

Appeal Decision

Site visit made on 1 December 2016

by Jane Miles BA (Hons) DipTP MRTPI

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

Decision date: 10 January 2017

Appeal Ref: APP/L3625/W/16/3150694

**Hengest Farm, 21A Woodmansterne Lane, Woodmansterne, Surrey
SM7 3EY**

- 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 Mr Paul Hunt of Paul Hunt Investments Ltd against the decision of Reigate & Banstead Borough Council.
 - The application ref: 16/00155/F, dated 21 January 2016, was refused by notice dated 7 April 2016.
 - The development proposal is to demolish the existing buildings to provide 8 dwellings with associated parking and access.
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Decision

1. The appeal is dismissed.

Background & Main Issues

2. The appeal site is in the Green Belt and is rural in character even though it is close to the Green Belt boundary and to residential development. At the time of my visit an assortment of buildings of differing size, form and height on the site and some open areas were in various uses, including a farm/pet shop and storage of logs, plant, equipment and scaffolding. Since the appeal was lodged the Council has granted a Certificate of Lawfulness for such uses and it now accepts that the site constitutes previously developed land¹. I have no reason to take any different view on this matter.
3. One of the refusal reasons relates to the lack of provision for a contribution towards affordable housing but the Council has subsequently confirmed that it will not be pursuing this matter. I have not therefore considered any further either this refusal reason or the related (but undated) unilateral undertaking submitted with the appeal.
4. Another refusal reason concerns the adequacy of access for refuse, emergency and delivery vehicles. However the appellant has subsequently provided plans demonstrating the adequacy of the layout for this purpose. Moreover in this respect the layout appears very similar to the subsequent scheme which the Council has resolved to approve. Again therefore this is not a matter I have considered in further detail.

¹ This is confirmed in the officers' report on a subsequent application for a revised scheme for seven dwellings, which the Council resolved to approve on 14 December 2016

5. In the light of the preceding paragraphs the **first main issue** in this appeal is whether or not the proposed development would be inappropriate development in the Green Belt. The **second main issue** is the effect of the proposed development on the character and appearance of its surroundings. If the proposals are found to be inappropriate development, then the **third main issue** is whether the harm arising from inappropriateness and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances needed to justify the development.

Reasons

Openness, the purposes of Green Belt and inappropriate development

6. It is now acknowledged by the Council that the site is previously developed land. Paragraph 89 of the *National Planning Policy Framework* establishes that partial or complete redevelopment of such sites will not be inappropriate development in the Green Belt if it would not have a greater impact on the openness of the Green Belt and the purposes of including land within Green Belt than the existing development. Given the nature of the development plan policies relating to Green Belt², it is this proviso of the *Framework* which is of greatest relevance for the purposes of determining whether or not the appeal scheme would be inappropriate development in the Green Belt.
7. I have already noted that the site is rural in character. It comprises a collection of various buildings and structures which, though not especially attractive, are nonetheless typical of the kind of agricultural buildings and structures often found in rural and semi-rural locations. The poultry and other livestock enclosures which I saw to the north of the appeal site³ reinforce the rural character of this urban fringe site, notwithstanding its proximity to existing housing. It is also relevant to note that the principal existing buildings and structures, including some canopy-type structures, form a relatively compact group which is surrounded by more open areas around much of the site's perimeter.
8. The appellant's submissions at the application stage included figures to demonstrate that, compared with the footprint and volume of the existing built structures, the proposed redevelopment would result in reductions of some 38% and 31% in terms of footprint size and volume respectively. These figures are not disputed by the Council. Therefore, to the extent that openness in a Green Belt context is at its simplest an absence of built forms and structures, then the appeal scheme could be said to increase openness. However the paragraph 89 exception in the *Framework* relating to previously developed land requires the impact on openness to be assessed, which must also include other considerations.
9. In this case a relatively central building group would be replaced by a larger number of new buildings extending, in most cases, further out towards the site boundaries. Thus in visual terms, notwithstanding their combined individual floorspaces, the proposed buildings would spread outwards over a greater area of the site than the existing development. Moreover, although there would be a reduction in total building volume, six of the proposed houses would have

² That is, saved Policy Co1 of the Reigate and Banstead Borough Local Plan 2005 (LP) and Policy CS3 of the Reigate and Banstead Local Plan: Core Strategy (2014) (CS)

³ But on land within the appellant's control

ridge heights similar to the height of existing buildings and structures. This, combined with the proposed building widths, their solidity and the close-knit layout pattern, would result in the proposed development appearing as a more substantial mass of built forms, spread more extensively across the site, than the development currently on the site.

10. For these reasons and in this particular site context I find that the proposed redevelopment would have a greater impact on the Green Belt's openness than the existing development. I note that a lesser reduction in volume combined with no reduction in footprint was accepted as creating a substantial improvement to openness in another appeal decision, elsewhere in the country⁴. In that case however, unlike in the scheme before me, the Inspector noted that the proposal would not result in any additional encroachment into the countryside.
11. In spreading substantial domestic buildings over a greater area of the site the scheme would conflict with two of the Green Belt's five purposes. It would conflict with the purposes of checking the unrestricted sprawl of large built-up areas and of safeguarding the countryside from encroachment to a greater extent than the existing development on the site. It follows therefore that I conclude the appeal scheme would constitute inappropriate development in the Green Belt. The *Framework* advises that such development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Character and appearance

12. From my previous references to character and the nature of the existing development in its particular site context it will be apparent that I do not find the existing development unduly incongruous or harmful to the area's character. I appreciate the appeal scheme is designed in the form of a courtyard grouping which could potentially reflect the character of a group of agricultural or other rural buildings. However, given the specific layout forms, proportions and detailing and thus the density of the buildings as proposed, the overall impression would be of a suburban development rather than a rural building complex. As such the scheme would detract from the more spacious and rural character of its immediate surroundings on the urban fringe. In these respects also the scheme would have a harmful impact, thereby conflicting with various development plan policies⁵.

Other considerations and very special circumstances

13. I note and understand the wide range of concerns raised by local residents and a residents' association, including matters relating to highway safety. However I have found nothing in those representations sufficient to weigh against the appeal scheme to any material degree.
14. I appreciate the appellant engaged in pre-application discussion with the Council and made significant changes to the initial proposals, which were thought to address the Council's concerns. The scheme would add to the Borough's housing supply, in a location which is reasonably accessible to facilities and services, and I give this modest weight as a consideration in its favour. I have also taken account of the Council's decision to allow a

⁴ Appeal ref: APP/A0665/W/15/3140690, decision dated 1 April 2016

⁵ Most notably saved LP Policies Ho9 and Ho13

subsequent scheme for seven rather than eight dwellings, bearing in mind that not only would there be one less dwelling but also that there would be a less extensive spread of buildings over the site.

15. However the *Framework* establishes that substantial weight should be given to any harm to the Green Belt. I find neither the modest benefits of increased housing supply, the fallback position of the revised scheme nor any other considerations before me sufficient to outweigh the substantial harm the scheme would cause in terms of inappropriateness, character and appearance. It follows therefore that the very special circumstances needed to justify the proposed redevelopment do not exist and the scheme would conflict with the development plan and with the *Framework*, such that the appeal must fail.

Jane Miles

INSPECTOR