
Appeal Decision

Site visit made on 1 November 2017

by M Seaton DipTP MRTPI

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

Decision date: 30 November 2017

Appeal Ref: APP/L3625/W/17/3179999

Brooklands, Mason Bridge Road, Redhill, Surrey, RH1 5JU

- 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 Peter Vaughan against the decision of Reigate & Banstead Borough Council.
 - The application Ref 16/02803/RET, dated 11 November 2016, was refused by notice dated 15 February 2017.
 - The development is for a commercial unit.
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Procedural Matter

1. The commercial unit the subject of this appeal was existing at the time of my visit, which is reflected in the terms of the application and appeal for its 'retention'. However, the act of retention is not defined as development in section 55 of the Town and Country Planning Act 1990, and I have therefore assessed the appeal solely on the basis of description of development above.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues are:
 - whether the development amounts to inappropriate development for the purposes of the National Planning Policy Framework ('the Framework') and development plan policy;
 - the effect on the openness of the Green Belt and the purposes of including land within it;
 - whether the development has adequately addressed matters related to flood risk; and,
 - if the development is deemed inappropriate, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

4. The appeal site is located to the east of Mason Bridge Road, in an area between Redhill and Salfords. The site is comprised of an existing commercial unit

building within a commercial yard, which accommodates a number of other commercial users and buildings. The surrounding land is largely agricultural in character, with a water course, Salfords Stream, located at the foot of a steep bank to the north of the commercial unit. The wider commercial yard is screened in part by existing trees and planting. The appeal site is identified as being located within the Metropolitan Green Belt

Whether inappropriate development

5. Paragraphs 87-89 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt and "very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Subject to a number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt.
6. In addition to the listed exceptions set out in paragraph 89 of the Framework, the Council has also directed me to Policy CS3 of the Reigate and Banstead Local Plan: Core Strategy 2014 (the Core Strategy), and saved Policy Co1 of the Reigate & Banstead Local Plan 2005 (the Local Plan). These policies are generally consistent with the requirements of the Framework, in not allowing inappropriate development within the Green Belt, except in certain specific circumstances.
7. The appellant's submissions have not been specifically aligned with any of the listed exceptions set out in the Framework. However, in accordance with the Council's assessment, I would agree that the most relevant criteria for assessment of the scheme would be in relation to the final bullet point. In this respect, I would accept that the appeal site is located on what would be constituted as previously developed land and in continuing use. Nevertheless, given the situation of the commercial unit away from other existing development on the site, I do not consider that it could reasonably be concluded that the development amounts to limited infilling. Furthermore, I am satisfied that the consequence of the commercial unit not being in position would be of an absence of built form in this location, with the existing unit clearly therefore having a greater impact on the openness of the Green Belt and the purpose of including land within it.
8. In respect of the impact on openness, the appellant has indicated that a number of trees screen the development from the open countryside, that the green colour of the building would be similar to that of the surrounding landscape, and that further landscaping could be undertaken. I am mindful that the openness of the Green Belt has a spatial aspect as well as a visual aspect and the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Whilst the existing commercial unit is a visible structure from elsewhere in the Green Belt, I accept that the existing screening and planting could be bolstered to improve the visual impact. However, neither this nor the colour of the building would address the spatial aspect of openness which is clearly adversely affected by the existence of the commercial unit. In this respect, I note that the appellant has conceded within the Grounds of Appeal that *there would be an impact on "openness"*, albeit that *it is not considered to be seriously adverse*.

Nevertheless, I am satisfied that the commercial unit has a moderate and permanent adverse effect on the openness of the Green Belt.

9. Therefore, I am satisfied that the development does not accord with any of the exceptions for new buildings in the Green Belt set out at paragraph 89 of the Framework, and I therefore attach substantial weight to the harm arising due to the inappropriate nature of the development. In this respect, the proposal would also be contrary to Policy CS3 of the Core Strategy, and saved Policy Co1 of the Local Plan, which the Council has cited as comprising its position related to development in Green Belts.

The effect on the Green Belt and the purposes of including land within it

10. Paragraph 79 of the Framework identifies that openness and permanence are the two essential characteristics of Green Belts, whilst paragraph 80 highlights that the Green Belt serves five purposes, including checking the unrestricted sprawl of large built-up areas; preventing neighbouring towns from merging into one another; safeguarding the countryside from encroachment; preserving the setting and special character of historic towns; and assisting in urban regeneration by encouraging the recycling of derelict and other urban land.
11. The Council has highlighted conflict with the purpose of safeguarding the countryside from encroachment, and whilst I acknowledge the previously developed status of the wider commercial yard, on the basis of my observations on the site and the location of the unit, I would agree with this conclusion. I am therefore satisfied that there is a permanent loss of openness to the land within the Green Belt, contrary to the essential characteristics of the Green Belt set out at paragraph 79 of the Framework.

Flood risk

12. The appeal site is identified as being located predominantly within Flood Zone 2, with the very edge of the site where it abuts Salfords Stream being located within Flood Zone 3. Nevertheless, the appellant has not submitted a Flood Risk Assessment (FRA) during the course of either the planning application or appeal to demonstrate that the development does not increase flood risk to the site or other properties. On this basis, the Environment Agency lodged a formal objection.
13. I have had regard to the appellant's submissions that the Environment Agency's flood map is desk-based research, and that the accuracy of the data is questionable. However, there is no contrary technical evidence to support the appellant's conclusions in this respect, with a reliance placed upon a visual assessment of the appeal site in relation to its position at the top of a high embankment next to Salfords Stream. Whilst I observed the various levels of the appeal site and surrounding land at the site visit, I do not find this to be a reasonable basis to set aside the requirement to formally assess the impact on flood risk of the development, or that this is a matter which could be adequately addressed through the imposition of planning conditions.
14. Therefore, the development has not demonstrated that it would adequately address matters arising in respect of flood risk. There would therefore be conflict with saved Policy Ut4 of the Local Plan and Policy CS10 of the Core Strategy, which seek to ensure that development adequately addresses matters related to flood risk.

Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations

15. I have identified that the scheme would amount to inappropriate development in the Green Belt, and the presumption against inappropriate development means that this harm alone attracts substantial weight. The development would also have an adverse effect on the openness of the Green Belt, and would therefore be contrary to the essential characteristics of the Green Belt as set out in the Framework. Further harm has been identified in respect of the absence of an FRA addressing the impact of the development on flood risk.
16. Notwithstanding the harm identified above, I have had careful regard to the contended benefit that the running of a small business from previously developed land has the potential to have a positive benefit as part of the rural economy. Whilst I would agree with this contention, I am nevertheless satisfied that this does not justify setting aside the criteria governing development within the Green Belt in this instance.
17. As a consequence, I am not persuaded that there would be sufficient benefit to clearly outweigh the harm to the Green Belt and other harm. Therefore, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.

Conclusion

18. For the reasons above, and having regard to all matters before me, the appeal must be dismissed.

M Seaton

INSPECTOR