

# HEADLEY PARISH COUNCIL

12 Hurst Close, Headley, Surrey KT18 6DZ

The Minister of Housing, Communities and Local Government  
2 Marsham Street  
London  
SW1P 4DF

By email to [PCU@communities.gov.uk](mailto:PCU@communities.gov.uk)

**Ref: Request for Call-in**

**Mole Valley planning application reference MO/2020/0185 – Headley Court**

15<sup>th</sup> July 2020

Dear Minister,

At an Extraordinary meeting of Headley Parish Council, held on Monday July 13<sup>th</sup> 2020, the Parish Council agreed unanimously to write to you with an urgent request to call in the above application.

We therefore formally request that the Secretary of State (under section 77 of the Town and Country Planning Act 1990) call-in for determination the Mole Valley planning application MO/2020/0185 (Headley Court, Headley Road, Headley, KT18 6JW). We believe that there are planning issues of more than local importance involved, particularly Green Belt and lack of Sustainability and the application does not comply with national policies on important issues.

Mole Valley's Development Management Committee considered the application on Wednesday 1<sup>st</sup> July, but we understand that no Decision Notice has been issued. The Chair of the Parish Council was allowed to speak for 3 minutes at the hearing. The live-streaming of the hearing was observed by all Parish Councillors and has been subsequently reviewed by some of the Parish Councillors.

This letter outlines our grounds for a call-in and is without prejudice to our right to raise more detailed representations should you agree to call in this case.

The key planning issues we believe warrant your attention are:

- Sustainability – what approach should be taken to development in unsustainable locations
- Green Belt – has adequate consideration been given to protection and possible enhancement of the Green Belt
- Previous Very Special Circumstances and Personal Permissions
- Highways Safety and Capacity
- Lack of a Masterplan for a major site in the Green Belt

**Background to the application**

Headley Court achieved world-wide recognition as the home for the Defence Medical Rehabilitation Centre (DMRC) - a centre of excellence for the rehabilitation of UK service personnel, especially for those who received life-changing injuries sustained in the UK's military engagements in Afghanistan and Iraq. Initially it was exempt from the civilian planning processes, but since about 2006 it has been subject to local planning policies.

In 2014, the MoD announced its decision to cease using Headley Court, handing the site back to its then owners - the Headley Court Charity. They in turn announced their intention to sell the site and it was purchased on 1<sup>st</sup> May 2019 by Angle Properties (the applicant for the current case) who immediately sold on the part of the estate including 63 married quarters houses to Clerkenwell Properties.

Like the rest of our Parish, the site is wholly 'washed over' by the Metropolitan Green Belt. Parts of the site were recognised in the MVDC Local Plan as a Major Developed Site in the Green Belt (MDS) and it has always been recognised that, in the event of the MoD leaving the site, some redevelopment, including some housing, would be appropriate.

In the Mole Valley Core Strategy, Headley is not even designated as a 'smaller rural village', so even efforts to develop Rural Exception Sites of Affordable Housing for local residents are not covered by the Local Plan and have to be treated as a special case.

### **Sustainability**

The presumption in favour of sustainable development lies at the heart of the NPPF. The NPPF is less clear-cut on what approaches should be taken when a development site is in an intrinsically unsustainable location.

The Parish Council believes the location of Headley Court is unsustainable for housing development based on the NPPF's sustainability criteria, the status of Headley in Mole Valley's Core Strategy and the unsustainability of the local transport network.

*Appendix A provides supporting details why the location is deemed unsustainable for housing development.*

If it is agreed that the location is unsustainable for a pure housing development, then we believe that simple application of the NPPF's policies will generate undesirable outcomes:

- Dependency on the car as the primary means of transport; with limited, unreliable public transport, households will need at least two cars and will then use them rather than paying for less convenient buses; without any local services the number of trips per household will be high as it will include commuting, school trips, shopping and social activities. Running out of tea bags will require a car journey.
- The car dependency and number of trips will increase air pollution and the safety risks for all road users.
- Providing 'affordable' homes in such locations seems perverse. Few households needing affordable housing will be able to afford two or more cars, so they will be placed in an environment where it is very difficult to function effectively. This must increase the risks of mental stress and antisocial behaviour. We maintain that where housing has to be built in unsustainable locations the contribution to affordable housing should be made as a financial contribution that can be used for sustainable, affordable housing.

- Applying the ‘tilted balance’ to maximise the efficiency of land use to create housing in an unsustainable location is also irrational; it simply adds to the damage of unsustainable development. We would argue that an alternative approach should be to prioritise opportunities for enhancement of the Green Belt and encourage biodiversity.

This key issue of sustainability was not identified by Officers as a significant planning issue for the Headley Court site; it was omitted from the Officer’s report and it was assumed that the site was sustainable automatically because it had previously been designated as a major development site and that the NPPF policies applied in full. This cannot be a correct interpretation.

### **Green Belt**

The NPPF and specifically para 145 were cited as reasons to permit development across the entire previously developed land on the site even in locations that were excluded from the definition of the MDS. Whilst NPPF may demand such an approach for sustainable development we believe (as argued above) that alternative priorities should apply for unsustainable locations. Whilst we understand the MDS designation is no longer operative, we believe that substantial weight should be given to its identification of the parts of the site where housing development would be appropriate and the associated limitations on appropriate development as outlined in Mole Valley’s Local Plan policy RUD21.

Moreover, it was argued that it would not unreasonably reduce the open-ness of the Green Belt to erect two-storey houses with sloping roofs where there had previously been single-storey flat-roofed buildings or car-parks. We maintain that such an approach discounts the spatial and visual aspect of openness of the Green Belt and contravenes the protection the NPPF offers to the Green Belt.

The Officer’s report and recommendation deferred any consideration of the volumetric components of allowable floor area until the Reserved Matters application, even though the Outline application included a Land Use Parameters Plan which specified which parts of the site could be used for housing development.

We believe that this approach and the over-development of an unsustainable location washed over by the Green Belt sets a precedent that threatens the open-ness of the Green Belt and the purposes for which it was designated.

### **Previous Very Special Circumstances & Personal Permissions**

The background alludes to the Very Special Circumstances under which much of the existing building on the Headley Court site was granted permission. Put simply, it was a unique part of the national infrastructure on which the physical and mental well-being of injured military personnel depended. Under normal circumstances its Green Belt status would have severely restricted the scope for development and limited the capacity of DMRC which had become the sole such facility in the UK.

In order to overcome these restrictions, Mole Valley District Council adopted the practice of assigning conditions that the benefit of new buildings should be ‘strictly personal’ to the Minister of Defence. This enabled the DMRC to expand its capacity, including at least one occasion when the Council was provided confidential information that expansion was needed urgently to meet an anticipated increase in injuries from military operations.

This policy of assigning personal permissions was adopted both for buildings that the MoD had requested for a temporary period and for those where no such indication had been given. Where the MoD had specifically requested a temporary permission, an additional condition was placed setting a specific time limit.

This was part of a series of measures that MVDC put in place to reassure the local community that they could support vital new developments for DMRC, confident that the impact would be limited should DMRC be moved away from Headley Court.

Other measures included:

- Setting out in policy RUD21 clear constraints on what development would be permitted on MDS in the Green Belt.
- Designating which parts of the site were regarded as the MDS which could be redeveloped;
- Including an Officer's estimate in the 2017 Brownfield Site Assessment that the capacity of the entire Headley Court estate was about 90 new dwellings;
- Producing a letter of advice to would-be purchasers of the site as to the planning policies that would apply and stating clearly that all personal consented structures would have to be removed – a copy of which was obtained by the Parish Council under FOI;
- Informally briefing the Parish Council on the broad terms of this letter - that all buildings with Personal or Temporary permissions would be removed by the MoD before their departure;
- Repeating the key elements of the Brownfield Site Assessment and the letter to would-be purchasers in the draft Local Plan issues for Regulation 18 consultation in January 2020.

The reversal of all of these assurances has not only provoked anger in the community; it sets a dangerous precedent for other situations where authorities set clear expectations in order to secure local support for new development.

A current topical example would be the suspension of requirements for planning permission for NHS developments targeted at Covid19. Communities around the country are no doubt prepared to accept this approach in a time of national emergency but they expect fair treatment once the emergency is past. The precedent set by this application will make many think very hard about being so flexible in future.

As a matter of record, Headley Parish Council has welcomed the recent work to convert part of the Headley Court site into an NHS Seacole hospital – indeed at a meeting with the applicant we proposed that they should consider offering the site to the NHS.

The current applicant has argued that the Personal permissions place no requirement to remove the affected buildings and that they can be included in the calculations of footprint for Previously Developed Land. Not only would this increase the scale of development they can impose in an unsustainable location, it significantly cuts the Affordable Housing Contribution they would be expected to make due to the Vacant Building Credit.

We believe that significant weight should be given to 20 years of policies and statements that reassured the local community that they need not oppose application for what would normally be regarded as totally inappropriate development but for the Uniquely Special Circumstances of supporting a unique element of national infrastructure.

We also believe that the Very Special Circumstances proffered in the Officers' Report to justify building outside the area of Previously Developed Land are unsubstantiated and highly questionable.

## **Highways Safety and Capacity**

The Surrey County Highways response to the application concluded that the site was not a sustainable location from a transport perspective. Whilst we agree with this conclusion, we believe that their Report failed to address adequately the likely traffic levels and associated risks to safety that could arise from this development.

The local Highways Authority dismissed concerns about likely increased traffic levels based on the results of the applicant's Transport Assessment. This contained three notable flaws which were not addressed:

- The traffic modelling was based on traffic levels observed in 'comparable' sites in **sustainable** locations; such comparators would inevitably under-estimate the traffic generated by an unsustainable location due to the reliance on car usage;
- The applicant claimed (and the Highways Authority and Local Planning Authority accepted) that a comparison should be made with the traffic generated if the currently permissible buildings reverted to their previous use. Both bodies ignored the fact that many of the buildings on the estate had temporary permissions (which everybody accepts have now lapsed) and other buildings have personal permissions (which the Parish Council argues should require them to be removed). So, the traffic that could be generated under current permissions is substantially less than the levels recorded when the DMRC was in full operation. This invalidates the Highways Authority Report that traffic levels would not increase.
- The local road network has a number of unusual characteristics (described in detail in Appendix A) which make the site unsustainable from the transport perspective and have not been accounted for in the Surrey County Highways Report.

These factors cast doubt on the credibility of the Highways assessments, which therefore fail to address residents' concerns about highway safety. We also understand that the Highways data on cycling accidents seriously under-estimates the number in our area. This was uncovered during initial investigations by Surrey Police into a recent cycling fatality on the road between the application site and the village centre.

We believe that the genuine concerns about highway safety have not been addressed in the Highways Report and indeed could not viably be addressed by a contribution from the developer. In these circumstances we believe the most appropriate solution would be to only permit a lower scale of development on this unsustainable site.

## **Lack of a masterplan for the whole estate**

It is recognised that the planning history and unique circumstances of Headley Court make it challenging to find a new viable use for the site. It is after all in an unsustainable location and washed over by the Green Belt.

In their letter to prospective purchasers, Mole Valley District Council stated that they would expect the new owner(s) to agree a Masterplan outlining the intended development in each portion of the estate, especially if the estate ended up (as it has) in multiple ownership. We believe that such a

requirement should have planning weight where the location is unsustainable. Without such an agreed Masterplan, the owner is currently free to sub-divide the plot as they feel fit and to secure permissions for part of the estate without committing to maximum levels of development elsewhere. This is a recipe for inappropriate development in an unsustainable location.

Specifically, we believe a Masterplan could enable an informed discussion about allowing more intense development in part of the estate to be traded off against enhancements to the Green Belt elsewhere leading to a more sustainable overall solution. By contrast, piecemeal applications lead to successive erosions of the Green Belt, undermining its protection.

### **Concerns about governance**

Whilst the Parish Council has concerns about some aspects of how this application has been handled, we are pursuing these separately with the Local Planning Authority. We do believe however that these prevented some material planning considerations from being discussed in order to inform the Committee's decision in this case.

In closing, we would like to stress that Headley Parish Council is not opposed to the principle of development, including housing on the Headley Court Estate. Indeed, before the hearing of the application, we worked to agree with the other main objector groups – The Headley Residents Action Group and the Tyrrells Wood Estate Association – to agree an outline that all three groups would find acceptable and that follows the key principles outlined by Mole Valley in the 2017 letter to prospective purchasers of the site and is also in accordance with the emerging Local Plan. This community proposal has been shared with the Local Planning Authority and the site owners. Based on the owner's latest published plans for the rest of the estate it would deliver 153 new dwellings – a 70% uplift on the Council's estimate of the estate's capacity given in the Brownfield Site Assessment and the draft Local Plan.

Thank you for your consideration of this request. We would appreciate acknowledgement of receipt and would be happy to answer any questions you may have.

Yours faithfully

Clr David Preedy  
Chair – Headley Parish Council

## Appendix A: Sustainability

This section summarises the key considerations which indicate that the location is intrinsically unsustainable for a housing development.

### **Sustainability as required by the NPPF**

The Parish Council's submission to the Local Planning Authority outlined the case that the proposed development on the Headley Court site is unsustainable using the factors defined in the NPPF. These arguments are reproduced below

#### **Environmental sustainability:**

- The existing public transport service is inadequate:
  - the service is infrequent (a 2-hourly service) and doesn't cover Sundays and evenings;
  - the local road network makes it inherently unreliable; for instance there are currently no buses stopping within a mile of the site for a 6-month period as roadworks are taking place elsewhere in Headley;
  - the length of the route, going from Epsom via Leatherhead and Dorking to Crawley, makes it prone to delays picked up at some stage on the journey.
- The proposed "Headley Hoppa" service is not guaranteed into the future; the NPPF refers to a 15-year timescale to judge sustainability, but the "Headley Hoppa" is only guaranteed for 7 years; it is also unclear that a demand-responsive service will be as convenient as a regular schedule – especially for car-owning households. We are not aware of similar services elsewhere which have proved to significantly reduce car journeys.
- The previous use of the site provided an on-site shop; there is no longer any shop or social facility within walking distance; every day-to-day need, such as running out of milk, will necessitate a car trip.
- The SCC Highways Report concludes that in the medium-term the site is unsustainable from a transport perspective.
- As a result, residents will be highly dependent on cars as the primary mode of transport and the likely number of trips per household will be high.
- Whilst we welcome the proposals in the Sustainability Assessment for energy efficient design, these do not go far enough to compensate for the carbon emissions and pollution caused by a large development which will be primarily dependent on cars for transport. We believe that any housing on this site needs to adopt the highest standards of sustainable building design to counter the inherent environmental unsustainability of the site.

#### **Social sustainability:**

- The village centre is a significant walk away and there are no footpaths linking the site to it;
- The narrow roads locally are unsafe for pedestrians; they have no footways and are unlit at night;
- No on-site services, other than some play equipment and a notice board, are proposed; the previous occupants had on-site social facilities (NAAFI) as well as shop.
- This new development cannot integrate well with the existing community; any integration will be at the cost of more traffic and environmental damage.

#### **Economic sustainability**

- The current application provides no employment post-construction; (we note that employment on Element 2 could be considered in a Masterplan for the whole Headley Court site);

- We note that whereas the detached properties at Cunliffe Close sold quickly, the apparent failure to sell properties at Dale View shows that higher-density estate-style developments are economically unviable without connectivity to the village centre. As far as we know, about 50 of the 56 properties remain unsold after a year of Marketing.

The proposed development cannot be considered sustainable on any of the three aspects – environmental, social or economic. HPC therefore objects to the development as it fails to meet the requirements for sustainability in the NPPF. We have no confidence that the proposals in the Transport Plan and Sustainability Assessment will effectively tackle this issue.

### **Sustainability as per Mole Valley District Council’s Core Strategy**

Policy CS1 sets the Spatial Strategy at the heart of Mole Valley’s Core Strategy which directs development towards the build-up areas of the towns and urban villages. It then lists 6 ‘larger rural villages’ where limited development and infilling will take place and 10 ‘small rural villages’ where infilling only is permitted.

Headley is not included in any of these categories so that even a proposal for a small-scale ‘rural exception site’ of affordable houses in Headley would in principle conflict with local planning policy.

This demonstrates that for many years MVDC has recognised that Headley is not a sustainable location for housing development.

### **An unsustainable local highways network**

In this section we provide details of how the local road network affects the sustainability of the Headley Court location. We look at three aspects: the resilience of the local roads; the routes for vehicle access and the routes for pedestrians. All roads in the locality are designated Unsuitable for HGVs. The narrowness and pinch-points also mean that even modest roadworks may require a road closure to protect the safety of the workers.

#### **Road network resilience**

The local road network has a number of unusual characteristics:

- All roads to Headley are designated Unsuitable For HGVs;
- The roads contain numerous pinch points which cause regular delays if, for instance a delivery van meets the bus; these will be exacerbated by the number of delivery vans likely to service a large new housing estate;
- This entire section of the network is part of the direct sat-nav route offered to drivers diverted away from the M25 if there are problems between junctions 8 & 9 of the M25. This leads to much heavier traffic, but most significantly to use by larger vans and HGVs which normally would stay on A roads. 3 years ago, such an incident led to total gridlock including closure of the Southern end of Clay Lane for 3 days to allow recovery of an HGV which had broken down.
- There is an abnormally high usage of the roads by non-motorised users: there are many horse-riders in an area where equestrianism is recognised as a significant local industry, especially as local roads have to be used to connect many of the local bridleways; there are high levels of cycling, primarily of leisure cyclists descending (often at speed) after climbing the zig-zag road at Box Hill – part of the London Olympics cycling route and one of the most popular cycling routes in the world; local pedestrians are forced to walk in the narrow roads to reach, for instance, the main village facilities.



Like many rural areas the connectivity of the road network is quite variable. Roadworks at one site may require a detour of a few hundred yards; move the roadworks 50 yards and the detour may become 5 miles. For example:

- A road closure between the mini-roundabouts at Headley Court requires a 7.5km diversion and the re-routing of the bus service;
- A road closure at the Southern end of Clay Lane requires similar diversion and re-routing, although in this case residents might try a 3.5km diversion down Hurst Lane which includes a very tight turn which only shorter cars can perform
- Any road closure along the 5.5km section between the A24 and the B2032 will entail the re-routing of the bus service.

Taken together these factors contribute to a location where public transport can be unreliable, residents are highly dependent on cars and even car transport can be subject to unexpected delays which can become quite lengthy and can hinder access for emergency vehicles.

#### **Vehicle access to/from Headley Court:**

There are three roads which provide access to Headley Court, each of which is designated Unsuitable for HGVs.

- **Headley Road to the A24 at Leatherhead (2.1km).** This is a winding, narrow road, just wide enough to have a central white line. It forms part of the bus route. The A24 junction is especially difficult for vehicles going away from Headley and wishing to turn right and the applicant has agreed to fund some improvement here. Traffic studies have shown that it is currently operating at capacity in the morning rush-hour and the proposed development will increase such traffic. There are a number of sections where larger vehicles have problems passing and one notable pinch-point where the bus frequently gets stuck if it meets delivery vehicles. This pinch-point can be avoided by using The Drive, but this is a private road with speed humps and we assume the residents execute their right to impose access restrictions if it became heavily use as an alternative. This road is part of the Sat-Nav rat-run created if the M25 is congested
- **Clay Lane/Church Lane (1.8km to Headley Heath towards Reigate/Dorking).** This section is part of the bus route and part of the Sat-Nav rat-run created if the M25 is congested. The Clay Lane section is narrow and winding with very poor visibility. Cars have to slow down when passing and the bus frequently has to stop to let other vehicles squeeze past. The Clay Lane/Tilley Lane junction has poor visibility, which is applicant states will be addressed as part of the application. There is a notable pinch-point near the forge at the Southern end of Clay Lane where the road is bordered by a wall on one side and a bank & steep hedge on the other; the wall has been knocked down on several occasions and local residents are used to having to come out to help drivers reverse when traffic gets stuck here. The Church Lane section goes through the village centre with the shop, pub and church. It is slightly wider than Clay Lane but there are few locations where HGVs can pass without causing damage. South of the Village centre the road becomes narrower and bends as it climbs up to the Heath. The entire Church Lane section is well-used by cyclists; many travelling Northwards take advantage of the slopes to cycle very fast. It is also widely used by horse-riders. Beyond Headley Heath it is worth noting that most drivers wish to turn right down Pebblecombe Hill (B2032) towards Dorking or Reigate and that this manoeuvre is as dangerous as the A24 junction discussed above.
- **Tilley Lane (2km to Langley Vale Road towards Epsom/Ashted).** The entire route is fairly narrow. The Lee Green Lane/Tilley Lane junction has been the site of several

accidents including serious injuries and has particularly poor visibility in almost all directions; it is also an important crossing-point for horse-riders. There is no easy means of improving the visibility. North of this junction, Tilley Lane goes through a section where it bends through deep cuttings; this area has been the site of several cycling accidents as many cyclists speed downhill.

### **Pedestrian access to the village centre**

There are essentially three choices for pedestrians to reach the village centre.:

- **Direct (1.1km)** – this involves a 700m walk along Clay Lane to The Forge followed by 400m off-road along horse margins adjacent to Church Lane to reach the pub and church. The stretch along Clay Lane follows the bus route along a narrow two-lane road with significant traffic levels; there are no footways and in most places no verge to stand back to let traffic pass; the bends in the road and close vegetation make visibility quite difficult all along the route. An indication of the narrowness is that in the six-monthly litter picks along the route normally collect several car wing-mirrors. The Church Lane stretch is off-road but has no hard surfacing and includes a very steep ascent from the Forge; it would not be usable by wheel-chairs.
- **Shortest route avoiding walking on roads (4.3km)** – this route requires you to head away from the village centre to Stane Street, then head South-West on Stane Street and pass back towards Headley South of Tyrrells Wood Golf Course and Nower Wood. The section along Stane Street is well-used by horses and off-road cyclists and becomes quite muddy in Winter or after rain. The route involves crossing Mill Way (B2033) twice. None of the footpaths is hard-surfaced and wheelchair use would be very difficult on some stretches and impractical in wet conditions; the Stane Street section includes a steep descent to Mill Way and ascent away from it.
- **Avoid busier roads (1.85km)** – this route starts heading Eastwards along Lee Green Lane towards Headley Park Farm; the route crosses Tilley Lane at the Lee Green Lane junction which has notoriously bad visibility and is the site of a regular accidents including some serious injuries. It then follows a 365m stretch along Hurst Lane; Hurst Lane is a similar width to Clay Lane but has much less traffic. There are no white line markings and pedestrians have to walk in the roadway. Much of the walk along Hurst Lane is straight and the small verges make for generally better visibility. Leaving Hurst Lane there is a footpath leading to the rear of the Church. The footpath sections are not hard-surfaced and the section between Hurst Lane and the church is impassable for wheelchair users.