

Redhill Railway Station Inquiry

APPELLANT'S OPENING SUBMISSIONS

Introduction

1. The appeal proposals involve the redevelopment of two sites. Site A (Princess Way) is in the town centre and comprises Redhill railway station's main entrance, ticket office and surface-level station car parking. Site B, on Redstone Hill, comprises additional surface-level station car parking and a secondary entrance to the station.
2. These brief opening submissions will focus on Site A because by and large the controversy concerning the appeal proposals relates to the two residential buildings (ranging from 10-15 storeys and 7-14 storeys) which are proposed for the site.
3. The Council's reason for refusal in citing the "height, scale, design and layout" of "the proposed development" is self-evidently aimed at these two buildings, and particularly their taller elements, rather than for example the proposed improvements to the station, its public realm and the Class E uses that are part of the appeal scheme on Site A. Nor can it conceivably be the case that the criticisms levelled at the appeal proposals in the reason for refusal concern the various station-related improvements which are put forward on Site B.

The reason for refusal

4. The reason for refusal is based on the Council's view of the outcome of a straightforward planning balance namely whether what is said to be the proposed development's failure "to make a positive contribution to the character and appearance of the area" and less than substantial harm to

two conservation areas is outweighed by the public benefits of the scheme – to which the Council’s answer is that “in the absence of affordable housing provision” the public benefits “are not considered to outweigh this harm.”

5. The reason for refusal implies that had affordable housing been included in the proposals the balance would have tipped in favour of granting permission, which perhaps puts the Council’s case in context.
6. This appears to be substantiated by Cllr. McKenna, who was a member of the planning committee which against the advice of the Head of Planning decided to refuse the application and is now the Chair of the committee, who explains in his Statement that: *“A key reason for this application being refused was on the basis that RBBC policy on affordable housing would not be delivered by the proposed scheme.”*

The two presumptions

7. Whether you agree with the Appellant’s case that the determination which would be in accordance with the development plan would be to allow the appeal, or the Council’s and R6 Party’s case that the appeal proposals do not accord with the development plan, you will of course have to apply national planning policy as set out in the NPPF as an important - and potentially decisive - material consideration.

The brownfield presumption

8. The December 2024 NPPF introduced a **“brownfield presumption”** in paragraph 125 c) by virtue of which:

“Planning .. decisions should: .. give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused..” (Emphasis added.)

9. Even if you accept the Council's case that for a few months more it can demonstrate a 5 year housing land supply, there is still of course "an identified need" for homes in the borough. There certainly is a need if you accept the Appellant's case that in truth the Council has little over 1 year of housing land supply. Either way, it is obvious that the site – which is brownfield, situated in the town centre, includes the town's railway station, is opposite the bus station and currently is largely surface-level car parking – is quintessentially "suitable" for redevelopment for homes.
10. The upshot is that the appeal should be allowed unless the appeal proposals would cause "substantial" harm. Even were you to disagree with the Appellant's case that the proposals are almost entirely beneficial on every relevant metric, it is hard to see how it could sensibly be concluded that what is proposed would cause substantial harm.
11. While on the subject of NPPF 125 c) it is telling that the Council's planning consultant, Mr Smith, gives "no weight" / "limited weight" to the proposed re-use of brownfield land in contrast to the Framework's "substantial weight".

The presumption in favour of sustainable development

12. The Appellant's case is that the Council cannot demonstrate a five year supply of deliverable housing sites, thus triggering the presumption in NPPF 11 d).
13. The Council bases its assessment of its HLS at 5.6 years on a figure of 278 dpa which is derived from the requirement in the Core Strategy for 460 dpa plus a 5% buffer and minus "oversupply". At the time of the examination of the CS the "objectively assessed need" (this all being prior to the introduction of the standard method ["SM"]) was considered to be some 600 – 640 dpa.

14. The Appellant bases its assessment that there is just over 1 year of HLS (1.14 year¹) on the SM figure of 1,295 dpa plus a 5% buffer = 1,360 dpa.

15. NPPF 232 clearly implies that five years on from the adoption of the CS (and here of course it is more than 11 years) the housing requirement in the CS should be regarded as out of date as the standard method figure is greater (far greater) than the housing requirement.

16. NPPF 78 mandates the use of the standard method figure, *“unless these strategic policies have been reviewed and found not to require updating”* (FN39). The Council relies on its CS Review of March 2024 to justify its continued reliance on the CS figure. I can’t do justice to the detail of the Appellant’s response to this in a few words in opening but in essence whatever one might have thought of the Council’s Review at the time it was undertaken, it cannot now justify refusing to apply the standard method not least because:

- 1) The March 2024 CS Review predates the December 2024 NPPF and the new standard method.
- 2) At the time of the Review reliance was placed on the fact that the OAN figure which underpinned the CS was in the range of 600 – 640 dpa as compared to the, at that time capped, SM figure of 644 dpa. Leaving aside whether that comparison (rather than comparing the CS requirement figure of 460 dpa to the SM 644 dpa) was an appropriate thing to do, the new SM produces a local housing need of way more than this at 1,295 dpa. The CS requirement (and indeed its underpinning OAN) are (very) significantly below the SM figure.

¹ For simplicity’s sake I have not reduced this to take account of the dispute about the windfall allowance as the point which really matters is whether one should use the SM figure or not.

- 3) At the time of the Review reliance was placed on then newly-introduced statement in the December 2023 NPPF (paragraph 61) that: *“The outcome of the standard method is an advisory starting point for establishing a housing requirement for the area..”* The new Framework has ditched this and instead relies on the SM without qualification.
- 4) At the time of the Review reliance was placed on the Green Belt as being a significant constraint on the Borough’s ability to meet its housing needs and the December 2023 NPPF (paragraph 145) statement that: *“Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated.”* Paragraph 146 of the new Framework has introduced significant – in truth radical - changes to Green Belt policy by virtue of which Green Belt boundaries are to be reviewed so as to meet housing needs *“in full”* unless there is *“clear evidence that doing so would fundamentally undermine the purposes (taken together) of the remaining Green Belt, when considered across the area of the plan.”* And of course, the new Framework introduced the concept of *“Grey Belt”*.

17. In short, it is utterly counter-intuitive to contend that with the introduction of the new NPPF and the new SM it is still up to date to rely on the CS housing requirement (460 dpa) add a 5% buffer and lop off *“oversupply”* to get to 278 dpa as the basis for assessing whether there is a 5 year HLS, when the new SM produces a figure of 1,295 dpa which with the 5% buffer amounts to 1,360 dpa as the basis of assessment.

18. What national policy expects the Council to do is some 5 times what the Council is trying to cling on to.

19.If you agree that NPPF 11 d is triggered then it is the Appellant’s case that:

a) Under NPPF 11 d) i. the heritage policies in the NPPF do not provide (NB the test) *“A strong reason for refusing the development proposed”* either because the appeal proposals would cause no harm to the significance of designated heritage assets (including from development within the setting of the two conservation areas referred to in the reason for refusal) or because if there would be some LTSH it would be outweighed by the public benefits of the proposals.

b) And under the *“tilted balance”* in NPPF 11 d) ii. any adverse impacts from allowing the appeal (such as they might be) would not *“significantly and demonstrably outweigh the benefits”* of doing so.

20. The upshot of this being that the appeal should be allowed.

The main issues

21.With this in mind, what follows is the briefest summary of our case with regards the main issues.

22.(a) Both sites currently make a doleful contribution to the character and appearance of the area. The effect of the proposed development on the **character and appearance of the area** would be wholly positive, and not harmful.

23. (b) There would be no harm caused to the **heritage significance** of any designated (or non-designated) heritage asset. Alternatively, if there would be any harm it would be at the lowest end of the LTSH scale.

24.(c) The proposals would not give rise to **highway safety** issues including for pedestrians. Quite the opposite, the lot of pedestrians would be tangibly improved by the proposals.

25.(d) Future occupiers of the proposed new homes would have very good **living conditions**. Some of the studios in the office to residential PD conversion on the other side of Princess Way (Quadrant House) would receive less **daylight and sunlight** however post-development levels of light would still be good for an urban location like this.

26.(e) The appeal proposals would bring substantial public benefits, not least by providing 255 new homes, on a brownfield site in a phenomenally sustainable location incorporating the railway station, opposite the bus station and in the town centre while bringing worthwhile improvements to the railway station. Even on a “flat” balance the benefits would readily **outweigh** whatever harm the proposals might cause.

27.**However**, as explained earlier, it is the Appellant’s case that the prism through which whatever harm the appeal proposals might cause (such as it might be) and the public benefits they would bring should be considered is that:

- i. applying the brownfield presumption (NPPF 125 c) any harm would need to be “substantial”;
- ii. applying NPPF 11 d) i. any heritage harm would have to not only not be outweighed by the public benefits but also be of such an extent as to constitute a “strong” reason for refusal; and,
- iii. applying NPPF 11 d) ii. any harmful impacts would have to “significantly and demonstrably” outweigh the benefits.

28.None of these thresholds are crossed here.

Affordable housing

29. The reason for refusal refers to the absence of affordable housing as being *the reason why* the public benefits of the proposals do not outweigh the (alleged) harm. However the Council accepts that the appeal proposals cannot provide affordable housing on viability grounds and does not argue that there is a breach of the development plan policies concerning affordable housing (which are not cited in the reason for refusal). The SoCG with the Council records that it is agreed that there is accordance with the relevant policies.² The appeal scheme is not unique or even unusual in being unable to support affordable housing. Other recent tall building schemes on brownfield sites in the town centre were also unable to include affordable housing. It is hard to see how being unable to provide affordable housing can conceivably make the difference between whether the appeal proposals should be allowed or dismissed.

The R6 Party

30. The Redhill Residents Action Group contends that the appeal proposals would infringe more development plan policies, and that there would be more harmful impacts, including on a wider range of heritage assets, than the Council argues. The Group is also a bit more grudging about some of the benefits of the proposals.

31. The Appellant does not accept these wider points but even if you agree with some or other of them, it would remain the Appellant's case that none of the thresholds in the two presumptions would be crossed such as to justify refusing permission.

² CD 10.1 paragraph 7.14

Standing back from it all

32. It is hard to see how there could conceivably be any sensible reason to oppose the proposals on Site B. As for Site A, it has exceptionally good sustainability credentials in terms of its town centre location, at the railway station and opposite the bus station; it has been recognised for well over a decade as an appropriate location for tall, landmark, buildings (as per the 2012 draft Town Centre AAP, and the [now lapsed] 2014 planning consent) during which period tall residential buildings have been permitted and built close to the site, the nearest one being literally just across the road; the site is the obvious place for the highest of these (not that the appeal proposals are greatly taller); the proposals are well thought-through, of high quality and have been drawn up in close and responsive collaboration with the Council's officers; there is a clear need for homes in the Borough – even if the Council can demonstrate a 5 year HLS for a few more months that doesn't make it any less acceptable to build new homes on exactly the type and location of site where housing development is *strongly backed at every level of planning policy* – and the proposals would markedly improve the railway station.
33. The Head of Planning was right to recommend the grant of planning permission. Since then and the members' decision to refuse permission, the new NPPF and the new SM have made the case for the appeal proposals even stronger.

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2nd September 2025