Farm View, Langley Vale Road, Epsom, Surrey, KT18 6AP

Planning Inspectorate Appeal Ref: 6006971

Appeal by Fairfax Aspire Ltd

CLOSING SUBMISSIONS
OF THE COUNCIL

Preliminary

1. These closing submissions concern the appeal made by Fairfax Aspire Ltd ('the Appellant') pursuant to section 78 of the Town and Country Planning Act 1990 against the refusal by Epsom and Ewell Borough Council ('the Council') of planning permission at Farm View, Langley Vale Road ('the Appeal Site'). The application sought outline permission for up to 110 dwellings, including 50% affordable housing, with all matters reserved save for access.

Summary Overview

2. Following the evidence and its examination at the inquiry, three principal issues remain: inappropriate development in the Green Belt and the resulting harm; excessive reliance on private cars in a location which is not, and cannot be made, sustainable, even after the proposed transport measures; and residual landscape and visual harm. The Council relies on Mr Whitehouse's planning evidence, Mr Dukes' transport evidence and Mr Drummond's landscape evidence, as qualified at the inquiry. As noted in the opening submissions, the Council no longer defends the horse racing reason for refusal, subject to suitable conditions.

3. The Council accepts the site's grey belt status and that there is evidenced unmet housing need. It also accepts that development would not fundamentally undermine the purposes of the remaining Green Belt across the plan area. Subject to the necessary obligations, the Golden Rules are not a separate objection. The outstanding dispute under Policy GB7(1)(g) of the NPPF concerns sustainable location. The Council submits that this requirement remains unmet, even after taking account of the proposed improvements and the qualifications to its evidence. The proposal therefore remains inappropriate development, and the acknowledged benefits do not clearly outweigh the Green Belt harm and other harm.

4. These submissions address the evidence as tested, including the concessions which narrow the Council's case. They then draw together the residual harms and acknowledged benefits in the overall planning balance.

Significant Issues

Green Belt / Grey Belt / Purposes

5. Notwithstanding the agreed grey belt status, the proposal must satisfy all the requirements of Policy GB7(1)(g). Housing need and sustainable location are separate requirements: satisfaction of the former cannot substitute for the latter. If the sustainable-location requirement is not met, that exception cannot apply. On the Council's assessment, no other exception applies, and very special circumstances must therefore be demonstrated.

6. There is an important distinction here. Accepting that development would not fundamentally undermine the purposes of the remaining Green Belt, taken together, across the plan area is not accepting that it would cause no Green Belt harm. The Planning SoCG (CD9.1) records that, if the proposal remains inappropriate development, it would cause spatial and visual harm to openness and conflict with purpose (c), safeguarding the countryside from encroachment. The Council's evidence addresses the degree of that harm and the weight it should attract.

7. The Appeal Site comprises approximately 5.2 hectares of agricultural land rising towards Langley Vale. Although it adjoins the settlement and lies near the 20-dwelling development under construction, the Council maintains that it relates to the wider countryside and does not relate satisfactorily to the built form. Its agricultural character, transition to open countryside, valley views and clear distinction from the urban area support a strong contribution to purpose (c). Development would extend residential uses into that countryside.

8. This assessment is consistent with agreed grey belt status, whose relevant definition concerns purposes (a), (b) and (d), not purpose (c). The Council adopts the 2024 Green Belt Study's moderate contribution to purpose (a) and limited contribution to purpose (b), but considers the contribution to purpose (c) strong rather than moderate. Purpose (d) is not relevant, and conflict with purpose (e) is of limited significance. The principal purposes objection is encroachment into the countryside.

9. These submissions turn next to the effect on Green Belt openness.

Openness

10. In his alternative case, Mr Brown accepted that the proposal would cause harm by reason of inappropriateness, that its effect on openness must be assessed, and that substantial weight attaches to Green Belt harm, including harm to openness. He accepted that the assessment includes spatial and visual openness harm and impacts on purpose (c). The alternative balance is therefore not confined to harm by reason of inappropriateness alone. Those positions are also reflected in his written evidence.

11. The dispute concerns the degree of harm. Mr Brown accepted that built form would be introduced into existing open views and that containing its visibility does not remove its physical presence. He nevertheless relies on the spatial loss being concentrated in a discrete part of the wider Green Belt and on visual effects being limited and localised. Mr Whitehouse assesses the size, scale and spread of development across approximately 5.2 hectares of presently open agricultural land and concludes that the spatial harm would be significant. Localisation does not, of itself, justify a lesser assessment of the physical loss. Landscaping and open space would not remove the proposed built volume or overcome that spatial harm.

12. Mr Whitehouse also identifies significant visual harm to openness. The affected receptors include adjoining residents on Millers Copse, Langley Close, Beaconsfield Road and The Hayes, users of surrounding bridleways, and pedestrians and drivers on Langley Vale Road. He acknowledges that the effects would be relatively localised and that some views would be transient. Those qualifications form part of his assessment. They do not mean that the effects would be confined to a small number of receptors or that replacing open countryside with built development would be insignificant.

13. Mr Brown confirmed that he had considered the permanence of the development and the activity associated with residential occupation. The Council does not suggest that those matters were omitted. Its disagreement concerns their significance together with the spatial and visual effects. Mr Whitehouse's conclusion reflects the lasting physical and perceptual change to presently open land and the additional activity generated by development. The Inspector is invited to prefer his assessment of substantial harm to openness overall, additional to harm by reason of inappropriateness.

14. As to purpose (c), Mr Brown noted that the Council's study assessed a moderate contribution and that Mr Whitehouse explained why he considered the contribution stronger. That reasoning concerns the site's agricultural character, transition to the wider countryside, visual sensitivity and clear distinction from the adjacent urban area. The Inspector is invited to accept that residential development would extend into land performing an important countryside role. This does not reopen the agreed grey belt classification or the agreed position on the purposes of the remaining Green Belt across the plan area. It identifies the countryside encroachment relevant to harm if the proposal remains inappropriate development.

Accessibility and Sustainable Transport

The outstanding issue

15. Turning to transport, the Council's second principal issue is excessive reliance on private cars in a location which is not, and cannot be made, sustainable. Even taking account of the site's rural context and the proposed transport measures, the proposal would not sufficiently limit the need to travel, particularly by private car, or offer future residents a genuine choice of transport modes.

16. The Council does not advance a highway-capacity or technical-safety objection, subject to the agreed arrangements and conditions. Its objection arises under Policy GB7(1)(g)(iii), assessed against Policy TR3. TR3(1)(a) provides that development proposals which could generate a significant amount of movement, in the context of the area within which they would be situated, should be in locations that are sustainable, or which can be made so, taking into account planned improvements, including any provided as part of the development itself. This means the location should limit the need to travel, particularly by private car, and offer a genuine choice of transport modes for residents and users. That assessment takes account of the vision for the site, the type of development and its location.

17. Whether TR3 applies must first be assessed by reference to the proposal's capacity to generate a significant amount of movement in the context of the area, rather than a dwelling-number threshold. Nor is the TR3 question answered by the absence of severe network impacts. That is a separate test under TR6(4), which concerns capacity, congestion and highway safety, as Mr Dukes explained in re-examination.

18. However, the agreed absence of severe impact under TR6 does not establish that the location is sustainable under TR3. TR4(1)(a) also requires priority first to walking, wheeling and cycling, both within the scheme and with neighbouring areas. Mr Hamshaw accepted the relevance of that requirement in cross-examination and noted it in his written evidence (CD6.10, paragraph 2.1.8). His conclusion at paragraph 6.2.1 of his Main Proof (CD6.6), repeated at paragraph 1.1.3 of his Supplementary Proof (CD6.10), relies on delivery of the sustainable-transport package to make the location sustainable. The assessment must therefore consider whether the measures, taken collectively, would achieve the practical outcome relied upon. It need not establish that every individual measure is indispensable.

19. Mr Dukes' assessment addresses both the location of destinations and the practical quality of access to them. Distance alone does not determine accessibility. Surfacing, gradients, footway provision, lighting and the suitability of routes for regular journeys are material to whether walking and cycling provide practical alternatives. His headline evidence identifies particular concerns on routes towards Epsom and Tattenham Corner which are explored below.

Connectivity evidence

20. The Council acknowledges the qualification to Mr Dukes' use of the Department for Transport Connectivity Tool at paragraphs 4.13-4.14 (CD.7.4). He accepted that the comparison presented did not accord with the guidance concerning comparisons between locations, particularly those of different classifications. The Council does not rely on that comparison to establish that the Appeal Site is unsustainable.

21. Mr Dukes also accepted that the image associated with paragraph 4.16 (CD.7.4) concerns health destinations rather than a comprehensive assessment of all destination types. It should be understood within that limited scope. The Council's sustainability conclusion must stand on the substantive evidence about destinations, routes, services and proposed measures, rather than treating either image or the overall score as a complete assessment of accessibility. The Appellant's own connectivity evidence is likewise a starting point, not a measure of complete-route usability. CD6.6, paragraphs 4.6.2–4.6.4, records a score of 42 and a position in the bottom 30% of Rural Towns and Fringes, but the quoted guidance excludes width, surfacing and lighting as accepted in cross-examination. The connectivity of particular locations should be assessed against qualitative evidence as required by TR3(2). If an improved score is relied upon, the services, routes and settings supporting it should be identified.

Local destinations and the journeys still required

22. The Council recognises the local facilities available. In addition to the bus stop, petrol-station shop and Vale Primary School identified in Mr Dukes' paragraph 5.3 (CD.7.4), Mr Dukes accepted the relevance of the Village Hall and Centenary Wood. He accepted that these local destinations were within walking distance and accessible by surfaced and lit routes but a distinction was drawn in re-examination regarding the essential day-to-day services they provided. The Council does not maintain an objection based on the proposition that only three local destinations exist or that all local walking access is unsuitable. A narrower clarification concerns the school journey: Table 4.4 (CD.6.6) records fourteen to fifteen minutes, while the Active Travel discussion describes an easy ten-minute walk (CD.6.6 paragraph, 4.5.3 page 38). The shorter PROW alternative at paragraph 4.4.16 (CD6.6) may explain the difference. However, Mr Hamshaw confirmed that he did not rely on this route despite his written evidence referring to it as the "realistic alternative" route to school (CD 6.6. paragraph 4.4.16). The route relied upon and its suitability for children, including any relevant lighting limitation, should be identified.

23. The above qualification does not resolve access to the wider range of facilities needed by future residents. Mr Dukes' headline evidence identifies healthcare, secondary education, employment, wider retail and railway services as requiring journeys beyond the immediate local offer. Accessible local facilities must be weighed alongside the practical alternatives for those other journeys. A facility within a broad journey-purpose category does not establish the proportion of future residents' trips it

will serve. Where the local offer cannot meet the need and a longer walk is not attractive, cycling or public transport must provide a realistic alternative. Travel beyond the village is not itself unsustainable. The practical quality of the onward connections is central. The twenty-minute walking benchmark used in the evidence is not advanced as an absolute policy ceiling.

24. The Council also recognises the permitted expansion of the petrol-station shop. Mr Brown nevertheless accepted in cross-examination that its role would be one of topping-up shopping. The expanded offer is beneficial, but does not establish that residents' wider shopping needs would be met locally. Mr Whitehouse explained the limitations in his EiC. Its contribution should be assessed accordingly, rather than treated as a substitute for the broader range of services.

Walking routes and the qualifications to the route assessment

25. The Council's headline evidence identifies constraints on walking towards Epsom and Tattenham Corner, including gradients, inadequate or narrow footways, uneven or unbound surfaces and unlit sections. Those concerns must be assessed against the routes actually available and the improvements proposed. The walking improvements (offered as part of the package at paragraph 4.5.2 at page 36 of CD 6.6) are focused on Langley Vale rather than the routes to the wider range of services in Epsom, Ashtead and Tattenham Corner.

Epsom

26. For Epsom, the sustained climb, narrow sections and footway condition must be considered together. Mr Hamshaw's generally favourable description of the local footway records a width of only one to one-and-a-half metres as tested in cross-examination (CD 6.6 paragraph 4.2.3). As Mr Dukes explained, surfacing does not answer the difficulty of passing, particularly for users of mobility aids, nor does a favourable description within the village establish the onward route's quality. Mr Dukes' EiC evidence and written evidence at paragraphs 5.12–5.14 identify narrow and poor-condition sections and the sustained climb. The objection concerns the combined demands of the complete journey and its attractiveness as a regular alternative for the relevant users. The limitations of cycling as an alternative mode for that journey are addressed at paragraph 32 below.

Tattenham Corner

27. While the PROW route may offer a traffic-free alternative, Mr Hamshaw acknowledged that it is not appropriate for every journey. Mr Hamshaw's own assessment qualifies its use by reference to weather and winter daylight and describes the incline's suitability in terms of "most people". Journeys to work, education and station journeys are not confined to favourable weather or daylight as tested in cross-examination. The new Bridleway 33 connection improves entry to the network. However, it does not remove those onward conditions. Traffic-free availability must

therefore be assessed against its practical attractiveness for regular journeys and different users including those that may be excluded. (CD 6.6 paragraph 4.2.7 and 4.2.9–4.2.13, CD 9.6 paragraph 2.2.6.)

28. Following discussion of the walking routes to Tattenham Corner station including gradients in cross-examination, Mr Hamshaw noted that he did not expect future residents to walk from the site to Tattenham Corner station and relied on cycling instead. Nor did he expect residents to reach the station by bus, the only service being the 618 school bus with two daily services. His case for Tattenham Corner station access therefore rests on cycling alone. Mr Hamshaw accepted in cross-examination that the Transport SoCG, which he signed, describes Bridleways 33 and 127 as generally comprising paved surfacing, "with small sections where no surfacing is present" (CD 9.6, paragraph 2.2.6). He further accepted that the cycle route does not extend all the way to the station: Route 127/NCR 22 ends at Tattenham Corner Road, leaving an onward link to the station to be completed. The single mode relied upon therefore depends on a route that is not continuously surfaced and is incomplete. (CD 6.6 paragraphs 4.2.9–4.2.12, 4.2.21 and 4.4.31; CD9.6, paragraph 2.2.6; CD7.4, paragraph 5.19.)

29. In his EiC and written evidence, Mr Dukes commented on the 500-metre stretch west of the Bridleway 33/127 junction which rises 32 metres, a gradient of approximately 1 in 15, steeper than the maximum recommended by Inclusive Mobility. It is the same incline that Mr Hamshaw describes as short and not unsuitable for "most people" (CD 6.6 paragraph 4.2.13) as tested in cross-examination. Mr Dukes also identifies largely unbound, undrained surfaces which, in inclement weather, make these routes difficult and unattractive. In his EiC, Mr Dukes took the Inspector through his site photographs of 19 June 2026, which show the route conditions. The Inspector is invited to prefer Mr Dukes' measured assessment of this route to Mr Hamshaw's general description, and to find that, as the only mode relied upon for station access, cycling via Bridleways 33 and 127 would not offer a realistic, all-weather alternative to the private car for regular journeys.

Cycling and genuine transport choice

30. The Council recognises that cycling would be a genuine option for some future residents. Mr Whitehouse’s acknowledgment in his cross-examination does not amount to acceptance that the location is sustainable overall. The Council’s case is not that every mode must suit every resident. It concerns the practical reach of the alternatives across the development’s regular travel needs.

31. Mr Dukes’ headline evidence identifies concerns about mixing with traffic, gradients and the quality of off-road routes. These concerns require assessment of the particular routes and measures, including a distinction between leisure cycling and daily

commuting. Mr Hamshaw was asked in cross-examination whether a route's inclusion in the designated cycle network (in the context of Route 127/NCR 22) establishes its suitability for regular commuting, such as a twice-daily station journey, as distinct from leisure use. It is the Council's case that it does not.

32. Cycling cannot automatically answer the longer walking journeys. Langley Vale Road is lit and subject to a 30 mph limit but has no dedicated cycling facilities. Mr Hamshaw described it as suitable "for some" both in his EiC and written evidence (CD 6.6 paragraph 4.2.21). That description does not establish attractiveness to less confident cyclists. Bridleway alternatives avoid some interaction with motor traffic but retain weather and winter-daylight qualifications. The times in Table 4.5 (CD.6.6), calculated from distance and assumed speed, do not measure willingness to use the routes.

Quality, safety and accessibility for users with vulnerable characteristics

33. In his EiC Mr Dukes commented on the routes to both Epsom and Tattenham Corner with various users in mind, including those with vulnerable characteristics, mobility impairments, wheelchair and pushchair users and the elderly, and found that they would not provide genuine choice for those groups (CD7.4, paragraphs 5.7, 5.9, 5.12, 5.14, 5.16, 5.19 and 6.2–6.6). Consideration was also made to LGBTQ+ members in terms of safety in context of unlit sections of the PROWs. That is the correct approach: as put to Mr Hamshaw in cross-examination, the assessment requires stepping into the shoes of all sections of society, including women and children, and asking whether the routes would be attractive, safe and convenient. It is the Council's case that Mr Dukes' evidence applies that approach and the routes would not be attractive, safe or convenient for regular journeys and so would not offer a genuine choice of transport mode.

Public transport and the duration of provision

34. The five-minute, 410-metre walk from the centre of the site to the Grosvenor Road stop establishes access to a bus stop, not a usable connection to every destination. Table 4.1 (CD.6.6) records eight E5 departures on weekdays and Saturdays, no Sunday service, a single listed weekday 408 departure and two weekday 618 entries. The two 618 entries do not, by themselves, establish that residents could make a usable outward and return journey to the Tattenham Corner station. The 618 serves St Andrews and All Saints, neither of which appears among the relevant schools in Mr Hamshaw's Table 4.3 as accepted in cross-examination. It was also accepted in cross-examination that the existing Headley Road DDRT stop was unlikely to be a practical option in the existing circumstances. Reaching it would require walking on Headley Road, which has no footpath. The assessment must therefore consider both the

recorded distance of 940 metres and the actual approach route. (CD6.6, paragraphs 4.3.2–4.3.5 and Table 4.1.)

The package: local improvements and onward constraints

35. The package provides new access footways and a shared route, a Bridleway 33 connection, local surfacing and crossings, cycle parking and charging, and promotional measures. These are real improvements, principally to network access and local journeys. They do not bring the wider destinations within the Table 4.4 walking catchment, provide a continuous dedicated cycling facility along Langley Vale Road, or light and resurface the complete onward Tattenham Corner route. Walking improvements are focused on Langley Vale rather than the wider services in Epsom, Ashtead and Tattenham Corner as tested in cross-examination. The assessment must follow the journey beyond the new works as accepted by Mr Hamshaw in cross-examination.

36. In his EiC, Mr Dukes was concerned about the proposed cycling provision and whether it would provide an attractive alternative consistent with the guidance relied upon. The Highway Authority's evidence identifies practical constraints on suitable cycling provision along Headley Road which Mr Dukes explained in EiC (CD 7.4 page 33). The Council's objection concerns the practical suitability of the identified provision and whether it offers a safe and attractive alternative consistent with the cycling guidance relied upon.

E-bikes and promotion

37. The Council recognises that e-bikes can reduce the effort associated with gradients and extend cycling distance. That benefit does not, however, establish that the routes would be attractive for residents' regular journeys. As tested in cross-examination, it is the Council's case that electric assistance does not provide lighting or improve a route's surface. Nor do vouchers or information widen narrow paths or remove interaction with motor traffic. Mr Hamshaw accepted in cross-examination that the encouragement offered by a £150 e-bike voucher must be assessed alongside those route conditions, even where distance and effort are reduced (CD 9.6 paragraphs 6.2.1 and 7.3.1 (footnote)). The extent of the voucher's benefit also requires clarification. As tested in cross-examination, future residents would still have to decide whether to incur the cost of acquiring an e-bike.

Public-transport enhancement

38. The proposal is £200,000 annually for five years towards either extended DDRT provision or an enhanced E5. Generally, the E5 enhancement is relied upon for Epsom and its station and the DDRT discussion concerns connections including Ashtead and Leatherhead. Selecting DDRT does not thereby secure the enhanced E5 as accepted in cross-examination. Where a bus answers an Epsom walking or cycling difficulty, the assessment must identify the service that would actually answer it. The improved

DDRT provision was tested in evidence. DDRT and a timetabled hourly service are operationally different. For DDRT, the relevant evidence concerned the operating hours, Sunday provision, the extension area, stops, capacity, booking availability and the ability to make both outward and return work or station journeys. While first-come, first-served booking is not itself proof of inadequacy, it requires evidence of practical availability as tested in cross-examination.

39. Housing is permanent, and the sustainable-location conclusion is not confined to the funded five years. The contribution supports improvement during that period but does not itself establish continuation. If continuation depends on sufficient patronage, the expectation must be supported by the uptake or continuing-funding evidence relied upon. This was tested in cross-examination and no such evidence is available. Surrey County Council's view that the contribution is appropriate is not itself a patronage forecast or continuation commitment. Whilst Mr Hamshaw accepted in cross-examination that continuation of either service could not be guaranteed following the end of the funding period, the Council does not contend that uncertainty about commercial viability proves that the service would cease. The assessment must reflect the provision actually secured and the evidence supporting continued operation. The weight attributed to a lasting alternative must reflect the evidence supporting that function.

Car sharing

40. The two electric car-club vehicles, provided for a minimum of three years, offer access without ownership for journeys needing a car. That benefit should be recognised. However, as tested in cross-examination, use of a car-club vehicle for any particular journey still depends on one being available when it is needed, and access to a car club does not mean that households would forgo owning a car where one is needed for regular, everyday journeys. Any reduction in ownership is not necessarily an equivalent reduction in vehicle journeys. These measures do not establish a practical walking, cycling or public-transport alternative for the wider journeys examined above. Their benefits should be recognised for what they achieve, including consideration of what continuing benefit is supported beyond the minimum three-year car-club provision. (CD 6.6 paragraphs 4.5.7–4.5.11.)

The Travel Plan and effectiveness of the measures

41. Mr Dukes accepted in cross-examination that the Travel Plan includes checking mechanisms. Those mechanisms are relevant safeguards. The remaining question is what they would achieve if the anticipated modal shift were not realised. The provision of safeguards must be distinguished from additional measures capable of changing travel behaviour. The distinction is between securing a programme of measures and demonstrating the practical outcome reasonably expected from it.

42. The Council relies on Mr Dukes' assessment at paragraphs 5.23–5.24, as qualified, not an assumption that no fallback exists. A target and a requirement to implement a plan are not an achieved reduction in car reliance. The final remedies, triggers and implementation obligations must be evaluated for their practical ability to change behaviour in the face of the remaining route and service constraints. (CD7.4, paragraphs 5.23–5.24.)

43. The package must be assessed cumulatively against the journeys it is intended to serve. It is not enough to answer a difficult walk with cycling, answer a cycle-route limitation with a bus, and then rely on a contribution or target without establishing the usable substitute. Each step must connect to the next. Local works, electric assistance, public-transport funding and behavioural measures improve the offer. The Council submits that, together with the alternatives actually identified, they do not sufficiently answer the remaining difficulties on wider regular journeys to provide that genuine choice and priority to sustainable transport modes.

Previous appeal decisions

44. The Council recognises the earlier appeal decisions as material considerations. The 2022 (CD 15.1) proposal comprised 20 homes replacing existing traffic-generating agricultural and commercial uses. Mr Dukes' EiC recorded the smaller scale, the existing-use baseline and the earlier Inspector's acknowledgment of accessibility limitations and likely car reliance. Mr Whitehouse explains the differences in scale, baseline and context at paragraphs 4.14–4.21 of his planning proof (CD 7.2). The earlier decision must be read as a whole. The dismissed 2025 appeal concerned a single replacement dwelling and does not determine sustainability for development of this scale.

45. Mr Brown accepted in cross-examination that the earlier decisions do not remove the need to assess the present proposal against TR3. Up to 110 homes, the transport package and the movement generated require their own assessment. The Council's case is that earlier findings inform that judgment but do not determine it.

46. Adjacency does not justify the word "must". Mr Hamshaw's paragraph 4.7.4 reasons that the site must be sustainable because it adjoins Langley Bottom Farm as tested in cross-examination. The proximity to Langley Vale and enhanced package are relevant but the earlier permission did not establish unconditional sustainability for adjoining development of any scale. Mr Hamshaw was taken to a number of paragraphs in cross-examination. Paragraph 31 of the 2022 appeal decision assessed 20 dwellings against the then "significant development" wording and found appropriate opportunities in the context of that development's type and location. The present movement, area context and package require their own assessment. Neither the favourable finding for 20 homes nor an increase in numbers alone supplies the answer.

47. The existing-use baseline makes the distinction substantive. Mr Dukes' EiC noted that the earlier Inspector anticipated private-car reliance for a high proportion of trips and also recognised vehicle movements generated by existing agricultural and commercial activities (CD15.1, paragraph 23). Mr Hamshaw was taken to the same paragraphs in his cross-examination. The present objection concerns significant additional movement without that baseline as explained by Mr Dukes in EiC. The earlier conclusion cannot properly be transferred to this appeal site while leaving behind a circumstance material to its reasoning. (CD15.1, paragraphs 23 and 66.)

48. The earlier accessibility findings were also qualified. In his EiC, Mr Dukes was taken to a number of paragraphs in the 2022 appeal decision. Paragraph 21 of the decision envisaged occasional use of infrequent buses. Paragraph 25 distinguished leisure journeys from day-to-day travel and recognised limitations of unlit routes and surfaces for frequent cycling. Mr Hamshaw was taken to the same paragraphs in his cross-examination. The earlier decision's favourable findings must be read alongside those limitations. They do not, by themselves, establish that the present proposal, even with its enhanced transport package, would provide practical alternatives to private-car use for regular journeys. (CD15.1, paragraphs 21, 25.)

49. The Council therefore affords very limited weight to the 2022 decision in assessing this proposal's sustainability, while allowing for its relevant findings. Up to 110 homes, the different existing-use baseline, scale, context, policy framework and transport provision require a fresh judgment. Housing need does not satisfy the separate sustainable-location requirement. Nor does the dismissed single-dwelling 2025 appeal (CD 15.2) establish sustainability for development of this scale.

Denham's Corner

50. The 2026 Denham's Corner appeal decision (ID.11) assists with the interpretation of TR3. Mr Hamshaw was taken in cross-examination to paragraphs 33–36, 43, 49 and 52 to test his understanding of how the proposed transport package should be assessed. Having recorded the secured improvements at paragraph 33, the Inspector asked at paragraph 34 whether they would limit the need to travel, particularly by private car, and offer a genuine choice of transport modes. The issue was therefore not simply what would be provided, but what those measures would achieve. At paragraph 35, the Inspector accepted that not every resident must use sustainable transport, but explained that genuine choice requires alternatives capable of persuading a reasonable proportion of residents to use them instead of driving for regular journeys, rather than merely serving those who would walk or cycle anyway. Paragraph 36 identifies route quality, safety and convenience as crucial alongside journey time and distance. Paragraph 43 illustrates why lighting does not resolve a separate concern about route width. Paragraph 49 explains that the mobility hub's ability to encourage sustainable travel depends on the underlying routes. Paragraph 52

distinguishes reasonable, legally enforceable improvements from improvements sufficient to meet the policy tests. The Council does not seek to import that appeal's package, local policy or factual outcome. The relevant point is that the present proposal must likewise be assessed against the complete journeys remaining after delivery of its transport measures, as Mr Hamshaw accepted in cross-examination. Local facilities and improvements do not remove the need for residents to travel beyond Langley Vale for a range of everyday purposes. The assessment must therefore consider whether the package would provide practical alternatives to private-car use for those journeys, as tested in cross-examination. (Appeal Decision 6005642, paragraphs 33–36, 43, 49 and 52.)

Allocation comparisons

51. Comparisons with proposed allocation sites cannot replace the exercise of assessing the sustainability of the appeal site, as Mr Hamshaw accepted. Relative connectivity does not change Farm View's routes or establish its package's operational effect. Context informs the judgment but cannot supply the link between an improvement and the journey it is relied upon to enable. In particular, as discussed in cross-examination, Major Urban Conurbation and Rural Town and Fringe percentile bands are not positions within the same comparator category. Those distinctions limit the inference available from Table 4.6 (CD 6.6 paragraphs 4.6.8–4.6.10 and Table 4.6.)

Highway Authority and the planning judgment

52. Mr Brown accepted in cross-examination that agreement on safety and capacity does not, by itself, answer the sustainable-location question. His paragraphs 4.14–4.15 recognise the Highway Authority's sustainability objection but advance reasons for disagreeing, including the earlier decisions, officer report and comparison with proposed allocation sites. He accepted that those reasons must withstand scrutiny against this proposal's facts. Surrey County Council has withdrawn its access-visibility objection but maintains its locational-sustainability objection.

Conclusion on transport

53. The Council's case reflects the qualifications to its evidence. It does not rely on an inappropriate connectivity comparison, a health-only image as a comprehensive assessment or an assertion that the Travel Plan lacks relevant safeguard mechanisms.

54. The conclusion follows from connected findings. Local destinations serve useful purposes but do not meet the wider range of everyday needs. Local active-travel works improve access without resolving all material onward conditions. E-bike voucher assistance addresses effort and distance, not every route constraint. Public-transport enhancement must be assessed as the selected option, and for the journeys and period it supports.

55. The practical limitations identified above explain why the Inspector is invited to prefer Mr Dukes' conclusion, notwithstanding Mr Hamshaw's contrary view. The Council's assessment takes account of the rural context, local facilities, usable alternatives for some residents, proposed improvements and Travel Plan safeguards. Even allowing for those matters, the Council submits that the transport options remaining after the improvements would not sufficiently encourage residents to use alternatives to private cars for wider regular journeys.

56. The outstanding issue is whether, after taking those matters and the proposed improvements into account, the development would sufficiently limit reliance on private cars and offer genuine transport choice. Mr Dukes' headline conclusion is that the remaining connectivity constraints would result in car-dependent development. The Inspector is invited to adopt that conclusion to the extent supported by the correct route evidence, secured provision and anticipated effectiveness of the measures. On that assessment, Policy GB7(1)(g)(iii) would not be met, and excessive car reliance would remain contrary to Policies CS16 and DM10 and Policy TR3. Nor does the station-based exception apply: Tattenham Corner is approximately 2.9 kilometres away (CD 6.6 Table 4.3) , beyond the defined reasonable walking distance of around 800 metres, subject to route and walking-time considerations. The proposal therefore remains inappropriate development.

Landscape Character and Visual Effects

The outstanding dispute

57. The Landscape Statement of Common Ground (CD 9.2) records the site and context as an urban-edge landscape within UE3 Epsom Downs (paragraphs 2.2 and 2.4). The dispute concerns the consequences of extending residential development into that landscape and whether mitigation would adequately address them. Part 4 expressly records disagreement concerning mitigation and the Council's concern about insufficient land at the western edge. Mr Smith confirmed in cross-examination that the recorded agreements in the SoCG do not amount to acceptance of his year-15 residual ratings. The Council continues to accept that the site is not within a valued landscape.

Landscape character and integration

58. Mr Drummond's evidence is that the site relates more strongly to the surrounding countryside than to Langley Vale's built fabric. In his EiC and at paragraphs 4.8–4.9, he explained the basis for that assessment: the published UE3 characteristics, the agricultural land and open views, and the relationship between the site, ridgeline development and wider countryside. His acknowledgment of urban influence in cross-examination does not contradict that assessment. The published description itself recognises the adjoining settlement, while describing the interior of UE3 as largely unsettled and Type UE areas as remaining rural or natural in character (CD.7.3 paragraphs 4.8–4.9).

59. Mr Smith accepted that agricultural character and settlement influence coexist. He accepted the permanent agricultural-character change, including loss of open pasture and introduction of residential development. Those concessions do not establish the Council's final assessment, but help explain why an urban-edge location does not itself establish satisfactory integration. The Inspector must assess the significance of change to the countryside qualities that remain.

60. Mr Drummond's reference to the absence of a connection concerned direct pedestrian links, rather than an absence of all visual or physical relationships with Langley Vale. The substantive question is the site's character and the consequences of extending development across it. The Inspector is invited to prefer his assessment of that relationship, rather than infer satisfactory integration from the existing houses on the settlement edge.

Landscape receptors: magnitude and significance

61. Mr Drummond's disagreement concerns both magnitude and overall significance. Paragraphs 4.10–4.12 and Appendix A of his proof (CD 7.3) apply the Appellant's methodology to the landscape receptors. Mr Smith's competing residual conclusions appear at paragraph 4.22 and Table 6 (CD 6.4), with his explanation at paragraphs 4.23–4.25 (CD.6.4). The Council recognises that the matrix provides a starting point and the final assessment involves professional judgment. A different conclusion is not prohibited, but lower ratings must be adequately explained by reference to the particular change and mitigation relied upon.

62. **UE3 Epsom Downs**. In cross-examination, Mr Smith confirmed that he had adopted medium sensitivity and low magnitude, with negligible adverse significance. With the Low magnitude he adopted and Medium sensitivity, LVIA Appendix 1, Table 1.11 gives Moderate significance as the starting point (CD1.7). Mr Smith maintained his negligible assessment, relying on the limited extent of agricultural loss within the wider character, plating and the scheme's design response. The Council's case is that geographical extent is relevant, but does not alone resolve the importance of the landscape component affected.

63. Mr Drummond's explanation concerns not only the site's proportion of UE3 as a whole, but its contribution to that character area's agricultural component. Development would alter part of the landscape contributing to its open, agrarian character. The Inspector is invited to consider that contribution alongside geographical extent. A limited footprint within the wider character area does not, without further analysis, establish a negligible effect on those characteristics.

64. **Langley Vale Centenary Wood and its setting.** Mr Smith adopts medium sensitivity and low magnitude but concludes that there would be minor adverse landscape effects

at years 1 and 15. As put to Mr Smith in cross-examination, those inputs give Moderate adverse effect as the matrix starting point (CD1.7, Appendix 1, Table 1.11). His justification for Minor adverse effect relies on settlement context, retained characteristics of the Wood and softening and assimilation of development. The Council acknowledges those considerations, but retention of the Wood's functions does not itself resolve the change to its landscape setting. This receptor must be distinguished from the separate visual assessment of visitors to the Wood.

65. **Site setting and overall character.** The Council acknowledges that, during the inquiry, Mr Drummond revised his assessment from major adverse to moderate adverse at both years 1 and 15. He maintained that moderate adverse effects were significant within his methodology and required mitigation. The revision does not establish that the proposed mitigation would adequately address those effects.

66. Mr Smith records a reduction in magnitude from high–medium at year 1 to medium at year 15, and in significance from moderate adverse to minor adverse. The LVIA records the same sizeable scale and long duration at both years, and even on his reduced Medium magnitude, Medium sensitivity gives a Moderate starting point, not Minor (CD1.7, Table 8.2 and Appendix 1, Tables 1.10–1.11). The Council does not suggest that magnitude cannot reduce over time. Its challenge is whether the reduction and resulting minor rating are adequately explained given the permanent agricultural-character change recognised at paragraph 4.24. Mr Smith relies on a less stark perceived change, good-design, planting and open-space integration. Those considerations must be assessed against the remaining transformation of the site, not treated as removing it.

67. Overall, these comparisons identify where Mr Smith's professional judgment produces a lower conclusion than the matrix starting point and why his explanation matters. They do not establish that the matrix dictates the answer. The Inspector is invited to prefer Mr Drummond's remaining assessment where countryside-character change and mitigation effectiveness are insufficiently reflected in the Appellant's residual ratings.

CF3: the qualification and its limits

68. The Council acknowledges that Mr Drummond revised his CF3 assessment after it was tested against the methodology. Given the site's limited geographical reach within the wider CF3 character area, Mr Drummond accepted that the scale of change was better described as "compact" than "modest". With medium sensitivity and long duration, LVIA Tables 1.10 and 1.11 then give a Low–Negligible magnitude and a Moderate to Negligible significance range (CD1.7, Appendix 1). In re-examination, Mr Drummond noted that the geographical extent does not by itself resolve the effect on the receptor's integrity. Even on that Moderate to Negligible range, Mr Drummond

made clear in EiC that he regards Major and Moderate adverse effects as requiring mitigation.

69. Mr Smith explained to the Inspector that he had considered CF3 but had not reported it as a separately assessed receptor because he judged the effects negligible. The Council does not suggest that he admitted overlooking it. Its criticism is that a prediction of negligible effects does not, without further explanation, justify omitting a separate assessment when other negligible outcomes, including UE3 in Table 6, are expressly reported. That criticism concerns the transparency and scope of the assessment. It does not, by itself, establish substantive CF3 harm. The principal objection rests on the remaining effects demonstrated by the Council's evidence.

Visual effects from the recreational routes

70. Mr Drummond's visual assessment appears at paragraph 4.17 and Appendix B. His chief summary identifies continuing year-15 adverse effects on Bridleway 146 and on Bridleway 33 and Footpath 32. The Council relies on the particular viewing experiences affected, not a claim that development would dominate every view throughout the surrounding countryside.

71. His evidence concerning Viewpoint 12 must be considered as a whole. In cross-examination, Mr Drummond initially accepted a "sizeable" visual scale. In re-examination, having reconsidered the category descriptions at Table 1.8 (CD 1.7) , he returned to his original "substantial" assessment. The Council relies on that explained assessment while acknowledging the earlier answer. Visual-scale classification is a component of the assessment, not itself the final significance judgment. Even relying on the concession of scale to "sizeable", the overall effect remains adverse. This is because Medium-High sensitivity combined with High-Medium magnitude results in Major to Moderate significance. As Mr Drummond made clear in EiC, moderate and major adverse effects still require mitigation.

72. Mr Smith maintained the lower residual ratings at paragraph 4.26 and Table 7.

73. For Bridleway 33 and Footpath 32, illustrated by View 5, Mr Smith confirmed in cross-examination that sensitivity (medium–high) and magnitude (medium) remain unchanged at year 15. On those inputs, Table 1.11 gives a Moderate to Major starting point. Mr Smith nevertheless reduces his year-15 rating from moderate adverse to minor adverse.

74. Neither year-15 rating is therefore explained by the matrix (CD1.7, Table 8.3 and Appendix 1, Table 1.11). To close that gap, Mr Smith relied on good design and, importantly, on planting. These are receptor-level assessments, not separate ratings for each illustrative viewpoint.

75. The Council recognises retained pasture, the position below the skyline and the softening effect of planting noted in Mr Smith summary Table 5. Nevertheless, additional housing is brought forward into presently open-site views which Mr Smith accepted. Existing skyline houses do not remove that change as was tested in cross-examination. The repeated identical description in Table 5 (CD.6.4) "*the provision of space for green infrastructure to thrive, sees the homes assimilated into their context. In effect the residual outcome continues to see homes set characteristically onto falling topography, nestled amongst trees*" in discussions of Views 5, 9 and 12 does not itself establish an error, but neither does it explain the degree of filtering and remaining intrusion from each position. That general statement was tested in evidence. For the reasons in Mr Drummond's evidence, residual effects are more significant than Mr Smith's lower ratings recognise.

76. In the case of View 5 (Footpath 32/Bridleway 33) and View 12 (Bridleway 146), which both look east from the west, planting, and in particular the proposed planting along the western edge, does much of the work in moving from the matrix starting point to Mr Smith's lower residual rating. The Council's case is that the effectiveness of that planting, and whether there is sufficient space to deliver it, is therefore central to the reliability of those ratings. That is addressed at paragraphs 78-85 below.

Langley Vale Road and the access

77. In his EiC and Appendix B (CD 7.3), Mr Drummond identified a major adverse year-15 visual effect for the Langley Vale Road receptor. In his cross-examination, Mr Drummond maintained this assessment.

78. In cross-examination by the Rule 6 party, Mr Smith relied on the retention of the hill view within Viewpoint 1 and the limited extent of access-related change. The Council acknowledges that retained component. Its objection concerns the changed viewing experience across the site, including introduction of the access into the agricultural setting. Retaining one element does not itself establish a minor overall effect.

79. The Inspector is invited to assess the retained view and proposed changes together, including the extent to which planting would address them as put forward by Mr Smith in his cross-examination by R6 party. The Council's case rests on the effects identified by Mr Drummond.

Western mitigation: performance and residual harm

80. Mr Smith relies on the western planting to filter views from the west, namely View 5 from Footpath 32 and View 12 from Bridleway 146, both looking east towards the site, as discussed in his cross-examination (CD6.4, paragraph 4.8 and Table 5).

81. The issue is whether the western area has sufficient space for the planting needed to achieve the mitigation relied upon, alongside drainage and meadow provision. Mr Drummond addresses that concern at paragraph 4.17 and in the mitigation section of his evidence (paragraph 5.4). His expert assessment for this site specifies a 7–10 metre native tree belt, excluding the space required for the SuDS and meadow provision. The Council recognises that drainage and planting may be integrated and that later detail may be addressed through reserved matters. The outline framework must nevertheless be capable of accommodating planting that would achieve the performance assumed in the present assessment of residual effects. The Council maintains that it is not.

82. Mr Drummond accepted scope for mitigation in the southern landscape area. That qualification does not resolve the separate western concern. The Council does not require every proposed house to be screened from view. Its concern is whether adverse effects on the identified receptors would be sufficiently reduced. Houses in the baseline do not make the scale, proximity and spread of additional development immaterial.

83. Mr Smith confirmed planting's importance to his integration and residual-effect judgments in cross-examination. He was taken to the following passages in his proof: paragraph 4.8 identifies western planting intended to provide additional enclosure, paragraph 4.17 discusses growing space and tree development, and paragraph 4.29 describes filtering and softening as planting establishes. His acceptance that planting at year 15 has not reached its ultimate maturity makes the performance achievable at the assessed date material. Mr Smith noted in cross-examination that, while he maintained that the 7–10 metre buffer could be accommodated, he was not relying on it as a form of mitigation in his assessment. The Council's case, as explained by Mr Drummond, is that describing planting as "enhancement" does not prevent it from serving a mitigating function, but neither does that label establish its effectiveness.

Reliance on Visually Verified Montages (VVMs)

84. Two further matters bear on whether the planting relied upon would achieve Mr Smith's residual ratings, and so whether those ratings were tested against the development's full effect:

85. First, the LVIA assumes buildings of up to two and a half storeys (CD1.7, paragraph 6.1; CD1.8, page 4), but its effects assessment and embedded mitigation assume dwellings limited to two storeys (CD1.7, paragraph 5.3). Where the residual ratings depend on planting filtering built form, the height of that built form matters. The scheme is illustrative, and height and bulk are left to reserved matters, with houses only envisaged to be predominantly two-storey to eaves (CD6.4, paragraph 4.14).

(CD6.4, paragraph 4.14). The residual ratings have therefore been tested against the scheme as illustrated, not against the maximum the outline permission would allow. Unless the permission limits buildings to two storeys, the Inspector cannot be confident that the year-15 filtering would be achieved.

86. Secondly, the LVIA methodology states that field survey should ideally cover both winter and summer views (CD1.7, Appendix 1). The fieldwork was undertaken in April 2025 (CD6.4, paragraph 4.3) and the verified photomontages were taken in summer. They therefore do not show the leaf-off conditions in which the planting must perform. This matters because Mr Smith's year-15 commentary in Table 5 (CD.6.4) is expressly "based on the verified views at Year 15" (CD6.4, paragraphs 4.16–4.17), and his visual conclusions for Bridleways 146 (View 12), Bridleway 127 (View 9) and Bridleway 33/Footpath 32 (View 5) repeat the same commentary (see paragraph 73 above) and rely on what is evident from the VVMs. The Council does not suggest that deciduous planting provides no winter filtering. Its position is that Mr Smith's year-15 visual conclusions rest on views that do not show the worst case, and so do not reflect the worst-case effect of filtering. Although Mr Smith maintained in cross-examination that they do, the Council disagrees with this conclusion and invites the Inspector to consider Mr Smith's written evidence on this point.

87. In terms of western mitigation, two questions remain: can western planting achieve the assumed performance within the available space and, even allowing for that performance, would the remaining development cause greater harm than the residual ratings recognise? Identifying planting or describing assimilation does not resolve either question without receptor-specific assessment. The Inspector is invited to prefer Mr Drummond's assessment that significant adverse effects would remain notwithstanding the proposed response.

Overall landscape conclusion

88. The Council's case reflects the evidence as tested. It acknowledges settlement influence, localised effects, revised site-character and CF3 assessments, the Viewpoint 12 clarification and scope for mitigation in parts of the scheme. These matters narrow and explain the case. They do not remove the outstanding disagreement about remaining landscape and visual effects.

89. Mr Smith maintained his final judgments, but accepted the underlying countryside qualities, permanent development change and the importance of planting in justifying his residual ratings, particularly where those ratings fall below the matrix starting point. His lower residual ratings do not sufficiently reflect the adverse change remaining or adequately resolve mitigation concerns. For the reasons above, the Inspector is invited to prefer Mr Drummond's remaining assessment, as qualified at the inquiry, and find significant residual landscape and visual harm.

90. On those findings, the Council maintains the landscape conflict with Policies CS5, DM9 and DM10 and Policy N2(1)(a) of the Framework. Mr Whitehouse gives the resulting landscape and visual harm significant weight in the overall planning balance. That weight must reflect residual effects established after the qualifications to the evidence, rather than original assessments without adjustment.

The Planning Balance

91. The Council recognises the substantial benefit of housing delivery. The agreed housing land supply is 1.6 years, and the proposal would provide up to 110 homes, including 50% affordable housing, subject to securing the necessary obligation. In accordance with Policy HO7, Mr Whitehouse gives substantial weight to that combined contribution. His assessment expressly recognises affordable housing. It is neither omitted nor treated as incidental to market housing.

92. The parties differ in their treatment of housing weight. Mr Brown gives substantial weight separately to market and affordable housing, whereas Mr Whitehouse assesses the combined provision. The material question is the overall force of the housing benefit against the complete adverse case. Mr Whitehouse recognises both the shortfall and affordable provision.

93. There is considerable agreement on the weight to be given to other benefits. Both witnesses give moderate weight to economic benefits and public open space. Mr Whitehouse assesses public open space and children's play provision together. He recognises that the open-space provision exceeds the Council's requirements, while taking account of its drainage, separation and mitigation functions. Those functions inform his assessment of the additional benefit, but do not exclude the provision from the beneficial side of the balance. Mr Whitehouse also gives moderate weight to enhancement of Langley Bottom Farm Site of Nature Conservation Importance. He gives significant weight to biodiversity net gain, whereas Mr Brown gives it moderate weight. The Council therefore does not give less weight than the Appellant to every benefit.

94. Mr Brown confirmed that he gives beneficial weight to Golden Rules compliance while treating affordable housing and public open space separately. Subject to the final obligation securing compliance, the Council recognises its applicable policy significance. Compliance should not be disregarded, but the overall judgment must remain clear about its relationship with the underlying provision. The same affordable homes, infrastructure and open space are not additional physical benefits merely because they support more than one aspect of the beneficial assessment.

95. The principal difference in adverse weighting concerns transport. At paragraph 6.16, Mr Brown assigns moderate weight to a finding that the location is unsustainable, relying on comparison with proposed housing-allocation options. In cross-

examination, he accepted that adverse weight must address transport effects and their policy significance, including a finding that the delivered package does not provide genuine transport choice. He accepted that comparison with other sites does not change actual transport conditions or difficulties here, or remove transport harm found by the Inspector.

96. Mr Brown further accepted that greater transport harm found by the Inspector must enter the alternative balance. Comparison may provide context, but cannot substitute for assessment of residual effects at Farm View. The Council acknowledges cycling as a genuine option for some residents and improvements from the measures. Its very significant transport weighting reflects its assessment that excessive car reliance and insufficient genuine transport choice would nevertheless remain. Mr Brown did not accept that weight, but his answers establish that the alternative balance must address the actual effects found.

97. Landscape and visual harm remain disputed. Mr Brown accepted that landscape-character change is unavoidable and confirmed the moderate weight given to landscape and visual harm in Figure 6. Mr Whitehouse gives significant weight. Unavoidable change alone does not establish unacceptable harm. The Council's case concerns the nature, extent and persistence of adverse effects and adequacy of mitigation, for the reasons in Mr Drummond's evidence and the landscape section of these submissions.

98. The remaining adverse effects are more limited. The Council identifies less-than-substantial harm, at the lower end of the spectrum, to the significance of the listed wall bordering The Warren. Public benefits outweigh that harm in the heritage-specific balance. Mr Brown accepted that a favourable heritage-benefit balance does not erase heritage harm and that the Planning Statement of Common Ground retains it in the inappropriate-development balance. He accepted that limited agricultural harm remains on the adverse side. Mr Whitehouse assigns moderate weight to heritage harm and limited weight to loss of approximately 2.6 hectares of subgrade 3a agricultural land, identifying no agricultural policy conflict. Neither is a decisive freestanding objection, but neither should be omitted on that account.

Very Special Circumstances and the Overall Planning Balance

99. On the Council's case, the sustainable-location requirement is not met, no other exception applies, and the proposal remains inappropriate development. Mr Brown accepted that, in that scenario, the question is whether harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. He accepted that failure to satisfy the sustainable-location requirement makes the GB7 exception unavailable. The dispute concerns application of that framework to the evidence, not the existence of the alternative very-special-circumstances test.

100. The Green Belt harm is not confined to inappropriateness. It includes substantial openness harm overall and countryside encroachment. Alongside it stand transport harm attracting very significant weight, landscape and visual harm attracting significant weight, and the more limited heritage and agricultural harm. Mr Whitehouse explained that substantial and very significant describe the same level on his scale. The assessment remains a judgment about the nature and extent of harms and benefits, not an arithmetic comparison of descriptions.

101. The Council fully recognises the housing shortfall and substantial contribution of market and affordable housing, together with economic, recreational and environmental benefits. It takes account of transport improvements and alternatives available to some residents. Its balance concerns harms remaining after those measures, not an assumption that they achieve nothing. The lasting openness loss and countryside encroachment, together with residual transport and landscape harms and more limited other harm, are not clearly outweighed by the beneficial considerations taken together.

102. Mr Brown's alternative case is that very special circumstances exist even on the Council's assessment of its identified harms and benefits. The Council acknowledges that conclusion and does not suggest that he omitted all Green Belt harm from his alternative case. In cross-examination, however, he accepted that the balance must address the actual effects found by the Inspector. Comparison with other sites does not remove transport harm at Farm View, and any greater transport harm found by the Inspector must enter the assessment. The balance must therefore consider the full nature and extent of the harms identified by the Council, not merely the labels used to describe their weight, alongside the acknowledged benefits. For the reasons given in the substantive sections, the Council submits that those benefits do not clearly outweigh that harm.

Conclusion

103. The Council invites the Inspector to find that the proposal remains inappropriate development, would cause substantial harm to Green Belt openness overall and countryside encroachment, and would give rise to the residual transport and landscape harms identified in its evidence as qualified at the inquiry. Grey belt status and housing need do not satisfy the separate sustainable-location requirement. The acknowledged housing and other benefits do not clearly outweigh the Green Belt harm and other harm. Very special circumstances have therefore not been demonstrated.

104. On those findings, the proposal conflicts with the development plan's Green Belt, transport and landscape policies, principally Policies CS2, CS16 and CS5 of the Core Strategy 2007 and Policies DM1, DM3, DM9 and DM10 of the Development Management Policies Document 2015. It is contrary to the development plan taken as

a whole, and material considerations do not justify permission contrary to it. The Council respectfully invites the Inspector to dismiss the appeal.

Sophia Spencer

St John’s Chambers

[13 November 2026]