

Green Belt and Landscape Proof of Evidence

of

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**Land North of Raleigh Drive,
Claygate**

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On behalf of:

Claygate House Investments Ltd

and MJS Investments Ltd

Report No: CSA/3230/09

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1.0 SUMMARY

- 1.1 The Appeal Site comprises a single grassland field that was associated with the former offices at Claygate House (now Esher Park Gardens).
- 1.2 To the south and east of the Appeal Site are two and two and a half storey residential properties that are served off Rythe Road and Raleigh Drive. These properties back onto the Appeal Site and typically have relatively large rear gardens and heavily vegetated rear garden boundaries. To the west of the Appeal Site are the four storey apartments at Esher Park Gardens, which are separated from the Appeal Site by a closeboard fence and intermittent tree cover. To the north of the Appeal Site are a series of relatively small fields that are largely used for horse grazing and further afield the large area of woodland at Littleworth Common. All of the neighbouring development lies within the settlement boundary of Claygate.
- 1.3 The Appeal Site lies within the Green Belt and the Council's Green Belt Boundary Review of 2018 (CDE31-38) identified the Appeal Site as an area of poorly performing Green Belt.
- 1.4 A series of further studies were carried out, with the 2019 Green Belt Boundary Review – Minor Boundary Amendments Study (CDE 41), identifying the Appeal Site as Tile 99, Land rear of Claygate House, Claygate. In assessing the Green Belt function of Tile 99, the 2019 study concluded at pages 86-7 that:

'The Green Belt does not follow a logical or recognisable feature along the western boundary (cutting through a car park, part of the building etc.). It is recommended that it is relocated to remove the entirety of the curtilage of Claygate House, with the boundary running along the tree belt at its northern edge.

This amendment would result in a greater area of land having the potential for redevelopment. However, this recommendation is concerned with having the Green Belt follow a logical boundary which currently it does not.

Area size 2.44 ha.'
- 1.5 In 2023 EBC provided an update to their Green Belt Site Assessment Proformas that identified 'Sites no Longer Considered Suitable for Release' (CDE47). That document identified the greater part of the Appeal Site as Parcel SA- 59, Land east of Claygate House.
- 1.6 The overall conclusion of the 2023 updated Green Belt Site Assessment was that Parcel SA -59 was not suitable for release from the Green Belt.

That was a curious conclusion to reach when the character of the Site and neighbouring area had not changed to any significant extent since Arup's Original Green Belt assessment was undertaken and as such I disagree with it.

- 1.7 From my assessment of the Appeal Site's performance against the Green Belt purposes, I consider that development on the Appeal Site would not result in unrestricted sprawl, nor would it result in the coalescence of Esher and Claygate as the two settlements have already coalesced. Similarly, it would not dilute the physical or perceived separate identities of Claygate and Esher. I acknowledge that development on a site outside the settlement boundary will inevitably cause some encroachment, but the proposal will have only a strictly limited effect on the wider countryside/Green Belt due to the relationship of the Site to Claygate and the containment provided by established boundary vegetation, which will be further strengthened, and neighbouring development. The Parties agree that Purpose 4 is not relevant as there are no historic towns within the Borough.
- 1.8 In respect of Purpose 5, this is a matter that is addressed in the Planning Evidence of Mr Brown. That evidence concludes that there would be no conflict with the 5th purpose as there is an insufficient supply of previously developed land within the Borough to meet the Council's housing requirements. From my observations of the area that is an entirely reasonable conclusion to reach.
- 1.9 I acknowledge there would inevitably be an impact on the openness of the Appeal Site itself, but the effects on the wider Green Belt would be strictly limited and localised and would not undermine the function of the wider Green Belt.
- 1.10 In terms of the visual aspect of openness, there is currently no public access onto the Appeal Site and as such no public views from within it. Views from the wider public domain are extremely limited and as such the proposed development would have minimal visual impact on the wider Green Belt.
- 1.11 It is evident from visiting the Site and neighbouring area that development on the Appeal Site would be discreet; that the Site benefits from robust and clearly defined boundaries; and that it would not result in coalescence nor compromise the identity of Claygate. The impact on the function of the wider Green Belt would therefore be negligible. The very special circumstances that warrant development on the Site are set out in the Planning Proof of Evidence.

Landscape and Visual Impacts

- 1.12 As set out in the Planning SoCG (CDD.1) Executive Summary paragraph 3(e)), the Council has no objection to the Appeal Scheme on landscape and visual grounds (save in relation to Green Belt impacts). The vast majority of the Appeal Site's existing trees and hedgerows are capable of being retained as part of any development and there are opportunities for significant new tree planting, which would result in an overall net increase in trees on the Appeal Site.

Landscape Character

- 1.13 Whilst there would inevitably be a change to the character of the Appeal Site, from a remnant grassland field to a relatively small residential development, the impact on the neighbouring countryside would be strictly limited and localised.

Visibility

- 1.14 Views of the Appeal Scheme will be largely limited to near distance views from the residents of adjoining properties at Esher Park Gardens to the west, Raleigh Drive to the south and Rythe Road to the south and east. In all cases these views will be filtered by retained boundary vegetation and new tree planting.
- 1.15 There will also be glimpsed views of the upper storeys and roofs of the new houses from Rythe Road and Raleigh Drive, but these views will be confined to gaps between the existing houses. In the limited number of instances where views are available, the Appeal Scheme will not be discordant with the character of this part of Claygate.
- 1.16 In all other views from the surrounding built up area and from vantage points within the countryside to the north, the Appeal Scheme will largely be screened from view by dense intervening vegetation and surrounding built form.

Overall Conclusion

- 1.17 My overall conclusion is that the Appeal Scheme will occupy a discreet site that has a strong relationship to the existing urban area of Claygate. The impact on the wider countryside will be strictly limited and where there are views of the proposed development it will always be seen within the context of existing development.
- 1.18 Whilst the Appeal Scheme will have a direct impact on the openness of the Site itself, this is an inevitable consequence of developing any Green Belt or greenfield site. However, in this instance, given the robust and clearly defined boundaries of the Site, which will be further

strengthened, the impact on the wider Green Belt will be strictly limited. As a consequence, the release of the Site for development will have no material impact on the function of the wider Green Belt and it will deliver a development that complements the prevailing pattern of development in the area.

2.0 QUALIFICATIONS AND EXPERIENCE

- 2.1 I am Clive Self and I am a Chartered Landscape Architect and an Urban Designer. I hold a Diploma in Landscape Architecture and a Master's Degree in Urban Design. I have over 30 years' experience in landscape and townscape design and assessment.
- 2.2 I am the Managing Director of CSA, a multi-disciplinary environmental planning practice which I established in 1999. The practice acts for the public and private sector and has an in-house team of urban designers, ecologists, heritage consultants and landscape architects. We operate throughout the UK.
- 2.3 Prior to forming CSA I was responsible for landscape architecture and masterplanning at PRC Fewster Architects and before that I was employed in a similar role at Sargent and Potiriadis Architects. I have worked throughout the UK, Middle East and the United States on a broad range of landscape projects, townscape appraisals and environmental planning work.
- 2.4 My company is currently involved in projects that range from the masterplanning of new garden villages to redevelopment of inner city brownfield sites. We work throughout the UK, in both the rural and urban environment and act for both the public and private sector.
- 2.5 I have given landscape and urban design advice on numerous schemes. I have also given landscape and urban design evidence at Local Plan/LDF Inquiries, Section 77 and 78 Inquiries, and CPO Inquiries.
- 2.6 The evidence that I have prepared and provide for this appeal is true and has been prepared and is given in accordance with the guidance of my professional institute and I confirm that the opinions expressed are my true and professional opinions.

3.0 BACKGROUND AND METHODOLOGY

Background

- 3.1 This appeal is in respect of an outline planning application for 'up to 60 dwellings, associated landscaping and open space with access from Raleigh Drive', at land north of Raleigh Drive, Claygate. The Appeal Site lies within the administrative area of Elmbridge Borough Council ('EBC').
- 3.2 CSA Environmental has been involved with the Appeal Scheme from the outset of the planning application and colleagues at CSA produced the Landscape and Visual Impact Assessment and Green Belt Assessment (CDA.8 'LVIA'). We also undertook the Ecological Impact Assessment.
- 3.3 Planning permission was refused by the Local Planning Authority ('LPA') on 22nd September 2023 for four reasons. My evidence addresses the first reason for refusal which states:

Reason for Refusal 1

The proposed development would be inappropriate development within the Green Belt which would result in definitional harm as well as spatial and visual harm to the openness of the Green Belt and would conflict with the purposes of Green Belts. This harm would not be clearly outweighed by other considerations which would meet the bar for 'very special circumstances'. Consequently, the proposed development would be contrary to Policy DM17 of the Development Management Plan 2015 and the NPPF 2023.

Methodology

- 3.4 My evidence is based on the assessment contained within the submitted LVIA, which was produced by a colleague at CSA. I have also visited the Site and surrounding area on a number of occasions during both summer and winter months.
- 3.5 From my observations on site, and from the neighbouring area, I am in agreement with the conclusion of the LVIA that the Appeal Site could be developed without resulting in material harm to the visual amenity of the area or the wider landscape. Within that context, it is relevant to note that para 3e of the Executive Summary to the Planning SoCG acknowledges that '*the Council has no objection to the Scheme on landscape and visual grounds (save in relation to Green Belt impacts)*'.

- 3.6 Photographs contained in **Appendix C** have been taken from within the Site or from public vantage points within the vicinity.
- 3.7 Photographs were taken using a digital camera with a lens focal length approximating to 50mm, to give a similar depth of vision to the human eye. In some instances images have been combined to create a panorama. Photographs were taken during periods of good visibility. The photographs and visualisations within this report have been prepared in general conformance with the Landscape Institute's Technical Guidance Note 06/19, as set out in the methodology within the LVIA.

Green Belt

- 3.8 As far as I am aware, there is no specific methodology set out in Government policy for assessing the impact of development on the Green Belt. CSA have developed their own methodology for assessing the impact of development on the 5 purposes of the Green Belt, which are set out in NPPF. The methodology used in that assessment is set out in Appendix K of the LVIA, with a summary in this evidence. I also summarise the impact on openness, from both a spatial and visual point of view.
- 3.9 I also consider the original Green Belt studies which have been undertaken on behalf of Elmbridge Borough Council, which, amongst other things, identified the Appeal Site as an '*area proposed to be removed from the Green Belt*', together with the changed assessment of the Appeal Site (and numerous other sites) by Officers in the 2023 '*Green Belt Site Assessment Pro Formas - Sites no Longer Considered Suitable for Release*' (CDE 47).

Planning Policy Context

- 3.10 The key landscape and planning policies of relevance to the Site have been summarised in the LVIA and are set out in the SoCG and as such I do not replicate them here. Rather, my evidence addresses the specific Green Belt related policies which are cited in the reason for refusal.

Background Character Studies

- 3.11 The LVIA includes a summary and consideration of the various Landscape Character Assessments and background studies relating to landscape and Green Belt matters. I have not replicated those assessments here but have referred to the localised landscape and Green Belt studies as these are most relevant, given the size of the Site.

4.0 DESCRIPTION OF APPEAL SITE AND SURROUNDING AREA

- 4.1 In the following section I only provide a brief description of the Appeal Site and surrounding area as a detailed assessment is contained in the submitted LVIA. A summary of the anticipated landscape and visual effects is also contained in the tables in **Appendix F**.
- 4.2 The LVIA also provides a summary of the main national and local landscape policies and other relevant government guidance.

Local Context

- 4.3 The Appeal Site comprises a single remnant area of grassland on the northern edge of Claygate, and measures approximately 2.2 hectares in size. The Site is not farmed.
- 4.4 To the immediate south and east of the Appeal Site are relatively large two and two and a half storey detached and semi-detached houses with the occasional short terrace. These properties front onto Raleigh Drive and Rythe Road. The urban area of Claygate then continues in depth in a southerly and easterly direction with the mainline railway running in a broadly north – south direction, immediately east of the Rythe Road properties.
- 4.5 To the immediate west of the Appeal Site are the 4 storey apartments at Esher Park Gardens and the recently completed development of 62 apartments which overlook the Appeal Site. Esher Park Gardens fall within the parish boundary of Claygate, as illustrated on the adopted Elbridge Local Plan Policies Map (Extract below).

Figure 1 Extract from the Council's Local Plan showing the parish boundary of Claygate within the vicinity of the Site.



Planning policy map



- 4.6 Beyond Esher Park Gardens is Littleworth Road and to the west of that is the suburban area of Esher which comprises a series of large, detached houses that are served off Littleworth Avenue and Esher Park Avenue. There is also a small area of open space which is known as Hare Lane Green that lies to the south west of the Appeal Site. Hare Lane Green provides a localised area of open land which lies between the urban areas of Claygate and Esher.

Countryside

- 4.7 The countryside to the north / north east of the Appeal Site comprises a series of small fields, the majority of which are grazed by horses. Beazley's Farm is located approximately 210m north of the Appeal Site, with access off Littleworth Road. Beyond Littleworth Road is a large area of mature woodland at Littleworth Common which lies between the built up areas of Esher and Hinchley Wood.

Landscape Character

- 4.8 As set out within the Planning SoCG, the Council has no objection to the Appeal Scheme on landscape and visual grounds (save in relation to Green Belt impacts). A brief commentary on the surrounding landscape character is however set out below for completeness.
- 4.9 The Appeal Site does not lie within any of the Landscape Character Areas defined within the Surrey Landscape Character Assessment, and appears to have been included as part of the built up area which was outside of the scope of the assessment.
- 4.10 At a district level, the Appeal Site lies within the southern tip of Landscape Unit UW6-A as defined within the Elmbridge Borough Landscape Sensitivity Study 2019 (CDE 17). The Landscape Unit is described as being largely surrounded by the built up area which, together with extensive road infrastructure to the north and dense woodland to the south, contributes to a strong sense of enclosure and limits long distance views and connections with the wider countryside. The southernmost part of the Landscape Unit, including the Appeal Site and fields to the north, is assessed in the study as having Low-Moderate landscape sensitivity.
- 4.11 Given the urban fringe context of the Appeal Site and the densely vegetated northern boundary which contains the Appeal Site from the wider landscape to the north, I similarly consider that a sensitivity rating of low to moderate is also applicable to the Appeal Site.

Green Belt Context

- 4.12 The Appeal Site lies within the Green Belt and outside of the defined settlement boundaries. The Green Belt also washes over the areas of hard standing to the immediate south west of the Appeal Site.
- 4.13 The Green Belt covers 57% of the Borough which is virtually all of the land that lies outside of the confines of the built up areas. As a consequence, if current and future housing need is to be met then it is inevitable that the Green Belt boundary will need to be reviewed or land within it released.

Elmbridge Green Belt Boundary Review

- 4.14 In 2016, a Green Belt Boundary Review (CDE 29/30) was produced by Arup on behalf of Elmbridge Borough Council. That study divided the Borough's Green Belt into a series of 78 Local Green Belt Areas, with the Appeal Site lying within the southernmost part of Local Area 45.
- 4.15 The 2016 Review was followed in December 2018 by the 'Green Belt Boundary Review - Supplementary Work' which was a refined version of the 2016 assessment. The 2018 Review (CDE. 32) sub divided the area into a series of smaller parcels and assessed their ability to accommodate potential development. The Appeal Site was identified as forming the majority of Sub Area 59 (SA-59) together with a small area of land to the immediate west.
- 4.16 Annex 1 C of the 2018 Review (CDE. 38) provided an assessment of the Sub Areas against the first 3 purposes of the NPPF.
- 4.17 Sub Area 59 was described as not lying at the edge of a large built up area and scored 0/5 against Green Belt Purpose 1.
- 4.18 The sub area scored 1/5 against Green Belt Purpose 2, with the Review describing the area as a very small, less essential part of the gap between Claygate and (London) Hinchley Wood and one that was visually detached from the overall gap. The Review went on to say that development wraps around the southern, eastern and western edges of Sub Area 59, and that its removal from the Green Belt would not result in a reduction in the physical scale of the gap between settlements. (my emphasis)
- 4.19 Against Purpose 3, the sub area scored 1/5 with the Review describing it as having a weaker relationship to the wider countryside, with 19% of the sub area comprising built form including a tennis court, swimming pool and clubhouse building.

4.20 The 2018 Review concluded that the removal of Sub Area 59 from the Green Belt is unlikely to impact on the performance of the surrounding sub areas, given its self-containment. It went on to say that the northern parcel boundary comprised a well established tree belt / hedgerow, which would form 'a stronger and more readily recognisable boundary for the Green Belt than the existing boundary which cuts across areas of hard standing (my emphasis).

4.21 Step 5 of the assessment of Parcel 59 concluded that it:

'Meets Purpose assessment criteria weakly, and makes a less important contribution to the wider strategic Green Belt. Recommended for further consideration.'

4.22 From my observations on the Site and neighbouring area I consider that the Appeal Site does not perform the first two purposes and performs weakly against the third Green Belt purpose and its removal from the Green Belt would result in a stronger and more appropriate boundary being established.

Green Belt Boundary Review 2019 – Minor Boundary Amendments (CDE.41)

4.23 In 2019 Elmbridge Borough Council published a further study as part of the preparation of the Local Plan evidence base. That study identified the Appeal Site and the small area of land to the immediate west (totalling 2.44 hectares in size (Tile 99) as an area to be potentially removed from the Green Belt. It stated:

'The Green Belt does not follow a logical or recognisable feature along the western boundary (cutting through a car park, part of the building etc.). It is recommended that it is relocated to remove the entirety of the curtilage of Claygate House, with the boundary running along the tree belt at its northern edge.'

4.24 It is apparent from the independent Green Belt Study that was undertaken by Arup, on behalf of EBC, that the Appeal Site performed poorly in respect of its Green Belt function and that it had the potential for removal from the Green Belt.

Green Belt Site Assessment Proformas - Sites no longer considered suitable for release Elmbridge Local Plan 2023

4.25 In November 2023, after it had submitted an emerging Local Plan for independent examination which proposed no changes to the Green Belt boundary, EBC provided an update to their Green Belt Site

Assessment Proformas that identified 'Sites no Longer Considered Suitable for Release' (CDE 47).

- 4.26 The proforma for SA-59 Claygate House is at pages 89 to 95 of the November 2023 proformas. Having assessed the parcel, the proforma concludes that it is not suitable for release from the Green Belt.
- 4.27 As set out in the Appellant's SoC and the Planning Proof of Evidence, there was no substantive evidence to support EBC's change of direction. It should also be noted that the character of the Appeal Site and that of the neighbouring area had not changed to any significant degree since the original Green Belt Assessment was undertaken. Moreover, the proforma contains only a limited assessment of SA-59 itself, with much of its focus being on the arc of the Green Belt that stretches from Heathrow Airport to Epsom and, at the Borough Level, LA-45. The assessment of SA-59 itself (in the fourth and fifth paragraphs of the conclusion on page 95) is largely generic. I therefore disagree with the proforma's approach, since as noted in paragraph 3.65 of the Appellant's SoC (CDC 1), parcel SA-59 performs a separate function to the wider LA-45. As I show in my evidence, the Appeal Site is visually very well contained and performs weakly against the third Green Belt purpose and not at all against the others. I therefore consider that the proforma does not provide any substantive evidence to justify departing from the previous Green Belt work undertaken by the Council that identified SA-59 a suitable candidate for release from the Green Belt.

Statutory and Non-Statutory Designations

- 4.28 The Site is not covered by any statutory or non-statutory designations for landscape character or quality. It is agreed in the Planning SoCG (Executive Summary para 3e) that the Site is not a Valued Landscape in respect of para 180a of the NPPF. It also agreed that the Appeal Scheme has no impact on designated or undesignated heritage assets.

Appeal Site Description

- 4.29 The Appeal Site comprises a broadly rectangular shaped grassland field with a strip of land extending southwards up to Raleigh Drive / Rythe Road. The field was associated with the offices at the former Claygate House (now Esher Park Gardens apartments), and contained a bowling green and tennis court. The recreational facilities have not been used for many years and are in a state of disrepair.
- 4.30 The northern boundary of the Appeal Site is marked by an outgrown, mixed species, native hedgerow with scattered mature hedgerow oak trees. A chain link fence also runs along this boundary.

- 4.31 The western Appeal Site boundary comprises the closeboard fencing which encloses the car park areas associated with Esher Park Gardens. Several tall birch trees and some smaller conifers are also located along the northern section of this boundary.
- 4.32 The southern boundary of the Appeal Site is marked by a variety of trees, including a row of tall poplars, and fencing which defines the rear garden boundaries of the neighbouring properties. A palisade fence and gate define the southern boundary of the strip of land which extends up to Rythe Road / Raleigh Drive.
- 4.33 The eastern Appeal Site boundary is similarly defined by the rear garden fencing of neighbouring properties and has good tree cover alongside it.

Topography

- 4.34 The Appeal Site slopes very gently down from a high point in the southern section to a low point on the northern boundary. The adjoining built up areas and landscape to the north are similarly predominantly flat.

Visibility

- 4.35 An assessment of the visibility of the Site was undertaken as part of the LVIA and a series of photographs taken from public vantage points. The viewpoints are illustrated on the Location Plan and Aerial Photograph contained in Appendices A and B and on the photographs in Appendix C.
- 4.36 The Appeal Site is visually very well contained on account of the neighbouring buildings and boundary vegetation, with very few opportunities for views into the Site from the surrounding area. The principal views into the Site are from the upper floor windows of properties to the west, south and east at Esher Park Gardens, Raleigh Drive and Rythe Road respectively.

South

- 4.37 Views from the rear of properties on Raleigh Drive and Rythe Road which back onto the Appeal Site's southern boundary are generally screened by the dense intervening tree cover (reciprocal views at photographs 3 and 8). There are some heavily filtered views from a handful of these properties, although these are generally limited to winter months when the intervening tree cover is out of leaf.
- 4.38 A narrow framed view into the Appeal Site is also possible from the junction of Rythe Road, Raleigh Drive and Loseberry Road, looking through the boundary palisade fencing (photograph 11). The remainder

of views from these roads are screened by the intervening residential properties, with only the upper parts of the trees along the Appeal Site boundaries being visible (photographs 13-15).

West

- 4.39 Views from the west are limited to the first, second and third floor windows of apartments at Esher Park Gardens which overlook the Appeal Site (reciprocal views at photographs 2, 4 and 7-10). The ground plane of the Appeal Site is screened in views from ground floor apartments and from the surrounding parking areas by the closeboard fencing along the western Appeal Site boundary, although the trees along the boundaries of the Appeal Site are visible above (photograph 20).
- 4.40 The Appeal Site is not visible from vantage points further to the west, including from Littleworth Road and Hare Lane Green, with intervening residential properties and dense vegetation cover screening views (photographs 16-19).

East

- 4.41 Views from the rear of properties on Rythe Road which back onto the Appeal Site's eastern boundary, are largely screened by intervening tree cover, although filtered views into the Appeal Site are possible during winter months (reciprocal views at photographs 6 and 10).
- 4.42 The Appeal Site is screened in the remainder of views from the east, including at road level from Rythe Road, by the intervening residential properties, although the tops of the trees on the Appeal Site boundary are visible above (photograph 12).

North

- 4.43 Views towards the Appeal Site from the properties on Littleworth Road to the north west are screened by dense intervening tree cover.
- 4.44 Views towards the Appeal Site from Littleworth Road, Oaken Lane and the adjacent public footpath and common land to the north are similarly screened by dense intervening trees and understorey vegetation (photographs 21 and 22).

5.0 DESCRIPTION OF PROPOSED DEVELOPMENT AND ANTICIPATED LANDSCAPE AND VISUAL EFFECTS

5.1 The application is in outline form only, save for means of access. Illustrative material has also been provided to show how development could come forward on the Site in an appropriate manner. This comprises the DAS (CDA.3) and Illustrative Masterplan (CDA.19), amongst other things.

5.2 The Appeal Scheme will provide up to 60 dwellings with associated landscaping and open space. Access will be from Raleigh Drive. Appearance, landscaping, layout and scale are all reserved matters.

5.3 The Illustrative Masterplan demonstrates the key principles of the Appeal Scheme which can be summarised as:

- Retention of the existing landscape framework of hedgerow and tree lined field boundaries.
- Augmenting of the northern Site boundary with new tree and understorey planting, further strengthening this as a new defensible Green Belt boundary.
- Proposed building heights to be between two and three storeys, reflecting the surrounding context and providing a transition between the four storey apartments to the west and the two/two and a half storey houses to the south and east.
- Creation of recreation opportunities within the Site, including a generous area of amenity greenspace and children's play facilities.
- Provision of street trees within the development.

5.4 The Illustrative Masterplan shows that the proposed development will have a distinct sense of place, with a generous area of public open space in the east which could include children's play and large swathes of wildflower meadow which will provide benefits for new and existing residents alike.

5.5 At para 4.11 of the SoCG, it is agreed that the Appeal Scheme will deliver a development that benefits from a green framework. The paragraph states:

'The development is set within a green infrastructure framework and landscaped areas are capable of creating opportunities for amenity, and formal and informal play, for new and existing residents of Claygate. The scheme also proposes tree planting, and the strengthening of

ecological corridors along the Site's boundaries and retention of the majority of the existing trees and hedgerows.'

- 5.6 The existing hedgerow and mature hedgerow oak trees along the northern Appeal Site boundary will be retained in their entirety and strengthened with further native tree and thicket planting. This planting will create a robust and clearly defined and defensible boundary to the countryside/Green Belt beyond. The boundary vegetation will be in the public domain so that it can be managed, in perpetuity, in an appropriate manner.

Relationship to Claygate

- 5.7 It is apparent from viewing the Aerial photograph in **Appendix B** that the Appeal Site has a very strong relationship to existing development in Claygate. There are the neighbouring properties on Rythe Road and Raleigh Drive to the east and south and the apartments at Esher Park Gardens to the immediate west; all lie within the settlement boundary of Claygate (as defined on the Elbridge interactive Policies Map). The Appeal Scheme would therefore occupy a clearly defined parcel of land that is indented into the urban area of Claygate.

- 5.8 The Appeal Scheme has also been designed to provide a transition, from the four storey apartments to the west to the 2 and 2.5 storey housing to the south and east.

- 5.9 It is also agreed within the Planning SoCG that the density and scale of the Appeal Scheme is appropriate. Paragraph 3g-h of the Executive Summary states that:

'The proposed density would not conflict with the development plan's policies in respect of density.' And

'The Appeal Scheme can secure an appropriate mix of dwelling types and tenures.'

Landscape Features

- 5.10 The Appeal Site's structural landscape features are all confined to its boundaries and comprise a range of hedgerows and mature trees. The Illustrative Masterplan shows how the vast majority of these landscape features can be retained with the exception of a Category B tree which lies within the land which is to accommodate the site access. A Category C tree on the western boundary will also require removal. Overall, the proposed development will result a significant increase in tree cover on the Site.

Landscape Effects

- 5.11 The Effects Tables at **Appendix F** set out both the direct and indirect effects arising from the Appeal Scheme and as I have already set out, the Planning SoCG states that the Council has no objection to the Appeal Scheme on landscape and visual grounds (save in relation to Green Belt impacts).
- 5.12 The character of the Appeal Site will inevitably change from a remnant grassland field to a relatively small scale residential development with generous areas of public open space. Given the surrounding urban context of the Appeal Site the change will not be discordant with the character of the neighbouring area.

Visual Effects

- 5.13 As I have previously stated, the Council have not objected to the development on landscape or visual grounds. They have caveated their response to say that does not mean that there would be no visual harm to the Green Belt. As impacts on Green Belt openness have both a spatial and visual aspect, then it is understandable that the Council have identified visual openness as matter for consideration.
- 5.14 To help inform the Inspector's decision on the visual impact of the development I have therefore set out below a summary of the main views of the Site.
- 5.15 The Effects Tables at **Appendix F** provide a full assessment of both the landscape and visual effects arising from the Appeal Scheme, and these are summarised below.

South

- 5.16 Heavily filtered views of the proposed development will be possible from a number of properties that are served off Rythe Road and Raleigh Drive and back onto the Site.
- 5.17 Views at road level from these streets to the south will largely be prevented by the existing housing, although there will be glimpsed views of the upper floors and roofscape of the proposed houses from gaps between the existing houses. There will also be near distance views of the proposed access road leading into the Appeal Site, replacing existing views of the boundary palisade fence.

West

- 5.18 Views of the new houses at the Appeal Site from the west will be limited to the residents of Esher Park Gardens apartments and the peripheral

areas of parking. These views will be filtered by retained and new tree planting along the Appeal Site boundary.

- 5.19 In views from all other receptors to the west, including users of Littleworth Road and Hare Lane Green, the proposed dwellings at the Appeal Site will be fully screened by the intervening vegetation and built form.

East

- 5.20 Filtered views of the new houses will be possible from several properties on Rythe Road to the east, albeit looking through the intervening boundary vegetation and across the new open space in the east of the Appeal Site. Views at road level from Rythe Road will be largely screened by the existing houses, although there will be glimpsed views of the upper floors and roofscape of the proposed houses from gaps between the existing houses.

North

- 5.21 The new houses at the Appeal Site will not be visible from vantage points to the north, with intervening vegetation including that along the northern boundary of the Appeal Site, screening views.

Within the Site

- 5.22 There is currently no public access onto or across the Site and so there are no public views to consider from within the Site.

Visual Effects Summary

- 5.23 The well contained nature of the Appeal Site, with neighbouring development on three sides and a well-established vegetated field boundary on the fourth, means that the extent of visual effects will be strictly limited to those residential properties which back onto the Appeal Site and glimpsed views from the adjoining roads. In all cases views will be filtered by existing retained and new tree planting.

- 5.24 Para 82 of the Planning Officer's Delegated Report ('ODR') addresses the impact of the development on neighbouring properties. It states:

'... it is considered that it is possible for up to 60 dwellings to be provided on the site without causing material harm to the amenity of the neighbouring properties by reason of loss of light, overbearing impact and loss of privacy, though this would need to be formally assessed at the reserved matters when finalised detailed plans would be provided'.

6.0 RESPONSE TO REASON FOR REFUSAL AND THIRD PARTY COMMENTS

6.1 In this section I refer to the specific Green Belt related components of the reason for refusal and matters set out in the LPA's SoC.

Conflict with Policy DM17 of the Development Management Plan 2015

6.2 The wording of Policy DM17 is similar to section 13 of the NPPF, in that it sets out that inappropriate development within the Green Belt will not be approved unless very special circumstances apply, whereby these would clearly outweigh the harm (to the Green Belt and any other harms).

6.3 The Planning SoCG specifically identifies the Green Belt areas of disagreement as:

- the level of spatial harm to the openness of the Green Belt;
- the level of visual harm to the openness of the Green Belt; and
- the extent to which the proposal conflicts with the purposes of Green Belt as set out in paragraph 143 of the NPPF.

6.4 I now address these matters under the following sub headings.

Green Belt Context

6.5 The Green Belt washes over virtually all of the Borough that lies outside of the settlement boundaries. If the current and future housing needs of the Borough are to be met, then Green Belt land will need to be developed. As a consequence, there will inevitably be an impact on the openness of certain parts of the Green Belt. The planning balance section of Mr Brown's evidence weighs benefits that would arise from the Appeal Scheme against any identified harm.

6.6 I have already referred to the independent Green Belt studies that the Council commissioned. It is also worth noting that the Council's own Borough-wide Green Belt assessments found the Site to perform weakly against the purposes of the Green Belt and in fact recommended the Site be removed from the Green Belt, with the boundary redefined along the vegetated northern edge of the Site. The Council's Green Belt Review 2019 – Minor Boundary Amendments report (CDE. 41) is the most relevant as it specifically identifies the Appeal Site and a small area of hardstanding to the south west. The Review concludes that:

“The Green Belt does not follow a logical or recognisable feature along the western boundary (cutting through a car park, part of the building etc.). It is recommended that it is relocated to remove the entirety of the

curtilage of Claygate House, with the boundary running along the tree belt at its northern edge."

"This amendment would result in a greater area of land having the potential for redevelopment. However, this recommendation is concerned with having the Green Belt follow a logical boundary which it currently does not".

- 6.7 The Review made it clear that the Appeal Site had the potential for development and that the northern boundary was a logical and recognisable boundary. Those findings are entirely consistent with my own.
- 6.8 The Planning Evidence and the Appellant's SoC sets out the chronology of the various Green Belt assessments that were undertaken by Arup, on behalf of EBC, and the subsequent November 2023 Proforma update, which was prepared by EBC themselves. As previously explained, the Council's own assessment of the Appeal Site, in Green Belt terms, reached an entirely different conclusion to the earlier work that had been undertaken, namely that it was no longer considered a suitable candidate for removal from the Green Belt. As set out in section 4 above, I disagree with the Council's new position on this issue.

Inappropriate Development

- 6.9 The parties agree that the Appeal Scheme constitutes inappropriate development in the Green Belt as it does not meet the exceptions identified in para 154 or 155 of the NPPF. The harm that will arise from the Appeal Scheme and the benefits the Scheme delivers are addressed in the planning balance section of Mr Brown's Evidence. My focus here is on the harm to Green Belt purposes and openness (though I note that, as with any inappropriate development, definitional harm to the Green Belt is also deemed by paragraph 153 of the NPPF).

Assessment of the Site's performance against Green Belt purposes

- 6.10 I now assess the impact of the Appeal Scheme against the five purposes of para 143 of the NPPF. Where appropriate, I also refer to the Council's Statement of Case ('SoC') and the ODR.

a) To check the unrestricted sprawl of large built-up areas

- 6.11 The Green Belt Review of 2018 clearly stated that Parcel SA-59 (the Appeal Site) does not lie on the edge of a large built up area. There is therefore no conflict with purpose 'a'. Moreover, on any reasonable basis, the Appeal Scheme cannot be considered to be 'unrestricted' sprawl as the Site benefits from existing development on three of its boundaries with a heavily vegetated field boundary on its fourth

boundary. These features provide a high level of physical and visual containment to the Site.

- 6.12 The Appeal Scheme will occupy what is currently open land, and as I acknowledge below, development will encroach into the countryside. However, given the containment of the Appeal Site I do not consider that on any reasonable basis it can be considered to result in unrestricted sprawl.

b) To prevent neighbouring towns merging into one another

- 6.13 Para 39 of the ODR (CDB. 2) states that Claygate and Esher have not coalesced, yet the second two sentences of Paragraph 39 say:

'Esher and Claygate have not "coalesced" as stated by the Applicant at paragraph 5.21 of their Green Belt Assessment as they form distinct settlements. It is acknowledged that Esher and Claygate are linked by a small section of development around Hare Lane, Raleigh Drive and Rythe Road. What the proposed development would do is strengthen this link between the settlements by reducing the existing gap between them and increase the degree to which the settlements merge, both visually and spatially. As such there would be a conflict with Purpose 2.' (my emphasis).

- 6.14 As coalescence of the two settlements has, as a matter of fact, already occurred, then there can be no conflict with this Green Belt purpose.

- 6.15 The Council's own 2018 Green Belt assessment of the Site (sub area 59) scored it 1/5 against purpose 2.

- 6.16 However, for completeness, I now assess the function of the Appeal Site in respect of physical coalescence and perceptual coalescence and address the Council's concern that the Appeal Scheme would strengthen the existing link between Claygate and Esher.

Physical coalescence

- 6.17 The Aerial Photograph in **Appendix B** and the Site Location Plan in **Appendix A** show that Claygate and Esher have already coalesced. The principal links are at Hare Lane, Raleigh Drive and Littleworth Road.

- 6.18 The fact that the settlements have coalesced, does not necessarily mean that the separate identities of the settlements are diluted or lost. It is not uncommon to have neighbouring Boroughs or parts of settlements in close proximity to one another, or physically adjoining, but that does not necessarily mean that they lose their own sense of identity.

- 6.19 The ODR at para 39 states that the gap between Esher and Claygate would further diminish, both physically and visually, with the Appeal Scheme in place.
- 6.20 The Appeal Scheme would not result in the gap between the two settlements visually diminishing in any meaningful way in views from the public realm. Esher lies to the west of the Appeal Site and the 4 storey apartments at Esher Gardens, which border the western boundary of the Appeal Site, provide visual containment to the Site in views from the west. Similarly, the housing on Raleigh Drive and Rythe Road, that backs onto the Appeal Site, will largely screen the proposed development in views from the south and east. In any event, in the limited number of instances where the Appeal Scheme would be visible, it will clearly read as part of Claygate.
- 6.21 Whilst the Appeal Site is currently undeveloped land it does not read as part of the narrow gap that exists, in places, between Esher and Claygate. The Appeal Site clearly has a strong relationship to Claygate with the recently completed Esher Gardens development to the west and the housing on Rythe Road and Raleigh Drive bordering it to the south and east. With development in place on the Appeal Site it will not diminish the physical gap between the two settlements.

Perceptual Coalescence

- 6.22 If there is intervisibility between settlements, then in certain instances it can dilute the separate identity of the settlements. In this instance, with the Appeal Scheme in place, there will be little or no intervisibility between the Appeal Scheme and Esher.
- 6.23 When travelling from one settlement to another, if there is only a small physical break between the two settlements, then in certain instances the settlements can read as one, but that will not be the case here.
- 6.24 As the Appeal Site is to have its vehicular access from Raleigh Drive, the Appeal Scheme will clearly relate to Claygate. When travelling westwards on Raleigh Drive, the neighbouring development that fronts onto Raleigh Drive will screen the Appeal Scheme from view in any event.
- 6.25 Hare Lane Green and the roadside vegetation along Arbrook Lane and Littleworth Road, which lie to the west of the Site, provide a localised break between Esher and Claygate and enable one to experience leaving one settlement and entering the other. With development in place on the Appeal Site, that experience will not be compromised, as the Appeal Scheme will not be visible from this location.

- 6.26 In terms of settlement identity, if one settlement is reliant on the other for everyday services then there is the potential for the separate identities to be diluted.
- 6.27 As I have already noted, the Appeal Scheme will be accessed off Raleigh Drive and as such will clearly read as part of Claygate. As both Claygate and Esher have their own community facilities, such as places of worship, retail outlets and schools, then with a modest development in place, such as the Appeal Scheme, I do not consider that the identity of the settlement will be compromised.
- 6.28 It is evident from visiting the Appeal Site and reviewing Aerial Photography that development on the Appeal Site will not result in the actual or perceived coalescence of Claygate and Esher.

c) To assist in safeguarding the countryside from encroachment

- 6.29 I have already described the character of the Site and its relationship to neighbouring development. While the Appeal Scheme will, as a matter of fact, encroach onto the greater part of the Site, it will have only a strictly limited effect on the wider countryside/Green Belt due to the relationship of the Site to Claygate and the containment provided by established boundary vegetation and neighbouring development. The impact on the wider Green Belt will therefore be strictly limited and localised.

d) to Preserve the setting and special character of historic towns

- 6.30 The parties agree that this criterion of the Green Belt does not come into play. Paragraph 35 of DOR states: *'In considering the proposal against the five purposes as set out above it is not necessary to consider the fourth purpose as there are no instances in the Borough where historic towns directly abut the Green Belt and where Green Belt plays a function in the setting of such historic settlements.'*

e) to assist in urban regeneration, by encouraging, by encouraging the recycling of derelict and other urban land.

- 6.31 The Appellant's SoC and Planning Evidence addresses this purpose and concludes that there is not sufficient previously developed land in the Borough to accommodate current and future housing needs. In any event, the Site itself is in part previously developed land.

Openness

- 6.32 The PPG recognises that in assessing the impact of developments on Green Belt openness, a judgement needs to be made on the

circumstance of each individual case. The PPG also recognises that openness has both a spatial and visual aspect.

- 6.33 The effect of the Appeal Scheme on both of these aspects of openness is summarised below, both in terms of the impact on the Site itself and on the wider Green Belt.

Spatial

- 6.34 In the previous section I have identified that the greater part of the Site will be occupied by development and supporting infrastructure with the remainder as publicly accessible open space. The Appeal Scheme will therefore have a direct impact on the openness of the Site and this is a matter to be considered in the planning balance. There will be no indirect physical impact on the openness of the neighbouring Green Belt.

Visual

- 6.35 Given that the majority of the external boundaries of the Site are clearly defined and already have built development, or established planting, alongside them, then the Appeal Scheme will benefit from a good degree of physical and visual containment from day 1. With the external boundaries of the Site being reinforced with additional planting, then the visual containment will improve even further.
- 6.36 The ODR (paras 48-49) states that the proposed development would result in '*substantial visual harm to the openness of the Green Belt*'. However, it also states that this harm would primarily arise from occupiers, visitors and other members of the public accessing the site's proposed public open space, who would experience '*uninterrupted and close up views of the newly introduced built form. Consequently, there would be a severe visual impact from within the site itself, as once one enters the site and is stood within the proposed development it would not be possible to identify the site as land free of development, i.e. characterised by its openness*' (my emphasis).
- 6.37 The Appeal Site is currently in private ownership and has no public access of any kind. Visual impact cannot therefore be assessed on future visitors to the Appeal Site, but instead is assessed on the views available from surrounding public vantage points including roads and public rights of way, as well as from residential properties.
- 6.38 If the approach that the LPA are suggesting (i.e. that the visual impact of development must be assessed from within the Site) was adopted, then when assessing any site, be it Green Belt or greenfield, development would inevitably result in a substantial level of visual harm.

This is not an approach which the Council has adopted in considering the visual effects of the development in LVIA terms (hence its lack of objection on non-Green Belt visual grounds) and I consider it is inconsistent for it to adopt such an approach in respect of visual openness.

- 6.39 As set out within Section 5 of the LVIA and the visual effects tables (Appendix F), there would be very few opportunities for views of the new housing on account of the highly contained nature of the Appeal Site. Where views will be possible, these will be experienced from adjoining residential properties on Rythe Road and Raleigh Drive to the east and south, and residents of the Esher Park Gardens apartments to the west. In all cases retained boundary trees and hedgerows, together with new structural boundary planting, will heavily filter these views.
- 6.40 Whilst I acknowledge that there will be a degree of visual harm to the openness of the Green Belt, this would be extremely limited for the reasons set out above and I consider that the ODR is wrong to consider it to be a substantial level of harm.
- 6.41 Taking account of the spatial and visual components of the Appeal Scheme, the impact of the development on the openness of the Green Belt would be strictly localised.

Green Belt Conclusion

- 6.42 Overall, the Appeal Scheme has the potential to deliver a relatively discreet development that would complement the existing settlement pattern of Claygate. It would not have a detrimental impact on the actual or perceived coalescence of Claygate and Esher. Similarly it would not compromise the character and identity of Claygate. There would be a limited conflict with the third Green Belt purpose, and no conflict with the others.
- 6.43 The Appeal Site is very well contained and although there would inevitably be an impact on the openness of the Site itself, the visual impact on the wider Green Belt would be strictly limited and localised and clearly would not undermine the function of the wider Green Belt. Given the highly contained nature of the proposed development it clearly would not set the precedent for further development in the locality.

3rd Parties and Other Matters Raised

- 6.44 Claygate Parish Council raised an objection in their consultation response to the application as follows:

'It is within the Council's remit to object to any development on the Green Belt;

To grant an outline application would set a very dangerous precedent for all other Green Belt land in or adjoining Claygate;

The application is not supported by the draft Local Plan.'

- 6.45 In relation to the first point raised, I will defer to the Planning Evidence of Mr Brown, which sets out the Very Special Circumstances under which development within the Green Belt is considered acceptable (in accordance with para 152 of the NPPF).
- 6.46 In relation to the second point, any future application within the Green Belt would need to be determined on its own merit. Moreover, I have set out above how the Appeal Scheme would be contained by robust and clearly identifiable boundaries on the ground, and as a result would not result in unrestricted sprawl of the built up area. This was also set out within the Council's Green Belt Boundary Review, which concluded, quite rightly, that the northern Appeal Site boundary would be '*a stronger and more readily recognisable boundary for the Green Belt*'. With the Appeal Scheme in place, it would therefore not set a precedent for further Green Belt development within this part of Claygate, quite the reverse.
- 6.47 In relation to the last point, I again defer to the Planning Evidence of Mr Brown who deals with matters relating to the draft Local Plan. I would however add that the Council's Green Belt evidence base that was prepared by Arup, which was to inform the new Local Plan, did identify the Appeal Site as an appropriate site for removal from the Green Belt to help meet the Borough's housing needs. Despite that advice, EBC chose to prepare their own Green Belt Site Assessment Pro forma in November 2023 that concluded that Parcel SA -59 (the Appeal Site) and numerous other parcels were no longer suitable for release from the Green Belt. That was a curious conclusion to reach when the character of the Site and neighbouring area had not changed to any significant extent since Arup's Original Green Belt assessment was undertaken, and as explained above I disagree with the Council's new position.

7.0 CONCLUSION

- 7.1 It is apparent from viewing the Aerial Photograph and from visiting the Appeal Site that it has a strong relationship to Claygate and is bordered by existing development on three of its four boundaries. The fourth boundary is also clearly defined by established vegetation. With development in place on the Appeal Site it would undoubtedly read as an integral part of the settlement of Claygate and would not result in actual or perceived coalescence with Esher.
- 7.2 The Appeal Site has no landscape features that would provide a constraint to development and the LPA agree that it is not a Valued Landscape in respect of para 180a of the NPPF and they have no objection to the development on landscape and visual grounds.
- 7.3 Similarly, the LPA consider that the density of development proposed is appropriate.
- 7.4 The Appeal Scheme would conflict with the third Green Belt purpose, though to a limited extent since the Site performs this purpose only weakly. There would be no conflict with the other Green Belt purposes. The Appeal Scheme would also inevitably have an impact on the openness of the Site itself, but the impact on the wider Green Belt would be strictly limited and localised and would not undermine the function of the wider Green Belt.
- 7.5 From my assessment of the Appeal Site and the wider Green Belt, I fully agree with the conclusion in the Council's 2018 Green Belt Assessment that the Appeal Site was an appropriate candidate for release from the Green Belt. Moreover, although by paragraph 153 of the NPPF, substantial weight must be given to any harm to the Green Belt, it is relevant that the Green Belt harms in this case are limited, as set out in this Proof of Evidence.



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