



Dawn Lacey – Parish Clerk & RFO
Claygate Parish Council
Claygate Village Hall
Church Road

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Website:
www.claygateparishcouncil.co.uk

PLANNING APPLICATION – 2025/0989

4 Oaken Lane, Claygate

Claygate Parish Council OBJECT to the above application.

This application appears to have a serious overlooking problem. We would ask the officer in charge to check the overlooking.

We consider the use of zinc cladding on the dormer inappropriate in the Conservation Area.

Kind regards

Dawn Lacey
Clerk & RFO



Caring for Claygate Village

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PLANNING APPLICATION – 2025/1310

8 Oakhill, Claygate

Claygate Parish Council have No objections and No Comments on the
above application

Kind regards

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PLANNING APPLICATION – 2025/0926

18 Coverts Road, Esher

Claygate Parish Council have NO Objections with NO Comments on the above application.

Kind regards

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Clerk & RFO



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PLANNING APPLICATION – 2025/1453

9 Trystings Close, Claygate

Claygate Parish Council have NO Objections with Comments on the above application.

There is a potential overlooking issue on the South side of the house and may be issues with loss of light due to the raised height of the boundary fence. We ask for the Officer to check this.

Kind regards

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PLANNING APPLICATION – 2025/1128

15 Claremont Road, Claygate

Claygate Parish Council have NO Objections with NO Comments on the above application.

Kind regards

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Clerk & RFO



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PLANNING APPLICATION – 2025/1455
22 The Avenue, Claygate

Claygate Parish Council have NO Objections with NO Comments on the above application.

Kind regards

Dawn Lacey
Clerk & RFO

Planning Application 2025/1386: Land North of Raleigh Drive

Objection from Claygate Parish Council

Summary

1. We believe that Elmbridge Borough Council should refuse this application for outline planning permission for the construction of up to 60 dwellings on three grounds:
 - (i) that the site is Green Belt land which does not fall within the definition of grey belt land, that development on it is therefore inappropriate, and that no very special circumstances exist for allowing construction on this site;
 - (ii) that the site fails the flood risk sequential test;
 - (iii) that there would be an unacceptable impact on highway safety.

The Green Belt

2. In the appeal on the earlier application 2023/0962, when considering purpose (b) of para 143 of the NPPF – “to prevent neighbouring towns merging into one another” – both the applicants and EBC argued on the basis that the towns in question were Esher and Claygate. It was therefore on this basis that the Inspector decided the issue. He held that while Esher was a town, Claygate was a village – as of course it is – and that purpose (b) therefore did not apply (para 27 of his decision).
3. We question whether that was the right approach. Para 143 of the NPPF is illustrative of para 142: “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open”. We attach a map demonstrating that the site is a substantial part of a narrow strip of Green Belt land separating Esher from Hinchley Wood, and hence from Surbiton and the rest of south west London. If construction on this site was allowed, it would set a dangerous precedent for building on the rest of this strip of Green Belt, effectively merging Esher with Hinchley Wood and beyond – precisely what purpose (b) of para 143 is designed to avoid.
4. The ARUP Green Belt Boundary Review 2016, Annex 1, states:

Historic maps illustrate that, in the early 19th century, the once small villages of Thames Ditton and Long Ditton were separated from Surbiton by a sizeable swathe of open countryside. However, as a result of rapid suburbanisation following the opening of the railways, the settlements coalesced and are now part of the wider, continuous built-up area of Greater London; this narrow strip of Green Belt area lies to the south-west, protecting Walton-on-Thames, Esher and Claygate from coalescence with the Greater London built-up area as well as providing separation between these settlements.
5. The December 2024 version of the NPPF introduces the concept of grey belt, defined as “land in the Green Belt ... that ... does not strongly contribute to any of purposes (a), (b) or (d) in paragraph 143”.
6. In the case of the current application 2025/1386, the applicants again argue, as they did in 2024, and as the Inspector held, that purpose (b) does not apply. The planning officer in his response to the pre-application enquiry quotes from para 27 of the Inspector’s decision, and concludes that it is “likely” that the site would now be considered to be grey belt.

7. We believe that if the Inspector, who was not of course familiar with the area, had been asked to consider purpose (b) in the context, not of Esher and Claygate, but of Esher and Hinchley Wood and Surbiton, he would have come to the conclusion that purpose (b) does indeed apply. We believe that the site does “strongly contribute” to purpose (b), that the site does not therefore fall within the definition of grey belt land, that development is therefore by definition inappropriate (NPPF para 154), and that, as the Inspector concluded (para 86), “the very special circumstances necessary to justify the development do not exist”. On this basis the application should be refused.

Flood Risk and the Sequential Test

8. The second issue which is very relevant to the outline application is the risk of flooding. Much of the proposed development would be on Flood Zone 2. The planning officer, responding to the pre-application enquiry, said: “A Flood Risk Assessment (FRA) will be required and this should demonstrate how the proposed development will be made safe, that it will not increase flood risk elsewhere and, where possible, will reduce flood risk overall. The FRA should be produced by a suitably qualified person and include a sequential and exceptions test ...”.
9. Para 174 of the NPPF provides that development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test establishes whether this is the case. The applicants have produced a 112-page Flooding Sequential Test Statement, on page 86 of which they conclude that “the Application Site does not satisfy the sequential test”.
10. However the applicants argue that the admitted failure to satisfy the sequential test is not determinative because, they say, “it is necessary to consider the extent of any housing land supply shortfall. If the total size of sequentially preferable sites is less than the unmet housing need, so that satisfying that need would require the release of land which is not sequentially preferable, that may be a “significant factor” in the overall planning balance”.
11. They base this on remarks of Holgate J in his judgment in *Mead Realisations v SoS for Levelling-Up et al*, 12 February 2024. They do not mention that these remarks were entirely *obiter*; they were a comment on an argument of what the Inspector might have decided if the point had been put to him, which it was not, so the judge did not have to rule on the issue.¹ Nor do they mention that Mead Realisations appealed to the Court of Appeal, which dismissed the appeal on 30 January 2025 without mentioning, let alone endorsing, the *obiter* remarks of Holgate J.
12. We therefore believe that if, as the applicants admit, the application site does not satisfy the sequential test, that too is fatal to their outline application.

¹ See para 179 of the judgment: “The problem faced by Redrow is that, as Mr. Simons accepted, this argument was not put before the Inspector. Redrow did not consider it to be material, let alone obviously material. It was not raised as a substantial issue between the parties. The Inspector cannot be criticised for acting irrationally, or for failing to give reasons, in relation to an argument of this kind which the claimant did not see fit to rely upon at any stage in its appeal. Ground 3 must therefore be rejected for this reason alone.”

Highway Safety – Unacceptable Impact

13. The proposed new four-arm junction at Raleigh Drive, Rythe Road and Loseberry Road introduces substantial additional traffic to a constrained and quiet residential network of Unclassified roads. Of particular concern is the Loseberry Road / Hare Lane junction: an Unclassified road with a Classified unnumbered road. The applicants have made no reference to the design standards applicable to the proposed four-arm junction, nor to the existing Loseberry Road / Hare Lane junction. These would, as a minimum, be expected to be Manual for Streets 2 (CIHT 2010) (MfS2). Reference will be made to MfS2 as the currently applicable standard, although MfS3 is expected shortly. Design Manual for Roads and Bridges may be relevant as well.
14. Vehicles exiting Loseberry Road into Hare Lane struggle with substandard westward sightlines that are not discussed in the submitted documentation to a proper level. Any development generating in excess of 300 Average Annual Daily Traffic additional vehicle movements must have regard to MfS2. The Applicants' Road Safety Audit (RSA1) and Designer's response are inadequate, even at outline stage, and no reference is made anywhere to highway standards (MfS2, in this case).
15. The issues are understated, eg para 2.2 of Appendix J to the Transport Statement states: "the visibility splay to the west of Loseberry Road is poor due to the mature hedge..." This is an incorrect assertion. The junction is below current design standards, even without vegetation. Were the proposal to be permitted the designer's response could not be implemented and adopted by the highway authority, since the junction would have to be reconstructed completely to current standards. That would require the removal of significant portions of the frontages of at least the first two houses on Hare Lane to the west of Loseberry Road.
16. This is particularly hazardous for vehicles turning right into Hare Lane. The proposed additional 60 dwellings would represent a 53% increase in households using this junction, and a consequent substantial increase in vehicles using this junction. The Sight Stopping Distance for all vehicles, under MfS2 is 1.5sec. or approximately 70m, whilst the visibility splay from Loseberry Road is hugely below 140m Y-distance for <50kph road, recommended under the standards. The absolute maximum sightline if there were no vegetation or raised ground level is approximately 50m.
17. The Applicants' own RSA1 Problem 2.2 admits that HGVs would have to cross into the oncoming carriageway from the east, when turning left, and we consider that this would cause an insuperable hazard when turning right. Similarly, this junction will be particularly hazardous for construction vehicles, especially HGVs that cannot safely access or leave the site via Raleigh Drive due to weight restrictions. No Construction Traffic Management Plan would be able to overcome these issues.
18. This junction presents a significant risk of vehicle-pedestrian conflict, particularly during work and school travel times, and especially for people with mobility impairment. Again this is admitted in the RSA1 Problem 2.4.
19. Similarly, vehicles travelling on Hare Lane towards Milbourne Lane face relatively short sightlines that present a risk of vehicle-pedestrian conflict especially for people with mobility impairment. There have been 9 reported incidents at this location, including one serious accident that led to a Claygate resident becoming permanently disabled. These are itemised

in the applicants' Transport Statement Appendix D. The Transport Statement fails to address these issues or offer any viable mitigation.

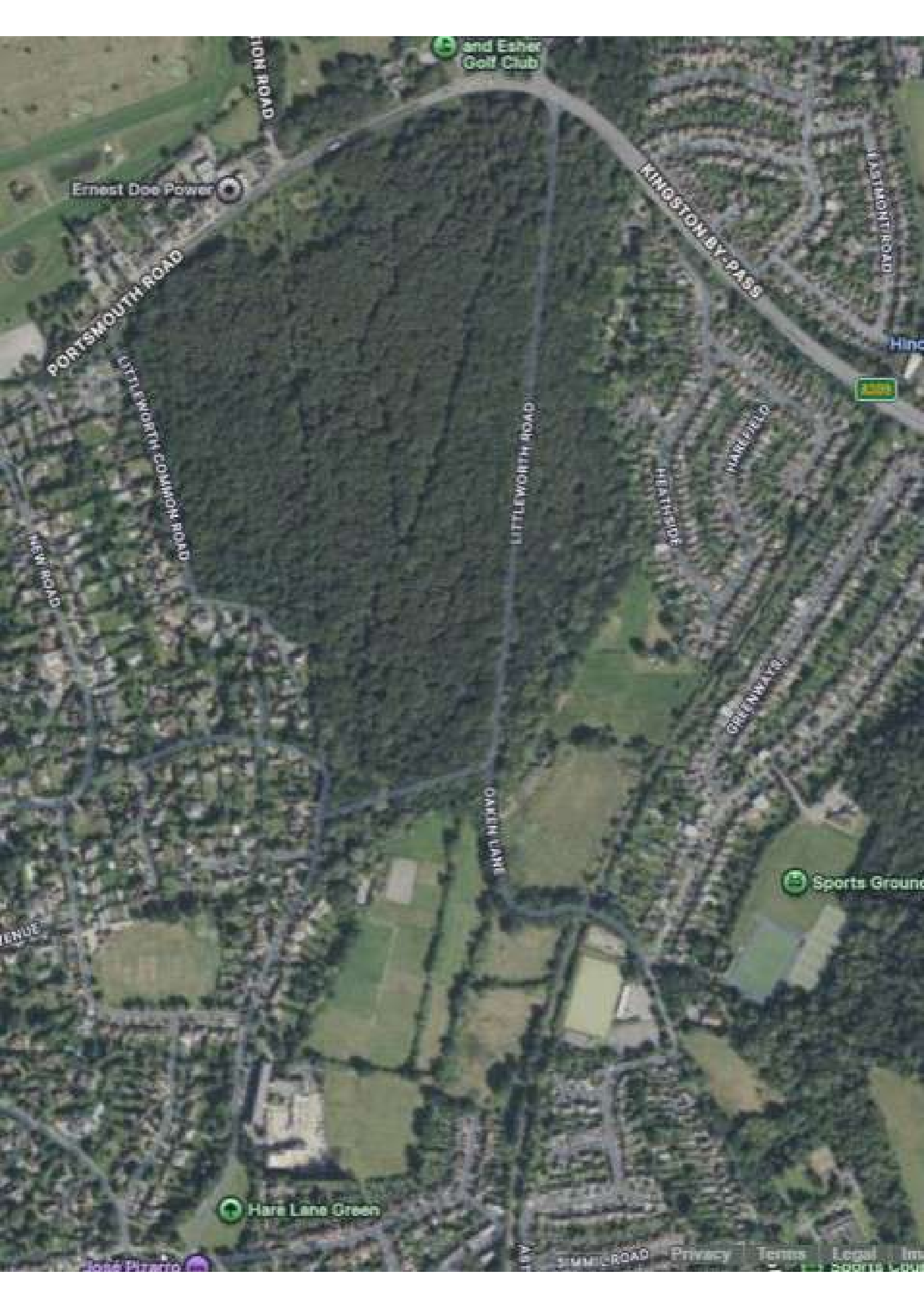
20. Para 116 of the NPPF requires development to be refused on highways grounds "if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios." We believe that both these conditions apply, and constitute further reasons for refusing the application.

Other arguments

21. Since application 2025/1386 is an outline application, for the present we confine ourselves to these three issues, since plainly if one or more of our arguments are accepted that will be determinative of the whole project. If however the outline application is granted and is followed by a full application for building on this site, we give notice that we would strongly oppose it on a number of other grounds.

Density of Development

22. We note with particular concern the reference by the planning officer, in his response to the pre-application enquiry, to para 130 of the NPPF. He quotes from point (c): "local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework", and adds: "In officer's [sic] opinion the applicant should give strong consideration to increasing the density of the development as there would appear to be sections of the submitted indicative site plan that could accommodate a higher density, notably along the western side of the site." In effect the planning officer is encouraging the applicant to submit a full application for more than 60 dwellings on a site which in our view would not support as many as that. We do not consider that it is appropriate for the planning officer, responding to an outline application for "up to 60 dwellings", to suggest that a full application might be refused if the applicant did not apply for more than 60 dwellings. If this outline application for "up to 60 dwellings" is granted, 60 is the maximum number of dwellings for which a full application could be made.



and Esher
Golf Club

Ernest Doe Power

PORTSMOUTH ROAD

LITTLEWORTH COMMON ROAD

KINGSTON BY-PASS

LITTLEWORTH COMMON ROAD

OAKIN LANE

HEATHSIDE

WATERLOO

GREENWAY

Sports Ground

Hare Lane Green

Josef Bizarro

SUMMER ROAD

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Im