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## Appeal Decision

Site visit made on 27 March 2017

**by Tim Wood BA(Hons) BTP MRTPI**

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

**Decision date: 13 April 2017**

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**Appeal Ref: APP/L3625/W/17/3166426**

**Land rear of Cherrytrees and Willoughby, Croydon Lane, Banstead SM7 3BJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by JW Cannon 1948 Ltd against the decision of Reigate & Banstead Borough Council.
  - The application Ref 16/00909/OUT, dated 19 April 2016, was refused by notice dated 2 July 2016.
  - The development proposed is the erection of a detached dwelling.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appeal is in outline form with matters of access, layout and scale to be considered at this stage.
3. The Council has confirmed that it no longer opposes the proposal in relation to its lack of contribution to affordable housing.

### Main Issues

4. The main issues in this appeal are;
  - Whether the proposal would be inappropriate development in the Green Belt having regard to National policy and any relevant local policies
  - Would there be any other harm to the character and appearance of the area arising from the proposal
  - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

### Reasons

***Whether the proposal would be inappropriate development in the Green Belt having regard to National policy and any relevant local policies***

5. The appeal relates to an area of land that has formed part of the rear gardens of 'Cherrytrees' and 'Willoughby' and fronts onto South Drive. South Drive contains a number of bungalows with spacious front gardens and long rear gardens. Within South Drive, the impression is of an area of spaciousness and

mature planted gardens which gives way to visible open countryside beyond. The appeal site and the surrounding area are within the Green Belt.

6. Paragraph 89 of the National Planning Policy Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate, with some exceptions. The 6<sup>th</sup> exception refers to partial or complete redevelopment of previously developed sites which would not have a greater impact on the purpose of including land within the Green Belt than the existing development.
7. Although reference has been made to other buildings on the site (and it has been stated that these had been demolished around 5 or so years ago) the site is open save for 2 relatively modest buildings at the rear and side of the plot. I also observed the base of former buildings. The existing buildings would be replaced by a bungalow of broadly similar proportions to others on South Drive, although set forward within its plot. Compared to the existing buildings that I saw on site, the proposed bungalow would represent a considerable increase in the size of built development on the land. Taken with the more prominent siting of the proposal, I consider that this would significantly erode the openness of the site. As such, the proposal would not constitute an exception as set out within paragraph 89 of the Framework and so amounts to inappropriate development which by definition is harmful to the Green Belt. I attach considerable weight to this harm in determining this appeal.

#### ***Character and appearance of the area***

8. The proposed siting of the bungalow as referred to above would mean that it would be particularly prominent within the street scene of South Drive; in this respect, I consider that the proposal would be seen as part of the development on South Drive and not on Croydon Road and so I confine my comparisons accordingly. Notwithstanding the potential for landscaping within parts of the site frontage, I consider that its position forward of its nearest neighbour and others would mean that the proposal would appear out of place a harmfully prominent in this area where the existing properties appear secondary to the more generous and mature frontages.

#### ***Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.***

9. I acknowledge that the proposal would result in a tidying up of the site but I do not see this as a matter which clearly outweighs the harm that I have identified.
10. There is some discussion in the submitted papers in relation to whether the site forms a 'previously developed' site or not; whether it is within the built up area and consequently, whether it is a previously developed site (brownfield land). The site has been used for commercial purposes in the past, although the appellant states that this use has ceased and the land now reverted to garden use, notwithstanding that it is physically separated from the 2 adjacent properties, it accommodated a commercial vehicle at the time of my visit and appeared to have been otherwise unused for some time. However, rather than seeking to oppose the appellant's statements I have chosen to accept them and I have assessed the proposal under the terms of paragraph 89 of the Framework and in particular the 6<sup>th</sup> bullet point. Even so, I have found that the

proposal would unacceptably affect the openness of the Green Belt which renders the proposal as inappropriate development. Therefore, I do not find that consideration of the site as brownfield land clearly outweighs the harm.

11. I have also taken account of all other matters including the contribution of an additional home but find that taken individually and in combination none of the points raised by the appellant are capable of clearly outweighing the harm that I have identified. Accordingly, the 'very special circumstances' necessary to outweigh the harm arising from the proposal do not exist. Therefore, the proposal is contrary to Policies CS3 and CS4 of the Core Strategy, Policies Co1 and Ho9 of the Local Plan and the National Planning Policy Framework and the proposal would not amount to sustainable development.

### **Conclusions**

12. As a consequence of my findings, the appeal is dismissed.

*S T Wood*

INSPECTOR