
Appeal Decision

Hearing held on 26 October 2016

Site visit made on 26 October 2016

by Daniel Hartley BA Hons MTP MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 November 2016

Appeal Ref: APP/M3645/W/16/3150030

Former Blue Prince Mushroom Production Facility, Bridges Wood, Church Lane, Burstow, Surrey RH6 9TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ace Airport Parking Limited against the decision of Tandridge District Council.
 - The application Ref TA/2015/1320, dated 14 July 2015, was refused by notice dated 10 November 2015.
 - The development proposed is the change of use of the buildings to provide for the storage of cars (B8 use class)/airport parking (sui generis) and the relocation of the 'In Autos' car facility (B1/B2 use class); in the alternative to extant permission granted under TA/2006/1629 for change of use of buildings to provide 13,460 sq m of class B8 floorspace plus associated works of demolition and conversion.
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This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 08 November 2016.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant confirmed at the hearing that the site was already in use for airport car parking purposes and that Unit 'E' was being used by the 'In Autos' car facility. The appellant confirmed that whilst all the cars on the site were currently from hotel customers, the appeal proposal was still for an airport car parking "meet and greet" facility. I was able to see on my site visit that the entrance gates had already been set back by approximately 20 metres from Church Lane. This differed from the approximate 18 metre set back shown on the submitted plans. As the existing set back is greater than that shown on the proposed plans, the Council confirmed at the hearing that it would raise no objection to this.
 3. It was agreed at the hearing that the relevant plans for the purposes of determining the appeal were those that were listed in the Council's refusal notice. However, the main parties also agreed that drawing No 1889.1.A (Gate Elevation) had also been submitted and considered at planning application stage. I have therefore also considered this drawing as part of the determination of this appeal. At the hearing the main parties signed an
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amended statement of common ground with the main change being that the Council agreed with the appellant that planning permission TA/2006/1629 was extant.

4. At the hearing the appellant submitted late evidence in the form of a counsel opinion from John Steel QC (indicating that it would not be necessary to control traffic movements by way of a Section 106 agreement as a planning condition(s) would suffice) and appeal decisions T/APP/C3620/C/99/1032572 and T/APP/C3620/A/99/1031725 one of which included a planning condition relating to a system for monitoring traffic movements. I do not consider that accepting these documents would prejudice any of the interested parties and the Council did not raise an objection to the submission of this additional information. I have therefore taken these matters into account.
5. At the hearing the Council submitted a late consultation response from Gatwick Airport Ltd (dated 24 October 2016). According the Council, they omitted to consult Gatwick Airport Ltd at planning application stage. At the hearing, and following an adjournment, the appellant was afforded time to consider and comment on the representations made by Gatwick Airport Ltd. Whilst the appellant raised concerns about the accompanying maps/routes provided by Gatwick Airport Ltd (I refer to this later in this decision), they were nonetheless content that I accept the document as essentially many of the points raised had already been referred to in other appeal/planning application documents. I agree with this view and do not consider that accepting the representation would prejudice any of the interested parties. I have therefore taken into account the consultation response from Gatwick Airport Ltd as part of the determination of this appeal.

Application for costs

6. An application for costs was made by Ace Airport Parking Limited against Tandridge District Council. This application is the subject of a separate Decision.

Main Issues

7. The main issues are (i) whether or not the proposal would (a) result in the use of sustainable modes of transport and (b) minimise private car mileage to Gatwick Airport, and (ii) the effect of the proposal upon the use of Church Lane and Bridleway Route No 520 in respect of highway safety.

Reasons

Site and proposal

8. The appeal site is located immediately to the south east of junction 9 of the M23, to the north of Church Lane and to the west of the M23. It falls within land defined as Green Belt. It includes several disused buildings and hard standing areas associated with the former use of the site as a mushroom production plant. Access into the site is from a gated entrance off Church Lane (also Bridleway Route No 520), and the site is approximately 2km (as the crow flies) from Gatwick Airport which is to the west. The site includes mature vegetation around its boundaries and there is a mix of commercial (including Westland Farm open airport car parking and commercial pallet recycling facilities to the south) and residential properties in the immediate area.

9. It is proposed to store/park vehicles in the buildings marked as 'A, B, C, D, F and G' on drawing No 1889.S.B in association with a "meet and greet" airport car parking facility which would be operated by Ace Airport Parking Ltd (AAPL). According to the appellant, AAPL operates across 9 car parks at Gatwick Airport. The appellant has stated that in respect of the airport parking proposal members of the public would not visit the site: customer vehicles would be driven to and from the site by staff only. Use would also be made of airport runner vehicles for the purposes of collecting and dropping off staff at Gatwick Airport. There would be one security guard on the site at any one time.
10. The appellant has submitted a "Technical Note" (TN) prepared by Gateway TSP which considers the impact that the car park operations and the 'In Autos' facility would have on the local highway network. According to the TN there would be preferred routes to the various terminals of Gatwick Airport, and these are outlined in Figure 6 of the TN. The TN states that the proposal is for up to a maximum of 1500 vehicles on the site, but suggests that a more accurate assessment (based on space standards between vehicles and the size of the buildings) would be 1115 vehicles. It states that this would equate to 112 arrivals per day and 112 departures per day or 224 two way movements per day: this factors in an average length of airport parking of 10 days, which increases to 12 days during the summer months. In addition to this, it is stated that there may be a need to use some "staff runner vehicles", but it is claimed that this would not be a frequent occurrence due to the way that bookings are managed. In respect of the 'In Autos' facility, the TN states that *"the existing operation located in Newchapel is understood to attract infrequent trips during daytime hours, and therefore is unlikely to result in the figure of 224 movements increasing such that it would exceed the maximum weekday figure of 292 and weekend figure of 272"*.
11. The appellant has indicated that all airport car parking vehicles would be parked within the aforementioned buildings. It is separately proposed to relocate an existing car repair, MOT and servicing business (known as 'In Autos') onto the site. This is currently located at Unit 34B Hobbs Industrial Estate, Newchapel, Surrey. This use would operate solely from building 'E' as marked on drawing No 1889.S.B. The appellant has indicated that there would be no vehicles (or associated development) stored/parked outside this building. At the hearing, the appellant confirmed that the 'In Autos' facility would relate only to the storage of vehicles in need of repair/restoration and that no body work/repairs would be undertaken on the site.

Planning history

12. The site was previously used as a mushroom production unit and according to the Council this produced 3123 tons of mushrooms annually, although it is no longer in use for such purposes. Planning permission was granted in 2006 (planning permission ref No TA/2006/1629) for change of use of the buildings to provide 13,460 sq m of class B8 floorspace plus associated works of demolition and conversion. There is no dispute between the parties that this permission has, in part, been implemented and that it therefore remains extant.
13. Planning permission was granted for the above B8 use subject to a number of planning conditions including condition No 9 which states that *"the number of vehicle movements passing through the site's access from Church Lane (whether entering or leaving) shall not exceed a mean average 294 total"*

movements over 20 weekdays in a 28 day period and nor shall the number of vehicle movements passing through the site's access from Church Lane (whether entering or leaving exceed a mean average 272 total movements over 8 weekend days in a 28 day period, without the prior written approval of the District Planning Authority". It is also the subject of condition No 8 which states "before the change of use hereby permitted is commenced a scheme to provide for the automatic monitoring and control of vehicles passing through the site's access from Church Lane shall have been submitted to and approved by the District Planning Authority. The agreed scheme shall be implemented before the use hereby permitted is commenced and shall be retained thereafter unless otherwise agreed in writing by the District Planning Authority". It is understood that the above conditions were supported by the County Highway Authority in order to ensure that there was a neutral impact upon the highway network relative to the former use of the site as a mushroom production unit.

Sustainable modes of transport and private car mileage

14. Policy CSP16 of the adopted Tandridge Core Strategy 2008 (CS) states that *"the Council will seek to minimise the impact of Gatwick Airport by working with BAA Gatwick, Crawley Borough Council and adjoining local authorities on the development of the airport up to the projected 45 million passengers per annum within the agreed limits of a single runway/ two terminal airport. New airport parking and extensions to existing sites will be considered in the light of Green Belt policy and the need to minimise the use of the private car to travel to the airport".* Paragraph 13.13 of the reasoned justification to the policy states that the Council wishes to see any identified shortfall in the provision for parking provided within the airport and not through the establishment of new car parks or extension of existing sites within the Green Belt, and that restrictions on airport parking will also support the aim of increasing access to the airport by public transport.
15. An objection to the proposal has been made by Crawley Borough Council, a neighbouring Council, who state that the proposal would not accord with Policy GAT 3 of the now adopted Crawley Borough Local Plan 2015-2030 (adopted December 2015). Whilst CBLP is not a development plan for the appeal area, the comments made by Crawley Borough Council are nonetheless relevant material planning considerations. Policy GAT3 states that *"the provision of additional or replacement airport car parking will only be permitted within the airport boundary".* Whilst not policy, paragraph 9.24 of the reasoned justification to Policy GAT 3 states that *"it is considered that sites within the airport boundary provide the most sustainable location for the additional long stay car parking which needs to be provided as passenger throughput grows whilst still supporting the public transport target. Sites within the airport boundary are close to the terminals and can help reduce the number and length of trips".*
16. If the appeal was allowed, it would mean that there would be conflict with Policy GAT3 of the CBLP. Consequently, the proposal would not therefore accord with Policy CSP16 of the CS in so far that the Council would not then be working with Crawley Borough Council to minimise the impact of Gatwick Airport, including the need to minimise the use of the private car to travel to the airport. At the hearing, there was some debate between the main parties about whether Policy GAT 3 was the subject of a judicial review. The Council has provided clarification about this matter and Crawley Borough Council has

since confirmed *"that the claimant (Holiday Extras Limited) sought an Order quashing Policy GAT3 of the Crawley Borough Local Plan 2015-2030. The claim was filed on 25 January 2016 following adoption of the Crawley Borough Local Plan 2015-2030 on 16 December 2015. A directions hearing was held on 9 June where 4 grounds of the claim were made. The judge dismissed 3 of the claims but with "the greatest of hesitation" permitted ground (i) failure to consider reasonable alternatives to proceed in relation to the Sustainability Appraisal process". They state that "a date of 30 November has now been agreed for the hearing". Notwithstanding the above, Policy GAT 3 of the CBLP remains adopted and hence I consider that it is still a very weighty material planning consideration.*

17. Whilst the Gatwick Airport Car Parking Strategy 2013 (GACS), as referred to in the Council's refusal notice, is not part of the development plan for the area, it nonetheless supports the aims of Policy CSP16 in so far that it states *"central to the Airport Access Strategy, published in October 2012, is an overriding target to achieve 40% of non-transfer passengers travelling to and from the airport by public transport when passenger throughput reaches 40mppa"*. I also consider that it supports the sustainable transport aims of the National Planning Policy Framework (the Framework) which states at paragraph 34 *"plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised"*. Consequently, I afford the GACS considerable weight as part of the determination of this appeal.
18. There are no bus services that operate to and from the appeal site. By their very nature the proposals would generate a number of private motor vehicle trips to and from the site. As the site is not close to good public transport services, it is not surprising that it is proposed to operate the airport parking facility on a "meet and greet" basis. Given the location of the site, and the proposed operation of the airport car parking facility, and the 'In Autos' business, there is no doubt that the proposals would result in a significant number of vehicular trips/mileage by private motor vehicles. In reality, there would be few, if any, trips made by more sustainable modes of transport (including public transport). The appellant does not propose any measures to make use of sustainable modes of transport, or to improve services/public transport provision to/from the site. In these respects, the proposal would not accord with the sustainability aims of the CS and the Framework.
19. Notwithstanding the above, I acknowledge that there is an extant planning permission in place for B8 (storage and distribution) development on the site. The Council approved such development in 2006 in the knowledge of the location of the site and the lack of a choice of sustainable modes of transport in the immediate locality. Such a decision was made having regard to the fact that there had been an existing commercial use on the site for some time (ie a mushroom production unit): indeed such a commercial use would have generated a number of vehicular movements to and from the site. I also note that the appellant would accept the imposition of a planning condition which would place a maximum cap on the number of vehicular movements to and from the site.
20. However, and notwithstanding the possibility of imposing a planning condition as referred to above, I consider that the appeal proposal and the approved B8 development are fundamentally different. Firstly, planning permission was

approved in 2006 for B8 development when there were different planning policies in place. Secondly, storage and distribution uses more frequently involve the movement of goods and in the main (staff movements are acknowledged as different) the use of large vehicles (eg HGVs) is often an inherent part of such business operations. In comparison, airport car parking relates predominantly to the movement of people. Hence, it is reasonable to conclude that, in respect of such a use, it is easier to take advantage of more sustainable modes of transport and therefore to reduce the reliance on the private motor vehicle. For this reason, and in this regard, I consider that the weight to be given to the respective sustainability arguments is different. I accept that the proposal also includes the 'In Autos' facility (a B1/B2 use), but most of the site would be used for airport car parking.

21. In addition, and given the comments made above, I consider that the airport car parking facility would conflict with the aims of the GACS. In allowing the proposal it would undermine the overall strategy of Gatwick Airport which is to encourage more passengers to use public transport, and to use car parks within the confines of the airport itself. Whilst I recognise that the GACS indicates that there is a need for more car parking between 2010/11 and 2023/24 (an increase in long stay car parking from 43,421 to 53,092), I note that it also states that *"Gatwick only recognises the authorised spaces and plans to meet the demands for all other parking on the airport such that there is no need for any further airport spaces"* and *"it has been estimated that decking over existing car parks could provide up to approximately 20,000 additional spaces at the airport"*.
22. Consequently, there appears to be no compelling need to release the appeal site for airport car parking, as all car parking demand could be met by provision at Gatwick Airport. Indeed, it would appear that Gatwick Airport Limited are investing in additional car parking provision, as their 24 October 2016 consultation response states *"GAL's 2016 CIP has allocated an additional £45.1m for long-stay, short stay and staff car parking capacity. GAL's objective therefore is to provide sufficient capacity to accommodate future passenger growth at the airport, assuming that parking mode share remains constant and that no new capacity is added off-airport"*.
23. For the reasons outlined above, I consider that the proposal would be sited in an unsustainable location in terms of transport, and that it would encourage significant reliance (and associated trips) on the private motor vehicle for airport car parking purposes. In addition, and on the evidence before me, I can see no compelling reason why the appeal site is needed for airport car parking purposes. This is particularly the case, as the GACS indicates that all airport car parking demand up to 2023/24 can be met by additional car parking at Gatwick Airport where there is a choice of sustainable modes of transport, and where in relative terms fewer miles would be travelled by private motor vehicles. I acknowledge that the route plans submitted by Gatwick Airport Ltd, dated 24 October 2016, do not reflect the preferred route(s) submitted by the appellant. I have taken into account only the route plans submitted by the appellant in reaching my overall conclusions, particularly as these were the subject of public consultation and in particular as they were considered by the Highway Authority.
24. In conclusion, whilst I accept that there is an extant B8 planning permission in place, I afford this limited weight in terms of the consideration of sustainable

transport matters as a B8 use tends to relate to the movement of goods rather than people. Furthermore, and in any event, there would be no conflict with Policy CP16 and the GACS in respect of a B8 use on the site. I acknowledge that if this appeal were dismissed there is a distinct possibility that the extant planning permission would be fully implemented, and hence that there would be an increase in private motor vehicle mileage to and from the appeal site. However, there are very clear and distinct policies and strategies in place which seek to minimise private motor vehicle mileage (and to increase the use of more sustainable modes of transport) in respect of the provision of airport car parking associated with Gatwick Airport. I afford such policies and strategies considerable weight. I therefore conclude that the proposal would not accord with the sustainable transport aims and objectives of Policies CSP1 and CSP16 of the CS; the Surrey Local Transport Plan; the Framework and the GAPS. Harm would also be caused to the Gatwick Airport car parking and sustainable transport aims as outlined in Policy GAT3 of the CBLP: this is a further material planning consideration which weighs against allowing the proposal.

Highway safety

25. The main parties acknowledge that the visibility splays at the junction of Church Lane with Peeks Brook Lane are substandard, that parts of Church Lane are narrow and that in parts it is necessary to pull in and wait for some on-coming vehicles. The majority of Church Lane is approximately 5.2 to 5.4 metres wide, is unlit, has no road markings and in one part reduces to a width where it would just be possible for two cars to pass, but not larger vehicles. Furthermore, Church Lane is a bridleway, and whilst I did not witness any horse riders on my site visit, I consider that the lack of refuge areas for horses is such that any increased use of Church Lane would be to the detriment of the safe use of the bridleway. I acknowledge the concerns raised by the Council and other interested parties about potential queuing on Church Lane (indeed the Council witnessed such queuing as part of their site visit in September 2015), but this could be addressed by permanently setting the gates back into the site (as appears to have already happened) so that several vehicles could drive off the highway. A planning condition could control this matter.
26. I do consider that owing to the narrow width, unlit nature and substandard geometry and visibility of the access road immediately leading to the site, any further increase in traffic to and from the site would be detrimental to the safe use of the highway/bridleway. However, there is an extant planning permission in place for B8 development on the site. The appellant suggests that a similar maximum cap on vehicular trips to and from the site could be imposed for this proposal, as it was for the B8 planning permission. I note that the Council considers that the planning permission is ten years old, and that the site has not been used for B8 use class purposes in this time. However, the main parties agree that this planning permission is extant, and hence will continue to be capable of being fully implemented at any time. I am also mindful that the site is not greenfield: it was used for commercial purposes and as a mushroom production unit for a number of years. Consequently, and in this regard, I consider that the extant planning permission is a weighty material consideration.
27. The appellant has indicated that the total number of vehicle movements (for all uses on the site) passing through the site's access from Church Lane (whether entering or leaving) shall not exceed a mean average 294 total movements

over 20 weekdays in a 28 day period and 272 total movements over 8 weekend days in a 28 day period. Taking into account the appellant's additional traffic movement/speed survey work carried out in the summer of this year, the appellant confirmed at the hearing that they would accept a controlled reduction in traffic movements to a mean average of 250. At the hearing some of the other interested parties questioned whether it was acceptable to rely on traffic survey data from the appellant. I have no compelling evidence before me to suggest that the validity of the data is unsound, and I note that the Highway Authority has not questioned it.

28. In respect of the 'In Autos' proposal, additional clarification was provided by the appellant at the hearing. The appellant has stated, based on the existing premises at Unit 34B Hobbs Industrial Estate, Newchapel, Surrey, that this proposal would generate approximately 12 vehicle movements per week. The Council did not consider that such an estimate was unreasonable. Based on the size of building 'E', I also consider this to be reasonable. Therefore, I consider that the development proposal as a whole could have a better than neutral impact upon vehicular trips when compared to the extant planning permission.
29. At the initial planning application stage, the appellant did not want to agree to the same restrictions that were imposed in respect of the 2006 planning permission. In particular, the use of video footage/CCTV/number plate technology was not proposed and the proposal did not include a Section 106 agreement to include the establishment of a management company to monitor and manage car parking/trips and the financial penalties to be imposed on tenants for any breach of capped trip rates. Instead, the appellant sought to rely on information that would be supplied to the Local Planning Authority, every 28 days, and from their central database. However, I have read the email exchanges between the appellant and the Council immediately prior to the determination of the planning application, and it would appear that in essence the appellant was prepared to accept very similar traffic movement restrictions and monitoring controls to those imposed on the 2006 extant planning permission.
30. In this case, all vehicle movements (for both the airport car parking facility and 'In Autos' business) would be managed/monitored by AAPL in conjunction with the use of number plate recognition/CCTV/Video footage technology (the 'Park-It' traffic monitoring scheme). Whilst the 2006 planning permission included a Section 106 agreement which imposed financial penalties for tenants that breached the vehicle trips cap, I do not consider that this is necessary or reasonable in this case, as there would be sufficient controls that could be put in place by means of planning conditions and as only two businesses are proposed. In this case, I do not consider that it would be necessary to impose a planning condition relating to the implementation of Travel Plan measures (as was the case for the 2006 planning permission) as airport car parking staff would not arrive at the site in their own cars (they would arrive in a customer's car or in an 'airport runner vehicle'). Furthermore, from the site there are currently no opportunities to utilise public transport.
31. Subject to a cap on the number of vehicle movements per day, confining the parking/storage of all vehicles to indoors only (this places a further physical constraint on the number of vehicles that can be stored/parked on the site), the provision of vehicle trips data to the Local Planning Authority/Highway

Authority every 28 days (database information and CCTV footage), the proposal would not generate more traffic movements than the development approved under TA/2006/11629. I consider that it is reasonable to conclude that use of the immediate highway network (in particular the narrow and unmarked Church Lane) by cars (ie the airport car parking proposal) as distinct from likely larger vehicles (for example heavy goods vehicles) from the extant B8 permission, would be better from a highway safety point of view. Consequently, and notwithstanding concerns raised in respect of visibility splays (ie Church Lane with Peeks Brook Lane); the narrowness of parts of Church Lane; the unlit nature of Church Lane and the existence of Bridleway Route No 520, the proposal would not have a significantly detrimental impact upon matters of highway safety.

32. I have considered comments made by the Council (and also comments made at the hearing by Councillor Harwood) about the enforceability of the conditions suggested by the Council's planning officers. However, I do consider that the suggested planning conditions would be enforceable. In the event of a possible breach of the suggested traffic movement condition, it would be possible for the Council to conduct its own spot checks including, if necessary, its own traffic counts. The County Highway Authority now raises no objection to the proposal subject to the imposition of the suggested conditions. I have no reasonable reason to disagree with the views of the County Highway Authority. I note that the Council has raised concerns about diminished staff resources, and hence the difficulties that they would face in enforcing any breach of planning control. Nonetheless, a lack of resources is not, in itself, a reason to not impose a planning condition.
33. Subject to the imposition of a number of planning conditions, I therefore conclude that the proposal would accord with the highway safety aims and objectives of Policy CSP12 of the CS; Policy DP4 and DP5 of the adopted Tandridge Local Plan Part 2: Detailed Policies 2014 – 2029 (July 2014); the Surrey Local Transport Plan and the Framework. I do not consider that the Council's reference to the GAPS is strictly relevant in respect of highway safety as it mainly relates to car parking provision and encouraging increased reliance upon sustainable modes of transport.

Other Matters

34. The appeal site falls within the Green Belt and the proposal is for the change of use of existing buildings and to store/park all vehicles indoors only. Paragraph 90 of the Framework states that "*certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt*". The fourth bullet point states that this would include "*the re-use of buildings provided that the buildings are of permanent and substantial construction*".
35. Whilst there would be some manoeuvring of vehicles (and hence some temporary outside parking) the appellant confirmed at the hearing that all vehicles would be parked inside the relevant buildings (including those vehicles associated with the 'In Autos' business) and that there would be no manoeuvring/temporary outside parking between the hours of 18.00 and 06:00 each day. The buildings are of permanent and substantial construction, the proposals would preserve the openness of the Green Belt (subject to planning conditions) and there would be no conflict with the purposes of including land

in the Green Belt. I therefore agree with the main parties that the proposal would not be inappropriate development in the Green Belt.

36. I acknowledge that a significant number of objections have been received from the local community including a petition against the proposals. I note that the site already appears to have been used for airport car parking purposes, but that there was a period of inactivity before that. I can understand why the local community would be concerned about an increase in traffic using the local highway network. However, and for the reasons outlined in this decision, it would be unreasonable to not give weight to the 2006 extant planning permission. The appeal proposal could be implemented in such a way as to have a better than neutral traffic movement impact when compared to the extant planning permission. Consequently, and subject to the imposition of a number of planning conditions, I am only able to give the concerns raised by a number of interested parties limited weight. Furthermore, and given the width of parts of Church Lane, I do consider that there may be some advantages in having a predominantly car based use on the site, as opposed to potentially a number of larger vehicles.
37. I have considered comments made by other interested parties about the speed of vehicles driving down Church Lane and near accidents. There are a number of other businesses that use Church Lane, and so I cannot be sure that the alleged speeding, or any other unacceptable driving behaviour, is as a direct consequence of the airport car parking/In Autos facility. The same applies to any dust to nearby properties arising out of the use of Church Lane.
38. I have considered the traffic observations data provided by Peeks Brook Lane Residents Action Group. I recognise that this does seem to suggest a high volume of traffic using Peeks Brooks Lane at the given times. However, as the proposal would be controlled so that there would be no more traffic movements than the extant planning permission, I do not consider that it would make matters worse than the consented position. It would therefore be a matter for the County Highway Authority to consider whether it were necessary to impose additional traffic restrictions, or to make additional highway improvements in the locality, as a separate matter to the consideration of this appeal. At the hearing Mr Lamond confirmed that he was separately pursuing this matter.
39. The appellant has made reference to a number of other planning decisions and appeals in the locality. Some of these decisions were made in the context of different planning policies and the material planning considerations are not directly comparable. I accept that there are some existing airport car parks close to the appeal site and also away from Gatwick Airport. However, I do not know the full circumstances that led to these developments and, in any event, I have determined this appeal on its individual planning merits taking into account local and national planning policies.
40. Some interested parties consider that a landscaped bank should be formed on the site to protect the amenities of the occupiers of nearby residential properties. The appellant confirmed at the hearing that he would provide a landscape bank and indeed on the site visit I noticed that such work had commenced. This is a matter that could be controlled by planning condition. Reference has been made to the effect of the proposal on protected species, but I have no objective evidence to substantiate any claim that the proposal would have an adverse effect on any protected species. Concerns have been raised that the proposal does not include any details of external lighting. The

appellant has confirmed that external lighting, in the form of floodlights, would not be necessary. This is a matter that could be controlled by planning condition.

41. The appellant has submitted a Counsel opinion to the local planning authority and a copy was also sent to me. The Counsel opinion suggests that use of the site for airport car parking purposes would fall within use class B8. Consequently, it is suggested that planning permission would not be required for this use given the extant B8 planning permission for the site. However, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It would be open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal. I have determined this appeal on its land use planning merits.
42. At the hearing Councillor Harwood raised doubts about the conclusions reached in 2006 about the number of vehicular movements to and from the appeal site when the site was used as a mushroom production unit. I do not have any specific or objective evidence about this matter, although at the hearing reference was made to the use of coaches for staff. In any event, the existence of the extant planning permission and its associated conditions cannot be ignored and the period for any judicial review has now gone. Therefore, I continue to attach weight to the extant planning permission.
43. I acknowledge that the proposal would generate some employment and that it would provide additional car parking choice for airport passengers. However, neither this, nor any of the above other matters raised, outweigh my conclusions on the main issues.

Conclusion

44. Subject to the imposition of a number of planning conditions, the proposal would have no worse than a neutral impact (better given the appellant's confirmation at the hearing to a reduction in traffic movements to a mean average of 250) upon traffic movements to and from the site when compared to the B8 extant planning permission. Furthermore, use of the site by predominantly cars, rather than larger vehicles from B8 use of the site, would likely lead to some relative highway safety improvements, particularly in respect of the use of Church Lane. These are matters which weigh in favour of allowing the development. For these reasons, I conclude that the proposal would not cause significant harm to matters of highway safety.
45. Notwithstanding the above, the proposal is fundamentally at odds with the car parking and sustainable transport aims of the development plan for the area, the GAPS and the Framework. In addition, the airport car parking proposal does not accord with the Gatwick Airport car parking and sustainable transport aims of Policy GAT 3 of the CBLP: this is a very recently adopted policy and is therefore a weighty material planning consideration.
46. As all of the required airport car parking could be met within the confines of Gatwick Airport, which is a more sustainable location from a transport point of view, on the evidence before me I do not find that there is any compelling reason why the airport car parking proposal should be allowed. Use of the site for airport car parking purposes would result in the use of non-sustainable modes of transport, and, if allowed, would unacceptably increase airport

private car mileage. These are matters of overriding concern and are not overcome by my findings in respect highway safety or by the fact that there would be some private motor vehicle mileage associated with the extant use of the site for B8 use class purposes. Whilst in land-use principle terms the 'In Autos' car facility would be acceptable, the appeal is made on the basis of both the 'In Autos' and the airport car parking facilities being functionally linked (at least from a car parking monitoring point of view). For the above reasons, and taking into account all other matters raised, I conclude on balance that the appeal should be dismissed.

Daniel Hartley

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Philip Rowe BA Hons BTP - PROwe Planning Solutions

Mr Steve Kiss - Ace Airport Parking Ltd

Mr Tom Kiss - Ace Airport Parking Ltd

Mr David Mc Murtary - Gateway TSP

Mr Adrian Harris - Transport Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Mr Chris Hall BSc MPhil MRTPI - Principal Planning Officer Tandridge District Council

INTERESTED PERSONS:

Councillor H Fitzgerald

Councillor K Harwood

Mr D Bannister - representing the Peeks Brook Lane Residents Action Group.

Mr Lamond

DOCUMENT(S) SUBMITTED AT THE HEARING

1. Counsel opinion from John Steel QC
2. Appeal decisions T/APP/C3620/C/99/1032572 & T/APP/C3620/A/99/1031725
3. Copy of representation from Gatwick Airport Limited dated 24 October 2016
4. Copy of the Surrey Transport Plan: Vision and Objectives dated April 2011
5. Copy of Policy GAT 3 of the adopted Crawley Borough Local Plan 2015-2030
6. Copy of the amended statement of common ground dated and signed on 26 October 2016.