



CLAYGATE PARISH COUNCIL
OBJECTION TO APPLICATION 2026/2349 FOR PERMISSION IN PRINCIPLE

Application ref.	2026/2349
Site	Land at Elm Farm, Woodstock Lane South, Claygate, Surrey KT10 0TB
Proposal	Application for Permission in Principle for 6 to 9 no. houses
Applicant / agent	Claygate Ventures Ltd / Ravenford Planning Ltd
Local planning authority	Elmbridge Borough Council
Submitted by	Claygate Parish Council (CPC)
Date	20 October 2026

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Executive Summary

Claygate Parish Council (CPC) objects to application 2026/2349 for Permission in Principle (PiP) for 6 to 9 houses on land at Elm Farm, Woodstock Lane South, Claygate. We ask the Council to refuse it, for the following reasons:

- PiP cannot be granted for a major development, which includes development on a site of 1 hectare or more. The 0.49ha red line is one field of the wider Elm Farm holding. That holding is owned by the applicant, charged to its majority shareholder Cogent Land 2 Ltd and publicly promoted for redevelopment, yet the application plans show only the 0.49ha red line, and no other land in the applicant's ownership or control is disclosed. The Site is only about a tenth of the 4.78ha Green Belt sub-area in which it sits. Applying *Brandlord* and *New Dawn Homes*, the real site is the full 4.78ha holding and PiP cannot lawfully be granted;
- the proposal fails three of the four tests in NPPF policy GB7(1)(g), and each failure is fatal on its own. Unmet housing need is accepted;
- the Site is not grey belt. It is part of the open land between the village of Claygate and the Hook and Chessington edge of Greater London. It contributes strongly both to purpose (a), checking the sprawl of London, and to purpose (b), preventing Greater London merging with the built-up area of Esher and Claygate. The Council's own Green Belt review described this land as part of the "essential gap" between Claygate and Greater London and recommended against releasing any of it;
- the Site is not in a sustainable location. On CPC's measurements it is about 2 km from Claygate station and the village centre, 2 km from Hook Parade and 2.4–3km from Chessington North station. No public transport serves it, and the route to Hook is unlit. The applicant's figure of 1.5km is wrong, and it has not used the Government's Connectivity Tool;
- assessed as what it really is, the scheme is major development. The application attempts to avoid the Golden Rules, offering no affordable housing, infrastructure or green space; and
- the proposal would also harm the setting of a Grade II listed barn (s.66 expressly applies to PiP). The land has archaeological potential, which requires the attention of Surrey Archaeological Service; the amount of development proposed is set by thresholds rather than by the land, and the precedents relied on turned on their own facts.

1.0 Introduction

- 1.1 Application 2026/2349, by Claygate Ventures Ltd), seeks PiP for 6 to 9 houses on 0.49ha of grazing land forming part of Elm Farm, within the Metropolitan Green Belt. The applicant's Green Belt case rests entirely on the grey belt route in NPPF policy GB7(1)(g) (Planning Statement (PS) paras 7.7–7.24).
- 1.2 A grant of PiP settles location, land use and amount for three years, and Technical Details Consent must accord with it. The questions raised below must therefore be decided now; they cannot be left to a later stage.

- 1.3 Full references for the documents and cases cited are listed at the end of this objection.

2.0 The Site and the Elm Farm Holding

The applicant's own description

- 2.1 The Planning Statement describes the Site as “forming part of Elm Farm”. It records that “the remainder of the Elm Farm landholding, comprising open grazing land and field boundary trees, extends to the north and east”. It anticipates access “from the existing farm track to the north”, and it proposes “a soft edge to the open land beyond” (PS paras 3.1–3.3, 4.4 and 8.3). Yet the application form and site location plan show only the red line around the 0.49ha Site. No other land in the applicant's ownership or control is identified, even though, as set out below, the rest of Elm Farm is under common control.

The Council's own mapping

- 2.2 The Site lies within Green Belt sub-area SA-48 of the Council's 2018 Green Belt Boundary Review. That sub-area extends to 4.78ha and is bounded by Woodstock Lane South to the west, “a farm track to the north, a tree line to the east, and the built edge of Claygate to the south” (GBBR 2018, Annex 1B, SA-48). The red line takes roughly a tenth of a coherent, well-bounded field system. Sub-area SA-49, immediately to the east, is also part of Elm Farm

The charge over the holding

- 2.3 On 24 October 2025 Claygate Ventures Ltd granted a debenture to Cogent Land 2 Ltd (charge code 1642 3620 0001, registered 6 November 2025 and outstanding). Its schedule of real property is “freehold land at Elm Farm, Woodstock Lane South, Claygate, Esher KT10 0TB (title numbers SY 192867 and SY 723165)”. It contains a fixed charge, a floating charge over all the company's property and undertaking, and a negative pledge (Companies House, form MR01 and Debenture, Schedule 1, Part 1).
- 2.4 This indicates that the applicant holds the freehold of the land in both titles, all of it charged to Cogent Land 2 Ltd. The instrument is a debenture; we do not assert that it is an option.

Common control

- 2.5 Claygate Ventures Ltd (no. 16423620) was incorporated on 1 May 2025 for “development of building projects” (SIC 41100). Companies House records the following:
- Cogent Land 2 Ltd (no. 14968106) is a person with significant control. It holds more than 50% but less than 75% of the shares and voting rights, and has the right to appoint or remove directors. It is both the applicant's controlling shareholder and its secured creditor over the Elm Farm titles.
 - The other person with significant control, holding more than 25% but not more than 50%, was Drysdale Planning Limited (no. 11606813). That company was dissolved

on 6 October 2026, after the application was submitted. Cogent Land 2 Ltd is therefore now the only active corporate controller of the applicant.

- The applicant's directors are Mr Martin Joseph Margott, appointed on 1 May 2025, and Mr Nigel John Rankine, appointed on 13 June 2025 (forms AP01). Mr Margott is also a director of Cogent Land 2 Ltd and of Effingham Ventures Ltd.
- On a single day, 19 March 2026, the applicant's registered office moved from 80 Cheapside, London EC2V 6EE to "C/O Hunter Simmons Ltd, 3a London Road, Purbrook, Waterlooville, Hampshire PO7 5LQ" (AD01). That is the address registered for Cogent Land 2 Ltd itself. On the same day the details of Cogent Land 2 Ltd as a person with significant control (PSC05) and of Mr Rankine (CH01) were changed.
- The former address, 80 Cheapside, is the published address of the promoter Cogent Land, which describes itself as "a specialist land promotion company" (cogentland.com). Cogent Land 2 Ltd shares that trading brand's registered office path (Hunter Simmons, Purbrook) and, through its control of Claygate Ventures and Effingham Ventures and common directors, is the corporate vehicle behind the Cogent Land promotions.

- 2.6 The applicant is, in substance, a special purpose vehicle that holds the Elm Farm titles for, and under the control of, Cogent Land 2 Ltd, now its only active corporate controller. The pattern is not unique. Effingham Ventures Ltd (no. 16425770) was incorporated on 2 May 2025 for the same SIC code, shares the Hunter Simmons registered office, also has Cogent Land 2 Ltd as its controlling person with significant control (75% or more of shares and voting rights, with the right to appoint or remove directors), and also has Mr Margott as a director. Cogent Land 2 Ltd also holds an outstanding charge over Effingham Ventures' freehold land (charge code 1642 5770 0001, created 13 November 2025).

The promoter's stated intention

- 2.7 Cogent Land's website presents "Elm Farm, Claygate" as a project. It describes the farm's "barns, outbuildings, and open land" and states: "Cogent Land considers the site to fall within the Grey Belt and is currently assessing future development opportunities. A planning application for its redevelopment is expected to be submitted in the near future."
- 2.8 The Site itself "contains no buildings" (PS para 3.2). A page about barns and outbuildings is about the farm, not about a 0.49ha paddock. A dated capture of the Cogent Land "Elm Farm, Claygate" page was taken on 14 October 2026 and makes it clear that Cogent Land intend to develop the whole farm area.



Cogent Land considers the site to fall within the Grey Belt and is currently assessing future development opportunities. A planning application for its redevelopment is expected to be submitted in the near future.

3.0 Permission in Principle and Major Development

The statutory bar

- 3.1 Article 5B(1)(a) of the Town and Country Planning (Permission in Principle) Order 2017 provides that the authority “may not grant permission in principle ... in relation to development which is ... major development”. Under article 5B(5), “major development” includes the provision of 10 or more houses, 1,000 square metres or more of new floor space, and “development carried out on a site having an area of 1 hectare or more”.
- 3.3 This is a statutory prohibition, not a policy threshold. If the development is major development, the Council has no power to grant PiP, and no planning balance or housing shortfall can supply one. The applicant accepts the limit and says it is met because the Site is 0.49ha (PS para 2.5). Its whole case therefore depends on the Council accepting that the 0.49ha red line is “the site” on which the development is to be “carried out”.
- 3.4 The Order does not define “site” as the land the applicant chooses to edge red. An application must be accompanied by “a plan which identifies the land to which the application relates”, drawn to an identified scale and showing the direction of North (art 5D(1)(c)(i) and (2)). National guidance repeats that requirement (PPG, Permission in principle, para 058). Neither the Order nor the guidance expressly requires other land in the applicant’s ownership or control to be shown, and the Council cannot add its own list of information requirements for PiP (PPG para 012). CPC does not therefore say that the application is invalid.

But a plan that identifies the land the applicant has chosen, cannot decide whether development is “carried out on a site having an area of 1 hectare or more”. That is a question of fact and judgment for the planning authority, to be answered on the evidence and in substance. Because the answer decides whether the planning authority has power to grant PiP at all, a wrong answer would be an error of law.

The case law

- 3.5 In *Brandlord*, adjoining buildings sold to two companies with common directors were the subject of separate applications for 12 and 9 flats. The local authority argued that

this was done to avoid an affordable homes condition. The Inspector asked whether the proposals formed a larger whole by testing three things: single ownership, a single site for planning purposes, and a single development. The High Court held that these were the correct tests.

- 3.6 In *New Dawn Homes*, two parcels at a former public house were treated as one site, so that an affordable housing threshold was crossed. Holgate J held that:
- whether an application site forms part of a larger whole is a matter of planning judgment for the decision-maker, and the three *Brandlford* criteria are neither mandatory nor exhaustive ([22]–[23]);
 - the decision-maker may “consider whether a particular application site should properly be treated as part of a larger area with a greater housing capacity”. Otherwise developers could “artificially ... circumvent” a threshold by “the area of land chosen to form the application site” ([39]–[40]);
 - a policy treating an application which “forms part of a more substantial potential development on the same land or adjoining land” as an application for the more substantial development was lawful ([32], [42]); and
 - a rule under which the outcome depended on “the manner in which landowners chose to submit planning applications ... would be open to abuse” ([47]).
- 3.7 *New Dawn Homes* concerned a policy threshold. Its reasoning applies with greater force to a statutory prohibition. If an applicant could escape the 1 hectare bar simply by drawing a red line around one field of a larger holding, the bar would mean whatever the applicant chose it to mean.
- 3.8 The courts take the same approach to statutory thresholds in environmental impact assessment. In *Burridge v Breckland DC*, the Court of Appeal held that a council could not “rely on the expression ‘an’ application ... to avoid the screening obligation ... by dividing a project between more than one application” (Pill LJ at [46]). In *Larkfleet*, Sales LJ confirmed that “what is in substance and reality a single project cannot be ‘salami-sliced’ into a series of smaller projects, each of which falls below the relevant threshold”.
- 3.9 The rest of Elm Farm is not yet the subject of an application. But *New Dawn* approved treating an application as part of a “more substantial potential development on the same land or adjoining land”, and rejected the argument that aggregation depends on the order or timing of applications ([46]–[47]).
- 3.10 The incentive to slice here is acute. PiP cannot be granted for 10 or more houses or on 1ha or more, and the NPPF Golden Rules apply from 10 homes or 0.5ha (NPPF Annex B, “major development”). The red line stops at 0.49ha and 9 dwellings, just below both sets of thresholds.

Applying the case law to Elm Farm

- 3.11 Ownership: the Site and the rest of the farm appear to be held by the same company, and charged to the same controlling shareholder (section 2.0).
- 3.12 Single site for planning purposes: the Site is one part of a single agricultural holding, and of a single 4.78ha Green Belt sub-area, served by the farm track.

- 3.13 Single development: the promoter has publicly declared its intention to redevelop the whole of Elm Farm.
- 3.14 The development, of which this application forms part, is therefore development carried out on a site of more than 1 hectare. It is major development under article 5B(5), and the Council has no power to grant PiP for it (art 5B(1)(a)). The application must be refused on that ground alone.

4.0 Green Belt: The Site is Not Grey Belt

The four tests in policy GB7(1)(g)

- 4.1 GB7(1)(g) applies only where “all of the following apply”: (i) the development would utilise grey belt land and would not fundamentally undermine the purposes of the remaining Green Belt; (ii) there is an evidenced unmet need; (iii) the development would be in a sustainable location, with particular reference to policy TR3; and (iv) in the case of major development involving housing, it complies with the Golden Rules in GB8.
- 4.2 Whether the land is grey belt is only one of the four tests. If any one fails, the development is inappropriate. This proposal fails conditions (i), (iii) and (iv), and each failure is fatal on its own. This section deals with conditions (i) and (ii); sections 5.0 and 6.0 deal with conditions (iii) and (iv).

What grey belt means

- 4.3 Grey belt is Green Belt land that “does not strongly contribute” to any of purposes (a), (b) or (d) in policy GB2 (NPPF Annex B). The August 2026 NPPF has no equivalent of the former footnote 7, so the question turns entirely on the contribution the land makes to those three purposes. Purpose (d), historic towns, is not relied on. CPC relies on purposes (a) and (b) together. On this land they rest on the same facts and support each other.

Purpose (a): checking the sprawl of Greater London

- 4.4 Purpose (a) is to check “the unrestricted sprawl of large built-up areas”. Villages are not large built-up areas (NPPF Annex E, para 3). CPC agrees that Claygate is a village, and when assessing Clouds Hill Farm (2025/2147) the Council found that Cobham/Oxshott was not a large built-up area either. But Greater London is. Its built-up edge at Hook and Chessington lies just beyond the A3, east of Elm Farm.
- 4.5 The Council’s 2016 Green Belt Boundary Review found that Local Area 34, which contains the Site, “is connected to the large built-up area of Greater London (Hinchley Wood) along its northern edge, preventing its outward sprawl”. The Site is part of the open land that checks the westward spread of London through Hook and Chessington. In Annex E terms it is free of development, “adjacent or near to a large built-up area”, and has no containing feature between it and the London edge except the A3, which marks where the sprawl has reached, not a line that contains it. The applicant tests purpose (a) only against Claygate (PS para 7.12), while relying on “the facilities of Hook and Chessington” for its sustainability case (PS para 7.20). It cannot have it both ways.

Purpose (b): to prevent neighbouring towns merging into one another

- 4.6 Purpose (b) is to prevent “neighbouring towns merging into one another”. It relates to towns, which include cities, “not villages” (NPPF Annex E, para 4 and footnote 77). Greater London is a city. CPC does not argue that Claygate is a town. The settlements that would merge are Greater London, at Hook and Chessington, and the built-up area of Esher and Claygate. The Council’s 2018 review records that “Esher and Claygate have already physically coalesced along Hare Lane”. The Core Strategy classes Esher as a “suburban settlement area”, while describing Claygate as functioning “as a large village rather than a suburban area” (policy CS1). The 2018 review assessed this land under the equivalent purpose (then purpose 2, “to prevent neighbouring towns from merging”). It found that:
- Local Area 34 plays “a very important role in preventing the coalescence between Claygate and Greater London (Hinchley Wood and Chessington)”;
 - sub-area SA-46, which lies between “a farm and associated buildings” and the A3, forms “a wider part of the essential gap between Claygate and Greater London”;
 - SA-48 itself “forms a wider part of the gap between Claygate and the Greater London built-up area ... there is indivisibility towards London and limited buffering to the north”, and it “prevents ribbon development along Red Lane, ensuring this gap is not reduced perceptually”;
 - removing SA-48 “would alter the performance of [the] surrounding sub-areas”, SA-49, SA-44 and SA-51; and
 - SA-48 meets the purpose criteria “strongly”, and makes “an important contribution to the wider strategic Green Belt. Not recommended”.
- 4.7 No part of Local Area 34 was recommended for release.
- 4.8 The gap is narrow, and it is under pressure. Beyond the A3 lie Hook and Chessington, which are part of Greater London. Hook Park, bounded by the Esher Bypass (A3), is already the subject of a cross-boundary outline application (Kingston ref 25/02749/OUT, validated 6 November 2025, Elmbridge ref 2026/2765, validated 25 November 2025, both pending consideration). The Royal Borough of Kingston’s Draft Local Plan (Regulation 19) was consulted on between 6 July and 4 September 2026. Supporting assessment material (RBK Green Belt Study – Fundamental Impact Assessment [LUC File Note of 2 Oct. 2025] located in <https://www.kingston.gov.uk/planning-and-building-control/planning-policy/local-plan/evidence-base-and-supporting-information>) identifies Lovelace Playing Field and other Green Belt land immediately beyond the A3 as candidate release / grey belt locations. As the London edge moves west towards the A3, the open land between the A3 and Claygate becomes the whole of what remains of the gap.
- 4.9 A dual carriageway is not a gap. The applicant may say that the A3 separates Claygate from London. The A3 is a barrier to the westward spread of Hook, but it is not open land and it is not a Green Belt gap. Without the Elm Farm land, the outer edge of Hook and the edge of Claygate would be separated only by a carriageway.
- 4.10 In Annex E terms, the holding forms “a substantial part of a gap between towns”, and developing it would be “likely to result in the loss of visual separation” between them (NPPF Annex E, para 4). Developing the Site would also begin the ribbon development along the lanes that the Council’s review identified as the threat to the gap.

- 4.11 The applicant will argue that a 0.49ha paddock forms only a “small part” of any gap. That is why the area assessed matters. Annex E requires the Council to identify “the location and appropriate scale of the area” to be assessed (Annex E, para 1(a)).
- 4.12 The Elmbridge Green Belt Assessment for the new local plan is now in preparation. A decision on this application should not anticipate that assessment by treating a slice of Local Area 34 as grey belt.
- 4.13 CPC recognises that this is a matter of planning judgment, and that an applicant would usually support its case with a landscape and visual assessment. This applicant has submitted none. Its treatment of purpose (b) is a single assertion that Claygate is not a town (PS para 7.13). That misses the point: the merging in issue is of Greater London with the built-up area of Esher and Claygate, not of Claygate with another village.

Fundamentally undermining the Green Belt

- 4.14 CPC does not rest its case on this limb. We note only that the Council’s review found that releasing SA-48 would weaken the surrounding sub-areas and the integrity of Local Area 34. The applicant argues that 0.49ha “could not fundamentally undermine” the Green Belt (PS para 7.16). That argument assumes the very scale that section 3.0 shows to be artificial.

Condition (ii): unmet need

- 4.15 CPC accepts that the Council cannot demonstrate a five-year housing land supply. An unmet need for housing therefore exists in the sense required by criterion (ii) (NPPF footnote 41; PS para 7.18). That does not cure the failure of the other conditions, each of which must also be met.

5.0 Sustainable Location and Access

The test

- 5.1 Criterion (iii) requires the development to “be in a sustainable location, with particular reference to policy TR3”. TR3(1)(a) requires a location that will “limit the need to travel, particularly by private car, and offer a genuine choice of transport modes”. TR3(2) requires the Government’s Connectivity Tool to be used “alongside other relevant quantitative or qualitative evidence” in assessing connectivity.
- 5.2 This is a test of the location itself. A small scheme does not become sustainable because it is small, and being next to other houses does not make a location sustainable.

Distances and public transport

- 5.3 The applicant says the Site is “approximately 1.5km from both Claygate railway station and Chessington South railway station” (PS para 7.21). That is wrong. On CPC’s measurements along the routes available on foot and by bicycle:
- Claygate station and the main shopping parade are about 2 km away, a walk of some 25 minutes or a cycle ride of about 9 minutes;
 - Hook Parade, with its shops and bus services, is about 2.3km away, some 34 minutes on foot; and

- the nearest London station, Chessington North, is 2.5km away, some 34 minutes on foot.
- 5.4 Distances are as measured using Google Maps tool and times are in accord with Manual for Streets para 4.4.1 (10 minutes or 800m).
 - 5.5 No public transport serves the Site. The applicant refers only to unspecified “local bus services” operating “through Claygate and Hook”. None serves Elm Farm.
 - 5.6 On foot, the journey towards Hook at night means either unlit and unmade footpaths or an unlit road with a 40mph limit. The journey towards Chessington North is across fields on unmade footpaths. Families, older people and people with limited mobility cannot be expected to use these routes, particularly after dark or in winter. In practice every household would depend on the car for work, school, shopping and health care.
 - 5.7 TR3(2) says the Connectivity Tool “should be used”. The applicant has not used it. CPC accepts that the Tool’s output is not decisive on its own. But without it, the applicant’s case on criterion (iii) rests entirely on inaccurate distances and general assertion.
 - 5.8 The applicant says that 6 to 9 houses would not generate “a significant amount of movement” (PS para 7.20). That treats the TR3(1)(a) trigger as if it were the whole of condition (iii), which separately requires the location itself to be sustainable. In any event, once the application is seen as the first phase of a farm-wide scheme (section 3.0), the claim that movement would be insignificant cannot stand.

Access and highway safety

- 5.9 CPC recognises that, on its own, a highway objection must meet the high threshold in TR6(4): a “severe” impact on the network or an “unacceptable impact on highway safety”, after mitigation. We do not claim that threshold has yet been shown. Our point is narrower and goes to location and amount.
- 5.10 The applicant has not decided whether access would be taken from Woodstock Lane South or from “the existing farm track to the north” (PS paras 4.4 and 8.10). The application comprises only the form, the Planning Statement and a site location plan (PS para 1.6). There is no transport statement, access drawing, visibility assessment or trip generation figure. The Council therefore has no evidence on which to conclude that this location can safely accommodate the amount proposed.
- 5.11 At Station House, which was the only previous PiP in Claygate, the officer treated highway and parking matters as going to “the suitability of the site for residential development ... location and amount of development”. The officer considered them at stage 1, after consulting the County Highway Authority (officer report, paras 6, 13, 19 and 26–27). The same should happen here.
- 5.12 Two further points follow from the NPPF. First, TR6(3) requires “reasonable future scenarios” and “potential cumulative impacts” to be considered. The reasonable future scenario here is the redevelopment of Elm Farm that its promoter says is “expected”. Secondly, TR6(4) applies “both during the construction phase and following completion”.
- 5.13 If access is taken from the farm track, that track becomes the spine road into the rest of the farm. The Council should consult Surrey County Council as Highway Authority

on access, cumulative impact and construction traffic before determining the application.

- 5.14 For these reasons condition (iii) is not met. The Site is unsuitable in principle for housing in this location.

6.0 The Golden Rules and Other Matters

Condition (iv): the Golden Rules

- 6.1 Condition (iv) and policy GB8 apply to “major development involving the provision of housing” in the Green Belt. The applicant says they are not engaged because the scheme is below 10 homes and 0.5ha (PS para 7.23). For the reasons in section 3.0, that is not the true scale of the development. Assessed as part of the Elm Farm holding, the scheme is part of a major development, and the Golden Rules will apply in full.
- 6.2 The Golden Rules require three things (GB8(1)):
- affordable housing at 15 percentage points above the highest existing requirement, capped at 50%;
 - necessary improvements to local or national infrastructure; and
 - new or improved green space accessible to the public, meeting local standards.
- 6.3 As drawn, the scheme falls just below both the thresholds and would deliver no affordable housing under Core Strategy policy CS21. On the true site it would attract at least 30% under CS21, and 45% under the Golden Rules. The red line is drawn to avoid both
- 6.4 The proposal offers 6 to 9 market houses, with no affordable housing, no identified infrastructure and no public green space. A PiP cannot secure any of them: at Station House the officer recorded that legal agreements “cannot be secured under this Stage 1 application” (officer report, para 53).
- 6.5 GB8(2) requires “substantial weight” to be given to the importance of complying with the Golden Rules. A 0.49ha slice that avoids every Golden Rule, on a holding promoted for redevelopment, is exactly what that policy is designed to prevent. Condition (iv) is not met.

Inappropriate development and very special circumstances

- 6.6 Because GB7(1)(g) is not met, and no other exception applies, the proposal is inappropriate development. Claygate is inset, so GB7(1)(c) infilling is unavailable, and the Site is beyond 800m of a station, so GB7(1)(h) is not engaged (PS para 8.2).
- 6.7 Inappropriate development is harmful by definition. Substantial weight must be given to that harm and to the loss of openness on this open grazing land (GB6(1)–(2)). Policy S5, with its “substantially outweighed” balance, does not apply in the Green Belt (S5(5)).
- 6.8 The applicant argues that Elmbridge Policy DM17 carries “very limited weight” only because it is inconsistent with the grey belt exception (PS para 6.10). If the GB7(1)(g) exception is not met, no inconsistency arises. DM17 is consistent with GB6 and keeps its full weight, and the proposal conflicts with the development plan.

- 6.9 The applicant does not attempt to show very special circumstances (PS para 7.24). The housing land supply shortfall is acknowledged and carries weight. But 6 to 9 market houses, with no affordable housing, clearly cannot outweigh the harm from inappropriateness, the harm to openness, encroachment into the countryside and harm to the setting of the listed barn.

Heritage

- 6.10 Heritage setting is a location matter, and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies now. Section 66(1) expressly applies “in considering whether to grant planning permission or permission in principle”.
- 6.11 The applicant accepts that the setting of the Grade II listed seventeenth-century barn (List Entry 1030090), about 60m away, “includes its immediate farmstead and agricultural surroundings, and the Site forms part of the wider agricultural land in the vicinity” (PS paras 3.6 and 8.4). Turning that agricultural setting into housing harms it in principle, whatever the layout.
- 6.12 Location issues must be decided at PiP stage. Deferral to Technical Details Consent (PS para 8.7) would be too late. Any harm requires “clear and convincing justification” and must be given considerable importance and weight (HE4(2), HE6(1)–(3)).

Archaeology

- 6.13 The 1:10,000 Ordnance Survey map records the find of a Neolithic axe in the fields between Elm Farm and the A3, north-west of The Grapsome, between that copse and Lower Wood. The Council should consult Surrey County Council’s archaeological service before determination on whether field evaluation is needed to establish that the land is suitable for development, rather than leaving the question to a later stage.

Amount of development

- 6.14 The amount is set by the thresholds, not by the land. Nine houses on 0.49ha is about 18.4 dwellings per hectare (PS paras 4.3 and 8.1–8.2). Policy L3 requires efficient use of land. A density that genuinely reflected the Site’s capacity would very probably exceed 9 dwellings. That would take the scheme over the 10-home threshold for major development, and into the Golden Rules and the article 5B bar.
- 6.15 The amount proposed is therefore neither a genuine judgment of what the Site can suitably accommodate, nor intended to be. It is the largest number that keeps the scheme out of those controls, on the largest area that does the same (0.49ha against 0.5ha). That reinforces section 3.0.

7.0 Conclusions and Requests to the Council

- 7.1 This application is the first slice of a scheme for the whole of Elm Farm. The holding is owned by the applicant, charged to and controlled by Cogent Land 2 Ltd, and publicly promoted for redevelopment. Assessed as what it really is, the development is major development on a site of more than 1 hectare, and the Council has no power to grant PiP for it.
- 7.2 Even if that were wrong, the proposal fails GB7(1)(g). The land checks the sprawl of Greater London and forms part of the essential gap between Greater London and the built-up area of Esher and Claygate. The Site is car-dependent, has no public transport and is further from facilities than the applicant claims. The Golden Rules are avoided,

not met. The proposal is inappropriate development and would harm the setting of a listed building. No very special circumstances exist.

7.3 CPC respectfully asks the Council to:

- decide first, whether the development is “major development” under article 5B(5) when the Site is assessed as part of the Elm Farm holding and, if it is, refuse on the ground that PiP cannot lawfully be granted;
- decide the true extent of the site on the evidence in section 2.0;
- assess the contribution of the holding, and at least of sub-area SA-48, to purposes (a) and (b), consistently with the Council’s 2016 and 2018 Green Belt reviews and without anticipating the emerging Green Belt Assessment;
- test the applicant’s sustainability claims against measured walking and cycling routes, the Connectivity Tool and actual bus services, and consult Surrey County Council as Highway Authority and its archaeological service;
- apply the section 66 duty and assess the effect on the setting of the listed barn at this stage; and
- refuse Permission in Principle.

References

Legislation, policy and guidance

Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (SI 2017/1309), article 4, inserting Part 2A into the Town and Country Planning (Permission in Principle) Order 2017, including articles 5A, 5B and 5D (application requirements, including the plan identifying the land).

Planning (Listed Buildings and Conservation Areas) Act 1990, s.66(1), as amended by the Housing and Planning Act 2016 to add the words “or permission in principle”.

Companies Act 2006, s.1012 (property of dissolved company to be bona vacantia).

National Planning Policy Framework (August 2026): policies GB2, GB6, GB7, GB8, L3, S5, TR3, TR6 and HE4–HE6; Annex B (definitions of ‘grey belt’, ‘major development’ and ‘reasonable walking distance’); Annex E, paras 1–4 and footnote 77; footnote 41.

MHCLG Planning Practice Guidance, Permission in principle, paras 003 (Reference ID 58-003-20190615), 004 (58-004-20190315), 012 (58-012-20180615), 013 (58-013-20180615), 043 (58-043-20170728) and 058 (58-058-20180615).

DfT Connectivity Tool (lite version): connectivity-tool-lite.dft.gov.uk.

Case law

R (Westminster City Council) v First Secretary of State and Brandlord Ltd [2003] JPL 1066 (Admin Ct, Maurice Kay J). *Brandlord* is not freely available in transcript; the account given is taken from Holgate J’s analysis in *New Dawn Homes* at [18]–[23].

New Dawn Homes Ltd v Secretary of State for Communities and Local Government [2016] EWHC 3314 (Admin) (Holgate J, 20 December 2016), at [18]–[23], [29]–[31], [39]–[42], [46]–[47].

R (Burridge) v Breckland District Council [2013] EWCA Civ 228, per Pill LJ at [46]; Davis LJ at [79] and Warren J substantially agreed on this point, although the majority declined to quash the permissions in the exercise of discretion.

R (Larkfleet Ltd) v South Kesteven District Council [2015] EWCA Civ 887 (Sales LJ, 6 August 2015): The Court held on the facts that the link road and the housing were distinct projects [35]–[52].

R (Orbital Shopping Park Swindon Ltd) v Swindon Borough Council [2016] EWHC 448 (Admin) (Patterson J), as explained in *New Dawn Homes* at [24]–[29].

Company and land records

Companies House, Claygate Ventures Limited (no. 16423620): overview, officers, persons with significant control and filing history, including forms AP01 (appointment of Nigel Rankine as a director on 13 June 2025) and AD01, PSC05 and CH01 (all 19 March 2026): <https://find-and-update.company-information.service.gov.uk/company/16423620> (accessed 11 October 2026). The register gives Cogent Land 2 Limited's correspondence address as C/O Hunter Simmons Ltd, 3a London Road, Purbrook, Waterlooville, Hampshire PO7 5LQ.

Companies House, charge 1642 3620 0001: <https://find-and-update.company-information.service.gov.uk/company/16423620/charges/pwKWb-cimU1AXO6tE0ON0Fw9COQ>; form MR01 and certified copy of the Debenture dated 24 October 2025 (59 pp.), Schedule 1, Part 1 ("Registered Property").

Cogent Land, home page, <https://cogentland.com>, and "Elm Farm, Claygate", <https://cogentland.com/portfolio-items/elm-farm-claygate> (both accessed 12, 15, 18 October 2026).

Historic England, National Heritage List for England, List Entry 1030090, 'Barn 10 Yards North of Manor Lodge', Grade II, first listed 16 November 1984.