime hours and evening hours. The table is reproduced below:

**Noise Exposure Categories: Tandridge Local Plan Detailed Policies Document 2014**

Noise Levels <sup>a</sup> Corresponding To The Noise Exposure					
Categories For New Dwellings LAeq,T dB					
Noise Source	Time	Noise Exposure Category			
		A	B	C	D
Road Traffic	07.00-23.00	<55	55-63	63-72	>72
	23.00-07.00 <sup>b</sup>	<45	45-57	57-66	>66
Rail Traffic	07.00-23.00	<55	55-66	66-74	>74
	23.00-07.00 <sup>b</sup>	<45	45-59	59-66	>66
Air Traffic <sup>c</sup>	07.00-23.00	<57	57-66	66-72	>72
	23.00-07.00 <sup>b</sup>	<48	48-57	57-66	>66
Mixed Sources <sup>d</sup>	07.00-23.00	<55	55-63	63-72	>72
	23.00-07.00 <sup>b</sup>	<45	45-57	66	>66
	23.00-07.00 <sup>b</sup>	<45	45-57	66	>66
<b>General guidelines as to acceptability of residential development scheme based on noise levels</b>					
<b>NEC A</b>	Noise is unlikely to be a determining factor in the decision of an application.				
<b>NEC B</b>	Noise levels will be taken into account when determining planning applications and, where appropriate, conditions may be imposed to ensure an adequate level of protection against noise.				

<b>NEC C</b>	Permission will not normally be granted for residential development unless there are very special circumstances demonstrating that the benefit of the development will outweigh the harm by way of noise. If approval is granted, conditions will be applied to ensure an adequate level of protection against noise.
<b>NEC D</b>	Permission will not be granted for residential development.

150. The Planning Practice Guidance for Noise (PPG-N) was published in March 2014 and most recently updated in July 2019. The PPG-N provides the following advice on how to determine the noise impact on development:

“Plan-making and decision making need to take account of the acoustic environment and in doing so consider:

1. Whether or not a significant adverse effect is occurring or likely to occur;
2. Whether or not an adverse effect is occurring or likely to occur; and
3. Whether or not a good standard of amenity can be achieved.

151. British Standards BS 8233 *Guidance on sound insulation and noise reduction for buildings* has a number of design criteria for intrusive external noise without a specific character. The guidelines are designed to achieve reasonable resting/sleeping conditions in bedrooms and good listening conditions in other rooms. The table below demonstrates according to the British Standards indoor ambient noise levels for dwellings:

**Indoor Ambient Noise Levels for Dwellings – Table extracted from applicant’s Noise Impact Assessment**

Activity	Location	Daytime 0700hrs to 2300hrs	Night-time 2300hrs to 0700hrs
Resting	Living room	35 dB LAeq,16hr	-
Dining	Dining room/area	40 dB LAeq,16hr	-
Sleeping (daytime resting)	Bedroom	35 dB LAeq,16hr	30 dB LAeq,8hr

152. Although the BS sets no limits for external amenity areas such as gardens or patios it is desirable 50 dB *with an upper guideline value of 55 dB* which would be acceptable in noisier environments.

153. The World Health Organization (WHO) has developed guidelines designed to minimise the adverse effects of noise. The table below sets out their recommended noise guidelines:

**WHO Community Noise Guideline Values - Table extracted from applicant’s Noise Impact Assessment**

Specific Environment	Critical Health Effect(s)	Period Noise Level	Maximum Noise Level
----------------------	---------------------------	--------------------	---------------------



Outdoor Living area	Serious annoyance, daytime and evening	55 dB LAeq,16hr	-
	Moderate annoyance, daytime and evening	50 dB LAeq,16hr	-
Dwelling, Indoors	Speech intelligibility and moderate annoyance, daytime and evening	35 dB LAeq,16hr	
Inside bedrooms	Sleep disturbance, night-time	30 dB LAeq,18hr	45 dB LA <sub>Fmax</sub>
Outside bedrooms	Sleep disturbance with window open	45 dB LAeq,8hr	60 dB LA <sub>Fmax</sub>

154. The WHO guidelines state, with respect to the LA<sub>max</sub> threshold, that 'For a good sleep, it is believed that indoor sound pressure levels should not exceed approximately 45 dB LA<sub>max</sub> more than 10-15 times per night.

155. The proposed development is located adjacent to the M23 Motorway and in support of the application, the applicant has provided a Noise Impact Assessment dated 29/07/2022 and subsequent technical notes. The Council's Noise Consultant has been consulted on the proposals.

156. The submitted noise assessment measured noise levels at three points, one measurement was taken within the proposal site for 24hours and two were taken approximately 30m to the south of the proposal site for 3 hours. The results of the surveys showed that the logarithmic averages on measurement of the site were between 07:00-23:00 was 61.5db and the logarithmic max was 70.8db. Between 23:00-07:00 the logarithmic average was 59.4db and the logarithmic max was 68.9db.

157. For the time period 10:50-13:50 the other survey areas produced logarithmic averages of 60.6db and 61.5db and the logarithmic max of 78 and 72.1db.

158. Section 5 of the Noise Impact Assessment provides the predicted noise levels. With the mitigation of 3m barrier the logarithmic average between the plots varies between a logarithmic average of 57.3db – 59.8db during the daytime period and between 57db to 55db during the night time period.

159. As per the Noise Impact Assessment, the proposal would exceed the WHO and the British Standards criterion of 55db for external noise across all proposed pitches. In accordance with Policy DP22 of the Tandridge Detailed Policies document, this would also put the site within the noise exposure category C, whereby applications for residential development would normally be refused based on noise impacts, unless, there are very special circumstances demonstrating the benefits of the proposal would outweigh the harm by way of noise impacts.

160. The applicant considers that internal noise levels of a caravan could result in a 20db reduction in sound. This could result in internal noise levels of approximately 37db to 35db during night time and 37.3db and 39.8db during the daytime, however this would be dependant on the standard of the insulation of the caravan which is being occupied.
161. These levels are greater than the British Standard BS8233 criteria recommends for reasonable resting and sleeping conditions for a bedroom and greater than the WHO period noise levels for inside bedrooms.
162. The County Council noise consultant has been consulted on these proposals. They highlight the noise levels relative to the guidance and consider that the noise climate at the site is not considered ideal for this type of development. Whilst they raise no objection subject to conditions, they state this is only when potential adverse impacts in relation to noise impact are acceptable when weighed against other non-acoustic factors.
163. Whilst the applicant argues that the exposure to these noise levels would be for a limited period of time and therefore would not result in long term harm, Officers consider it inappropriate to allow for unacceptable exposure to noise disturbance which would typically not be acceptable for permanent residential development, on the basis that occupiers may not be there for a long period of time. It should also be noted that these levels are on the assumption that the internal insulation of a caravan would reduce internal noise by 20db.
164. The transient nature of the occupation of the pitches is not deemed to be a very special circumstance for the purposes of policy DP22 of the Tandridge Detailed Policies Document. Furthermore it should be noted that unlike permanent residential development, it is not possible to condition mitigation measures for the development, beyond those proposed by the applicant, as it would not be possible to condition mitigation measures to individual caravans as would be possible on permanent residential development such as additional glazing or sound insulation.
165. Officers therefore consider that in relation to noise levels the proposal would result in unacceptable living conditions contrary to the NPPF and contrary to policy DP22 of the Tandridge Detailed Policies Document.

#### *Air Quality*

166. Part H of Policy DP22 relates to air quality and states that development will be permitted provided it would not:
- Have an adverse impact on health, the natural or built environment or amenity of existing or proposed uses by virtue of odour, dust and/or other forms of air pollution; or
  - Be likely to suffer unacceptable nuisance as a result of proximity to existing sources of odour, dust and/or other forms of air pollution.
167. As the site sits adjacent to the M23 motorway, the applicant has submitted an air quality assessment which has been considered by the Council's Air Quality Consultant. In relation to air quality, this should be considered for both the construction and operation phase. In relation to the operation phase, the main pollutants of concern are generally considered to be NO<sub>2</sub> and particulate matter 10 (PM<sub>10</sub>) for road traffic. During the construction phase this can also include larger particulate matter.
168. The Air Quality Assessment concludes that the during the operation phase (when the site is occupied) that there will be no exceedances of the nitrogen dioxide or particulate matter objectives for the future site residents based on the air quality modelling.

169. The Council's Air Quality Consultant is satisfied with this conclusion and therefore no objection is raised on the grounds of air quality impacting the suitability of the use of the site.
170. The additional traffic generated by the site is not considered significant so as to result in unacceptable air quality impact, owing to the low number of vehicular movements associated with the site.
171. A dust management plan and construction environmental management plan have been submitted with the application, which in the event the application were to be permitted would be conditioned, to mitigate the impacts of construction matters on air quality.
172. The proposal is not therefore considered to result in adverse impact on health, the natural or built environment or amenity of existing or proposed uses by virtue of odour, dust and/or other forms of air pollution subject to the implementation of conditions in relation to the dust management plan and the construction environmental management plan. The proposed development would not likely suffer unacceptable nuisance as a result of proximity to existing sources of odour, dust and/or other forms of air pollution. As such in relation to air quality the proposal would accord with part H of Policy DP22 of the Tandridge Detailed Policies Plan document.

#### *Amenity Space*

173. Policy DP7 of the detailed policies document sets out that proposals should provide appropriate facilities for individual and communal use including amenity and garden areas.
174. The application proposes garden areas for each of the plots adjacent to the caravan pitches. The policy above does not set out criteria for garden/amenity sizes. The proposed pitches would be served by amenity space which would measure approximately 30sqm. This is considered to be appropriate amenity space for each of the pitches. For the purposes of amenity space the proposal would therefore accord with Policy DP7 of the Tandridge Detailed Policies Document.

#### *Conclusion*

175. The proposed development would provide adequate amenity space for proposed residents and the proposed pitches would not be subject to harmful levels of air pollution. However, the proposed pitches including mitigation in the form of an acoustic barrier would be subject to noise levels which would be above the recommended British Standards guidance and the World Health Organisation Standards. The applicant argues that the residents are not anticipated to be on the site for more than approximately 4 weeks at anyone time and therefore, despite the inappropriate noise levels would not be subject to a harmful level of noise exposure.
176. However, Officers do not consider it appropriate to permit accommodation, which could result in an unacceptable harmful impact on the occupiers on the basis that the occupiers may not be at the site for more than a few weeks at a time. The proposal would result in noise exposure which could negatively impact on the living conditions of the occupants during that temporary period which may disrupt sleep and rest. The temporary period of occupation of the pitches is not deemed to be a very special circumstance for the purposes of policy DP22 of the Tandridge Detailed Policies Document.
177. The proposal would therefore provide unacceptable living conditions to future occupiers and therefore would be contrary to Policy DP22 of the Detailed Policies Document.

**Tandridge Local Plan Part 2 Detailed Policies Document:  
DP20 - Archaeology**

178. Policy DP20 of the Tandridge Detailed Policies Document relates to heritage assets. The proposal requires that any proposal above 0.4 hectares must be accompanied by an archaeological desktop assessment. Where the assessment indicates the possibility of significant archaeological remains on the site, or where archaeological deposits are evident below ground or on the surface, further archaeological work will be required. The application meets this threshold based on the site area.
179. In support of the application, the applicant has submitted an Archaeological Desk Based Assessment produced by their archaeological consultants the Surrey County Archaeological Unit, dated October 2021. The Council's Archaeological Officer has been consulted on the proposals.
180. The site is assessed as having a moderate to high potential for the presence of Heritage Assets of archaeological significance spanning the prehistoric, Roman, medieval and modern periods.
181. Given the scale of the proposed development, the site's archaeological potential and the degree of impact on any Heritage Assets of archaeological significance that may be present, there is a need for further archaeological work. The Archaeological Officer has concluded that given that a proportion of the site has been subject to previous impact, it is not necessary for the evaluation to be undertaken in advance of any planning permission.
182. No objection is therefore raised on the grounds of archaeological impacts, subject to the implementation of a condition which would secure a programme of archaeological works in accordance with a written scheme of investigation. Subject to the implementation of this conditions, the proposal is therefore considered to accord with Policy DP20 of the Tandridge Detailed Policies Document.

***Residential Amenity***

**Tandridge Core Strategy 2008**

CSP18 – Character and Design

**Tandridge Local Plan Part 2 Detailed Policies Document**

DP7 – General Policy for New Development

183. Policy CSP18 of the Tandridge Core Strategy relates to character and design. Within the Policy it states that new development 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 impact.
184. Policy DP7 of the Tandridge Detailed Policies Document sets out general design guidelines. On amenity the policy states that proposals should not significantly harm the amenity of neighbouring properties by reason of pollution or other general disturbance. Regarding privacy the policy states that the proposal should not significantly harm the amenities and privacy of neighbouring properties by reason of overlooking, overshadowing or overbearing impact.
185. The application site is located to the south of the existing Pendell Traveller Camp. The pitches and buildings proposed on the site are well separated from the existing pitches and buildings on the adjacent site. Owing to the single storey nature of these proposed buildings and the separation distance the proposals would not result in an overbearing impact on the adjacent site, would not lead to a harmful loss of light, outlook or privacy. In relation to permanent residential dwellings, the proposal site is well

separated from any permanent resident dwellings and as such there would be no loss of amenity to any private dwelling by way of harmful loss of light, outlook, privacy or overbearing impact. Officers are however concerned at the potential for noise disturbance to the occupiers of the existing site by virtue of the fact that it will be transient in nature with frequent turnover and manoeuvring of vehicles. Whilst this to some degree might be mitigated with good site management officers are not satisfied the proposal is acceptable in this regard on the information presently submitted.

186. The proposal would not therefore be considered to accord with Policy CSP18 of the Tandridge Core Strategy, and Policy DP7 of the Tandridge Detailed Policies Document.

### **Contaminated Land**

187. Paragraph 183 of the NPPF states that Planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation)
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

188. Part A of Policy DP22 of the Tandridge Detailed Policies Document sets out that proposals for development on land that is or may be contaminated will be permitted provided that there will be no unacceptable risk to health or the environment and provided adequate remedial measures are proposed which would mitigate the effect of any contamination and render the site suitable for use. Where there is evidence of a high risk from residual contamination the applicant will be required to show as part of the application how decontamination will be undertaken.

189. In support of the planning application, the applicant has submitted a Geotechnical Report by Campbell Reith dated October 2021. Tandridge District Council's Environmental Health (EHO) team have been consulted on the proposals.

190. Along the northern edge of the site there has been historic fly tipping which forms a bund on the northern boundary of the site. It is also noted that historically the site was part of the Pendell Camp military base.

191. The EHO has reviewed the Geotechnical report and the conclusions and raises no objections to the proposal subject to the implementation of a condition requiring a detailed written scheme of contamination assessment consisting of site reconnaissance, conceptual model, risk assessment and schedule of investigation.

192. Officers are satisfied that subject to the implementation of the condition, the proposal would accord with the requirements of paragraph 183 of the NPPF and part A of Policy DP22 of the Tandridge Detailed Policies Document.

### **Drainage**

193. The site is located outside of the Flood Zone, however, as the proposal would be considered major development in accordance with the Town and Country Planning Act, it is a requirement of the Council to consider the impacts of surface water runoff as part of any proposal constituting major development.

194. Policy DP1 of the Tandridge Local Plan Part Two deals with water management. It states that proposals should seek to secure opportunities to reduce both cause and impact of flooding included in the example is through the incorporation of SUDs.
195. Draft Policy TLP 47 of the Tandridge Emerging Local Plan is afforded limited weight. On SUDs it states that SUDs are required in all residential development and major non-residential development schemes. It goes on to say that surface run-off should be managed as close to the source as possible and should not increase flood risk elsewhere.
196. In support of the application, the applicant has submitted Flood Risk Assessment and Drainage Strategy, Campbell Reith, October 2021.
197. The Lead Local Flood Authority raise no objection to the proposal subject to the implementation of conditions in relation to a detailed SUDs design scheme to be approved prior to implementation of the works.
198. Subject to the implementation of these conditions, the proposal is considered to accord with Policy DP1 of the Tandridge Local Plan Part Two and TLP47 of the Emerging Tandridge Local Plan.

### **Highways**

199. Policy CSP 11 of the Core Strategy States that the Council will require new development to have regard to adopted highway design standards and vehicle and other parking standards.
200. Policy DP5 of the Detailed Policies Document relates to highway safety and design. It states that development will be permitted subject, subject to meeting the requirements of other Development Plan policies and subject criteria 1-5 which set out general highway design requirements; including compliance with relevant highways design guidance; the proposal doesn't impede the free flow of traffic on the existing road network or create hazards for other road users; provides safe and suitable access to the site.
201. Paragraph 111 of the NPPF states that in relation to highways, 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 would be severe.
202. In support of the application, the applicant has submitted a Transport Statement dated October 2021 and the County Transport Development Planning Team have reviewed the application.
203. The Transport Development Planning team raise no objection to the proposal subject to the implementation of conditions in order to prevent the proposal from prejudicing highway safety nor cause inconvenience to other road users. The Transport Development Management Team recommends conditions to ensure there is sufficient visibility for the vehicles entering and exiting the site on Merstham Road, to ensure that parking is implemented on the site and maintain so that cars can exit the site in forward gear and for each site to be served with an electrical charging point so that future users of the site can use electric vehicles. A condition is also recommended so that a construction environmental management plan is submitted prior to any development on site.
204. The Surrey County Council Vehicular, electric vehicle and cycle parking guidance for new developments document does not categorise parking standards for Gypsy and Traveller sites. This document sets out maximum standards for parking for different types of development. For Gypsy and Traveller sites, it is recognised there is a high level



of vehicular ownership and that the site is located within a rural area.

205. The proposal would provide parking on site for the equivalent of two parking spaces per pitch and five visitor parking spaces. This is considered to be an adequate parking allowance, assuming two vehicles per towed caravan and would be similar to that required for residential dwellings of over three bedrooms.
206. Subject to the implementation of conditions so that the proposal would not prejudice highway safety, it is considered to accord with Policy CSP11 of the Core Strategy and DP5 of the Detailed Policies Document.

### ***Biodiversity and Impact on the SSSI***

207. Policy CSP17 of the Tandridge Core Strategy states that proposals should protect biodiversity and provide for the maintenance, enhancement, restoration and, if possible, expansion of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife.
208. TLP35 of the emerging Tandridge Local Plan is afforded limited weight. It states that proposals for development should protect biodiversity and contribute to the wider Green and Blue infrastructure.
209. The site is within the SSSI impact risk zone. In support of the application the applicant has submitted the Ecological Assessment (October, 2021). Surrey Wildlife Trust have been consulted on the proposals.
210. The site is located within proximity to approximately 4 ponds surrounding the development site. Environmental DNA Surveys have been conducted by the applicant's ecologist and great crested newts have been confirmed in a pond approximately 460m from the development site and it is unknown if there is a presence in a pond approximately 160m from the development site due to access restrictions.
211. The applicant argues that the pond where the presence is unknown regularly dries out, however, this does not necessarily mean that the pond is not suitable habitat for GCN. Furthermore, current scrub on the site and the surrounding area, lends to being suitable habitat for the GCN, with roads not considered to be complete barriers to newt movements.
212. The Surrey Wildlife Trust acting on behalf of the County have requested more information to demonstrate that the proposal would not have a harmful impact on the newt population which is known to be present in the area, however, no information has been forthcoming to the satisfaction of the Wildlife Trust. In the absence of this information, it is not possible for the County Planning Authority to be satisfied the proposal would not have a harmful impact on the biodiversity of the site. Therefore the proposal in this regard is not considered to accord with Policy CSP17 of the Tandridge Core Strategy.

### ***Biodiversity Net Gain***

213. The Biodiversity Net gain of the proposal has been reviewed by the County Ecologist. As the proposal is for County own development, a legal agreement cannot be entered into between the County and itself to secure off site land for the purposes of biodiversity net gain. However, it would be appropriate in this situation to secure the land via a condition should planning permission be granted.
214. The information submitted by the applicant indicates that the proposal with planting and management of the offsite land could lead to a biodiversity net gain of 24.28%. The Environment Act sets out that new development should achieve a minimum

of 10% biodiversity net gain. The site therefore, would meet this requirement and no objection is raised in this regard.

### **Trees**

215. Policy CSP 18 of the Tandridge Core Strategy relates to character and design. In relation to trees the policy states that development must have regard for the topography of the site and important trees and groups of trees.
216. Policy DP7 of the Detailed Policies Document relates to safeguarding assets, resources and the environment. On trees the Policy states that where trees are present on a proposed development site, provision should be made for the retention of existing trees that are important by virtue of their significance in the local landscape.
217. In support of the application, the applicant has submitted a Landscape Management Plan and Tree Condition Survey. The Council's Arboriculture Officer has been consulted on the proposal.
218. The scheme proposes the removal of trees primarily on the eastern side adjacent to Merstham Road. These trees are categorised as trees of low value by the submitted tree report and the Council's Arboriculture Officer agrees with this assessment. There are some more established trees on the western boundary that are set to be retained. In order to prevent damage to these trees, a condition is recommended for tree protection measures to those mature trees on the western boundary. New fruit trees are proposed as part of the landscape plan primarily along the eastern boundary. As well as replacing the trees to the lost, these trees in addition will provide a food source for wildlife.
219. The County Arboriculture Officer has reviewed the proposal and raises no objection to the scheme, subject to the implementation of conditions for further details of tree planting and submission of an arboricultural method statement to protect the existing retained trees during construction.
220. Subject to the implementation of these conditions, the proposal would be considered to accord with policies CSP18 of the Tandridge Core Strategy and Policy DP7 of the Detailed Policies Document.

### **GREEN BELT: PLANNING BALANCE AND VERY SPECIAL CIRCUMSTANCES**

221. The NPPF requires that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
222. The proposal would constitute inappropriate Green Belt development which would attract substantial weight. The proposal would also conflict with one of the purposes of Green Belt as the proposal would not safeguard the countryside from encroachment.
223. Paragraph 148 of the NPPF requires the consideration of other harm to the Green Belt beyond inappropriateness and conflict with the purposes of Green Belt.
224. Other harms that have been identified by the proposal are
- harm to the visual and spatial openness of the Green Belt which is afforded substantial weight,
  - harm by way of unsustainable development which is afforded limited weight,
  - conflict with paragraph 25 and 26 of the Planning Policy for Traveller Sites which is afforded significant weight,
  - harm to the character and appearance of the area which is afforded moderate weight.



- poor standard of accommodation/living conditions which is afforded significant weight
- harm to the landscape character, AONB and AGLV which is afforded significant weight.
- Harm to the residential amenity of the adjoining neighbours which is afforded moderate weight.

225. The benefits of the application considered against these harms are:
- it is acknowledged that the proposal would provide transit Traveller accommodation for a short term period and this is afforded limited weight, owing to the fact the standard of accommodation is not deemed satisfactory.
  - It is acknowledged that the accommodation would help to partly alleviate an identified need for Traveller accommodation in Surrey.
226. The applicant has also put forward factors which they consider amount to very special circumstances they consider weigh in favour of the application. These are:
- the cost of managing unauthorised encampments – Officers afford this limited weight.
  - They also suggest that the reduction in stress to existing residents through the potential reduction in unauthorised encampments should be considered a benefit, this proposal has the potential to impact on the wellbeing on another established community and therefore is afforded limited weight.
  - The facilities provided on site such as the managers office could be used to provide services to Travellers occupying the site – Officers afford this limited weight as the occupancy of the site is expected to be temporary and therefore the facilities would only be available for a limited time to residents if the site is used as per the applicants intentions.
  - The proposal will improve access to services and facilities for children – Officers afford this limited weight as there are no individual circumstances for the site, it is not possible to know whether or not there will be children on the site or what age they may be.
  - The proposal will reduce harm to the Green Belt by potentially providing alternative accommodation to unauthorised encampments which may be situated in the Green Belt. Officers afford this some weight, as it is not possible quantify the individual harm of unauthorised encampments, beyond inappropriateness within the Green Belt.
  - Lack of alternative sites within Tandridge – Officers afford this moderate weight as, per the site assessment sections of this report, the Officers consider the adjacent site could provide pitches.
227. The benefits to the proposal have been carefully considered and this is considered to be balanced. Officers however consider that whilst there is a balance of issues to be considered the proposed benefits of the scheme and the factors advanced by the applicant do not amount to *very special circumstances* which clearly outweigh the harm to the Green Belt and other harms. The proposal would therefore conflict with policies DP10 and DP13 of the Tandridge detailed Policies Document and paragraphs 138 and 148 of the NPPF 2021.

---

### ***Human Rights Implications***

228. The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with the following paragraphs.
229. The proposal involves the construction of a transit Gypsy and Traveller site.
230. The Human Rights Act 1998 does not incorporate the European Convention on Human Rights into English law. It does, however, impose an obligation on public

authorities not to act incompatibly with those Convention rights specified in Schedule 1 of that Act. As such, those persons directly affected by the adverse effects of decisions of public authorities may be able to claim a breach of their human rights. Decision makers are required to weigh the adverse impact of the development against the benefits to the public at large.

231. The most commonly relied upon articles of the European Convention are Articles 6, 8 and Article 1 of Protocol 1. These are specified in Schedule 1 of the Act.
232. Article 6 provides the right to a fair and public hearing. Officers must be satisfied that the application has been subject to proper public consultation and that the public have had an opportunity to make representations in the normal way and that any representations received have been properly covered in the report.
233. Article 8 covers the right to respect for a private and family life. This has been interpreted as the right to live one's personal life without unjustified interference. We must judge whether the development proposed would constitute such an interference and thus engage Article 8. The application here is not made by an individual but rather by SCC for the site as a whole.
234. Article 1 of Protocol 1 is likely to be more relevant and provides that a person is entitled to the peaceful enjoyment of his possessions and that no-one shall be deprived of his possessions except in the public interest. Possessions will include material possessions, such as property, and also planning permissions and possibly other rights. Officers will wish to consider whether the impact of the proposed development will affect the peaceful enjoyment of such possessions.
235. These are qualified rights, which means that interference with them may be justified if deemed necessary in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
236. Any interference with a Convention right must be proportionate to the intended objective. This means that such an interference should be carefully designed to meet the objective in question and not be arbitrary, unfair or overly severe.
237. European case law suggests that interference with the human rights described above will only be considered to engage those Articles and thereby cause a breach of human rights where that interference is significant. Officers will therefore consider the impacts of all applications for planning permission and will express a view as to whether an Article of the Convention may be engaged.
238. In January 2001, the case of *Chapman v United Kingdom* (27238/95), (2001) 33 E.H.R.R. 18 (2001) the European Court of Human Rights recognised that European states are recognising the special needs of minorities and an obligation to protect their security, identity and lifestyle, not only for the purpose of safeguarding the interests of the minorities themselves but to preserve a cultural diversity of value to the whole community. However, the court also pointed out that the complexity and sensitivity of the issues involved in policies balancing the interests of the general population, in particular with regard to environmental protection and the interests of a minority with possibly conflicting requirements, renders its role a strictly supervisory one.

The court held:

*“Although the fact of being a member of a minority with a traditional lifestyle different from that of the majority of a society does not confer an immunity from general laws intended to safeguard assets common to the whole society such as the environment, it may have an incidence on the manner in which such laws are to be implemented. As intimated in Buckley\*\* , the vulnerable position of gypsies as a minority means*

*that special consideration should be given to their needs and their different lifestyle both in the relevant regulatory planning framework and in arriving at decisions in particular cases. To this extent there is a positive obligation imposed on the Contracting States by virtue of Article 8 to facilitate the Gypsy way of life. [96]*

*The Court does not accept the argument that, because statistically the number of gypsies is greater than the number of places available in authorised Gypsy sites, the decision not to allow the applicant Gypsy family to occupy land where they wished in order to install their caravan in itself, and without more, constituted a violation of Article 8. This would be tantamount to imposing on the United Kingdom, as on all the other Contracting States, an obligation by virtue of Article 8 to make available to the Gypsy community an adequate number of suitably equipped sites. The Court is not convinced that Article 8 can be interpreted to involve such a far-reaching positive obligation of general social policy being imposed on States. [98]*

*Article 8 does not in terms give a right to be provided with a home. Nor does any of the jurisprudence of the Court acknowledge such a right. While it is desirable that every human being has a place where he or she can live in dignity and which he or she can call home, there are in the Contracting States many persons who have no home. Whether the State provides funds to enable everyone to have a home is a matter for political not judicial decision.[99]*

\*\* Buckley v. United Kingdom: (1997) 23 E.H.R.R. 101

239. Article 1 of Protocol 1 protects the Applicant's right to enjoyment of their property and he/she may claim that his/her human rights are affected if planning permission were to be refused. Officers do not consider this would constitute a breach given the need to balance the rights of the public in general against the applicant's. As such, to refuse planning permission would not interfere with any Convention right.

240. It is the Officer's view that the scale of the impact from these issues, which have been discussed in the report, is balanced but consider, on balance, them to be harmful. it is the Officer's view that these considerations outweigh any possible interference which may exist with the Human Rights of the Applicant taking in to account the observations of the Court and the comments above in respect of the Human Rights' of the Applicant.

### **Public Sector Equality Duty**

241. The Public Sector Equality Duty is also engaged by the application. Section 149 of the Equality Act 2010 provides that: "(1) A public authority must, in the exercise of its functions, have due regard to the need to – (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it." The protected characteristic relevant to this case would be any existing and proposed occupiers' Gypsy and Traveller status.

242. With regard to future occupier Gypsy/Traveller status, particular consideration should be given to provision 3b of the Public Sector Equality Duty which specifies that: .."having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular to the need to...take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it".

243. The need in question is for Gypsy, Roma and Traveller transit pitches, which has been established as being unmet in the County.
244. Should planning permission be granted for this development, this would make a contribution to meeting the need for Gypsy, Roma and Traveller transit pitches in the County and would contribute to parts 1(b) and 1(c) of the duty by providing an increased number of transit pitches specifically for Gypsy, Roma and Travellers.
245. Officers have had regard to the Public Sector Equality Duty in considering the proposal through consideration of benefits and of impacts that the scheme may have on those people with protected characteristics.

---

## **Conclusion**

246. The proposed development is considered to result in harm to the Green Belt for which substantial weight is attached to this harm in accordance with the NPPF. The proposal also harms the openness of the Green Belt and gives rise to other harms as discussed in the report. The proposal conflicts with one of the five purposes to which the Green Belt serves. Officers consider that the factors advanced by the applicant, by themselves and in combination together, do not amount to very special circumstances which clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal.
247. It is therefore recommended that the application should be refused but in accordance with protocol if members are minded to support the officers recommendation the application be deferred so that it can be reconsidered by the applicant/ the application be withdrawn.

## **Recommendation**

1. *The recommendation is that the application be referred back to the applicant with the grounds for refusal which would apply were the application to be determined.*

## **Reasons for Refusal**

1. The proposal is not appropriate Green Belt development, and would not preserve the openness of the Green Belt, and would conflict with the purposes of the Green Belt. The very special circumstances put forward for the proposal would not clearly outweigh the harm by way of the inappropriateness of the development and the other harm identified; including openness. As such the proposal would conflict with Paragraphs 147 of the NPPF and Policies DP10 and DP13 of the Tandridge Local Plan Part 2 Detailed Policies Document (2014).
2. The proposal would result in an urbanising impact on the character of the Local Area, contrary to the Policy CSP19 of the Tandridge Core Strategy, Policies DP7 of the Tandridge Local Plan Part 2 Detailed Policies Document (2014).
3. 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 Document (2014).
4. The proposal site is not located within a sustainable location and therefore would be reliant on the private car, contrary to Policy DP5 of the Tandridge Local Plan Part 2: Detailed Policies Document (2014).
5. The proposal would have an adverse impact on the residential amenity of the occupiers of the neighbouring site by virtue of noise disturbance arising from the frequent transfer of vehicles to and from the site contrary to Policy CSP18 of the Tandridge Core Strategy, and Policy DP7 of the Tandridge Detailed Policies Document (2014).

6. In the absence of sufficient information, the County Planning Authority cannot conclude that the proposal would not have a harmful impact on the biodiversity on the site, contrary to policy CSP17 of the Tandridge Core Strategy (2008).

---

Contact **Chris Turner**

Tel. no. **07812 776002**

---

### **Background papers**

The deposited application documents and plans, including those amending or clarifying the proposal, and responses to consultations and representations received, as referred to in the report and included in the application file.

For this application, the deposited application documents and plans, are available to view on our [online register](#). The representations received are publicly available to view on the district/borough planning register.

The Tandridge District Council planning register for this application can be found under application reference TA/2021/1983.

### **Other documents**

The following were also referred to in the preparation of this report:

#### **Government Guidance**

[National Planning Policy Framework](#)

[Planning Practice Guidance](#)

#### **The Development Plan**

Tandridge District Local Plan Part 2 Detailed Policies Document (2014)

Tandridge District Core Strategy (2008)

#### **Other Documents**

[The Surrey Hills AONB Management Plan 2020-2025](#)

[Tandridge District Council Local Plan 2033](#)

[Planning Policy for Traveller Sites \(2015\)](#)

[Surrey Landscape Character Assessment \(2015\)](#)

[The Planning Practice Guidance for Noise \(PPG-N\) March 2014](#)

British Standards BS 8233 *Guidance on sound insulation and noise reduction for buildings*

[Surrey County Council Parking Strategy 2020](#)

---

This page is intentionally left blank



Site Location:

# Pendell Transit Camp, Land off Merstham Road, Merstham, Surrey

7



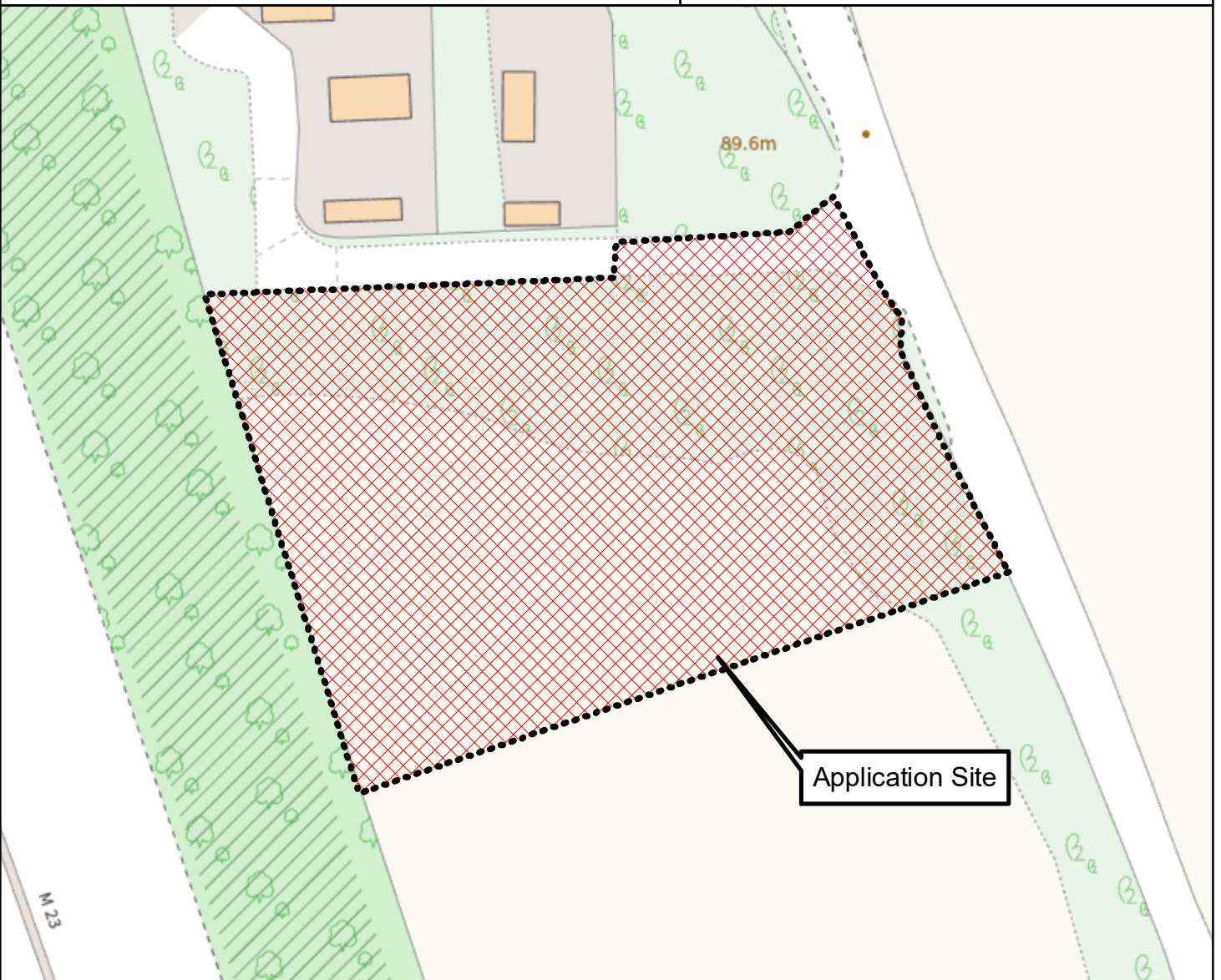
Use of the land as a ten-pitch transit site for the Gypsy, Roma and Traveller community, including the erection of amenity blocks and site manager's office, creation of a vehicular access, landscaping, parking and refuse storage and associated works.

Application numbers:  
TA/2021/1983

Electoral divisions:  
13872

© Crown copyright. All rights reserved Surrey County Council, 100019613, 2022

Note: This plan is for indicative purposes only



Ref No:  
SCC Ref 2021/0170



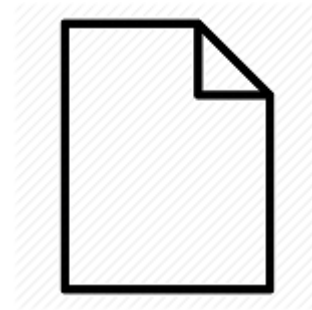
Scale: **1:900**  
Printed on: 31/01/2022



This page is intentionally left blank

# Agenda Items

Item 7 – Pendell Transit Camp, Merstham  
(TA/2021/1983)



Aerial 1 :



Page 42



All boundaries are approximate



Aerial 2 :



Application Site Area

Page 43



All boundaries are approximate





Figure 1 - Entrance looking north



Figure 2 - Entrance looking south





Figure 3 - Looking into site existing Pendell site to the north shown on right





Figure 4 - Looking South into the site



Figure 5 - Looking towards M23 west





Figure 6 - Looking west towards M23 along bund





## Figure 7 Site at Ground Level





## Figure 8 - Looking to Entrance



This page is intentionally left blank