



Appeal Decision

Site visit made on 27 June 2019

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2019

Appeal Ref: APP/L3625/W/19/3226364

Land opposite Smugglers Wood, Sandy Lane, Kingswood, Surrey, KT20 6NL.

- 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 Abdul Latif against the decision of Reigate and Banstead Borough Council.
 - The application Ref 19/00203/F, dated 29 January 2019, was refused by notice dated 14 March 2019.
 - The development proposed is described as "planning application for the erection of two new-build dwellings."
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Decision

1. The appeal is dismissed.

Preliminary matter

2. It is unclear what the fine red line shown to the north and east of the proposed dwellings on drawing No. 1001 relates to. It falls partially outside the application boundary line shown on the submitted 1:2500 location plan. Accordingly, as the submitted 1:2500 location plan is required to show the full application site edged in red and appears to do so, I confirm that this decision is based upon the site area shown on that plan.

Main Issues

3. Having regard to the stated reasons for refusal I consider that the main issues include:
 - a) Whether the proposal amounts to inappropriate development in the Green Belt for the purposes of the Development Plan for the area and the National Planning Policy Framework 2019 (Framework).
 - b) The effect of the proposal on the openness of the Green Belt.
 - c) The effect of the proposal on the character and appearance of the appeal site and surrounding area and the landscape character of the Area of Great Landscape Value (AGLV) in which the appeal site is located.
 - d) If the proposal amounts to inappropriate development, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, including any public benefits, so as to

amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriateness

4. The Framework states that inappropriate development should not be approved except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt and substantial weight should be given to any harm to the Green Belt. Also, that the essential characteristics of Green Belts are their openness and their permanence.
5. Together and amongst other things Policies Co1 of the Reigate and Banstead Borough Local Plan (LP) and Policy CS3 of the Reigate and Banstead Core Strategy 2014 (CS), state that inappropriate development will not be allowed in the Green Belt except in very special circumstances. Policy Co1 of the LP lists various types of development which may not be inappropriate in the Green Belt. The appeal proposal does not fall within any of the stated types of development.
6. Paragraphs 145 and 146 of the Framework similarly identify various types of development which may not be inappropriate in the Green Belt. This includes limited infilling in villages and the complete or partial redevelopment of a previously developed site provided the proposal would not have a greater impact on the openness of the Green Belt than the existing development.
7. Sandy Lane provides a logical and clear boundary between the built up area of Kingswood and the adjacent countryside, which is within the Green Belt and no evidence has been submitted to demonstrate that the appeal site is within the defined boundary for the settlement. Irrespective of this, the site is bordered on three sides by woodland and part of a small paddock and the closest dwellings are on the opposite side of Sandy Lane and set behind mature landscaped front gardens. As such, the proposal would not amount to infilling. Rather than infilling within a village, I consider that the proposal would amount to an expansion of the built up area of Kingswood.
8. The only built developments on/adjacent to the appeal site are two modest sized animal shelters, which due to their size, form, materials and siting have blended into the landscape. As such, the site falls outside the definition of previously developed land, given in Annex 2 of the Framework. Even if a contrary view was taken, due to their size, form and siting the proposed dwellings would have a far greater impact on the openness of the Green Belt than the existing structures on the land.
9. Accordingly, the proposal falls outside any forms of development that may not be inappropriate in the Green Belt, as set out in Policy Co1 of the LP and paragraphs 145 and 146 of the Framework.
10. I conclude on the first main issue that the proposal would amount to inappropriate development in the Green Belt and would conflict with policies Co1 of the LP and Policy CS3 of the CS. It would similarly conflict with paragraph 145 of the Framework.

Openness

11. The supporting text to Policy CS3 of the CS and paragraph 133 of the Framework state that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 134 of the Framework sets out the five purposes of the Green Belt. Amongst other things this includes to check the unrestricted sprawl of large built up areas; and to assist in safeguarding the countryside from encroachment.
12. The proposed development would extend the existing built up area and would encroach into the undeveloped area on the east side of Sandy Lane. At the same time, both the dwellings and the hard surfaces and parking areas would have an enclosing impact on the open area in which they would be sited. As a consequence, the proposal would materially detract from the openness and integrity of this part of the Green Belt.
13. I conclude on the second main issue that the proposal would materially detract from the openness of this part of the Green Belt and would conflict with the fundamental aim of Green Belt policy and the above mentioned Green Belt purposes. This would be contrary to Policy Co1 of the LP, Policy S3 of the CS and paragraphs 133 and 134 of the Framework.
14. As required by Green Belt policy, as set out in the Framework, substantial weight needs to be given to the harm to the Green Belt that would be caused by the proposal, both due to its inappropriateness and its impact on the openness of the Green Belt.

Character and appearance

15. The appeal site, comprises part of a wooded area and small grassland clearing located just outside the settlement. It provides an undeveloped rural setting to adjacent low density housing and contributes to the countryside setting of the adjacent golf course. The open area, where the proposed dwellings would be sited, currently forms a focal point along Sandy Lane and contributes to the spacious verdant and rural character and appearance of the street scene and the locality. Overall, the site makes a valuable contribution to the character and appearance of this area of countryside and the AGLV.
16. Collectively and amongst other things Policies Pc1 and Pc4 of the LP and Policies CS2 and CS4 of the CS seek to protect the AGLV from inappropriate development and to ensure that the siting, scale, impact and design of new development is in keeping with the surrounding landscape. As an important buffer to the Area of Outstanding Natural Beauty (AONB), the AGLV will be afforded the highest level of protection pending the review of the AONB boundary. Also, that tree cover within the Borough will be protected, conserved and enhanced.
17. It is noted that the proposal is for passive houses and that their design was developed from that of a traditional agricultural barn. Although I find the design interesting and, in some respects innovative, I do not find it truly outstanding or reflective of the highest standards of architecture. This is partly because it fails to respect both the built and undeveloped character and appearance of the immediate area and does not conform to the pattern of development in the area. The existing dwellings along this part of Sandy Lane

- are individually designed, front towards the lane, have varied building lines and are screened from Sandy Lane by mature landscaped front gardens.
18. Conversely the proposal comprises a pair of identical dwellings, with uniform building lines and their flank walls would face towards Sandy Lane. Their access drive/parking areas would similarly be uniform and would be sited immediately to the front of the dwellings, resulting in the large flank walls being prominent within the street scene. Due to their extensive areas of glazing the dwellings would also have the potential to result in light pollution, which would harm the rural character of the area.
 19. The proposed dwellings and associated hard surfacing and parking area would have an urbanising impact on the character and appearance of the appeal site and this part of the AGLV. Due to their size, height, elevated siting and design the proposed dwellings would be prominent in views from the street scene, where they would be seen as encroaching into the countryside. The situation would be exacerbated by the provision of gardens, residential paraphernalia such as garden sheds/refuse storage areas and associated domestic activity.
 20. Overall, whilst the design of the dwellings could blend in appropriately in some areas of countryside, the proposed development would fail to relate satisfactorily to the appeal site and its built and natural surroundings.
 21. Having regard to the siting of the proposed dwellings, I am satisfied that the development could take place without harming the existing mature trees within and around the Appeal site. However, some of these trees would be within or close to the proposed garden areas and the proposed dwellings, where they would have a visually enclosing impact, result in some overshadowing and could cause a nuisance due to falling leaves, acorns, etc. This could lead to pressure to remove or cut back some of the trees, which would be difficult to resist even if a Tree Preservation Order was placed on them. Having regard to the importance of these trees to the wooded character and appearance of the locality, their loss or cutting back would have a harmful effect on the landscape quality and appearance of the area. This adds to my concerns.
 22. The Appellant has referred to policy Ho15 of the LP, which relates to new development within Residential Areas of Special Character (RASC). As the appeal site lies just outside the RASC this policy is not directly relevant to the proposal.
 23. I conclude on the third main issue that the proposal would unacceptably harm the character and appearance of the appeal site and surrounding area and the landscape character of the AGLV. It would therefore conflict with Policies Pc1 and Pc4 of the LP and Policies CS2 and CS4 of the CS. It would also be contrary to paragraph 170 of the Framework which states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Other considerations

24. Policy CS3 of the CS states that exceptional circumstances may exist where there is an overriding need for the development in order to deliver strategic objectives and policies of the CS, and there is no or limited conflict with the purposes and integrity of the Green Belt. From the limited evidence submitted

it has not been demonstrated that there is an overriding need for the development and as concluded in paragraphs 12 and 13 above, the proposal would unacceptably conflict with the purposes and integrity of the Green Belt. Accordingly, I give no weight to this factor.

25. The Appellant has referred to paragraph 79 e) of the Framework which refers to the construction of isolated homes in the countryside. Having regard to the proximity of the site to the edge of the settlement of Kingswood I do not consider that the appeal site is isolated. Irrespective of this, for the reasons set out in paragraphs 17 and 18 above the proposal does not comply with the criteria set out in paragraph 79 e) of the Framework. As such, this is a matter to which I give no weight.
26. It is noted that no highway concerns have been raised and so the proposal does not conflict with Policy Ho9 v) of the LP. This is a neutral factor that does not weigh in favour or against the proposal.
27. It is noted that the proposed passive dwellings would promote high levels of sustainability. In addition, although the occupiers of the proposed dwellings would likely be largely reliant on travel by private car, the dwellings would be located within a short travelling distance of a range of services and facilities, including schools, shops, recreational facilities and Kingswood station. I give a modest amount of weight to each of these factors.
28. The provision of two houses would make a modest contribution to the supply of homes within the Borough, which is a benefit of the scheme, although it has not been demonstrated that they would meet any identified local need. The proposal would result in some employment during the construction stage and the occupiers of the proposed dwellings would contribute to the local economy. These are considerations which would weigh in favour of the scheme and I give a modest amount of weight to each of them.
29. The Appellant has referred to criterion c) and d) to paragraph 11 of the Framework which relate to decision-taking. Not only has it not been demonstrated that the development plan policies are out of date in relation to the proposal, the proposal would be in direct conflict with the Green Belt policies set out in the Framework. Accordingly, I give no weight to this factor.
30. I conclude on this main issue that the other considerations put forward in favour of the proposal both individually and collectively fail to clearly outweigh the general presumption against inappropriate development in the Green Belt; the substantial weight to be attached to the harm caused by the inappropriateness of the development; the harm to the openness of the Green Belt; the harm to the surrounding area and the AGLV and the conflict with Policies Co1, Pc1 and Pc4 of the LP, Policies CS2, CS3 and CS4 of the CS and paragraphs 133, 134, 145 and 170 of the Framework. Therefore, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

31. The conclusions on all of the main issues amount to compelling reasons for dismissing this Appeal, which could not be satisfactorily addressed through the imposition of conditions.

Elizabeth Lawrence

INSPECTOR