The Planning Inspectorate

Appeal Decision

Site visit made on 5 November 2019

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2019

Appeal Ref: APP/L3625/D/19/3234404
Cornerstones, Rocky Lane, Reigate RH2 0TA

- 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 & Mrs Robert Evans against the decision of Reigate & Banstead Borough Council.
- The application Ref 19/00622/HHOLD, dated 28 March 2019, was refused by notice dated 22 May 2019.
- The development proposed is demolition of existing garage barn and erection of garage and "home office".

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage barn and erection of garage and "home office" at Cornerstones, Rocky Lane, Reigate RH2 0TA in accordance with the terms of the application, Ref 19/00622/HHOLD, dated 28 March 2019, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plan RE/C/1.01 'As existing and proposed'.

Procedural Matter

2. The Council have confirmed that since the determination of the planning application there has been a change in the adopted development plan with the adoption of the Reigate & Banstead Local Plan Development Management Plan (DMP) in September 2019. The DMP has superseded Reigate & Banstead Borough Local Plan 2005 policies including Co1 and Co3 which are now no longer relevant despite being referred to in the decision notice. The Reigate & Banstead Core Strategy 2014 (CS) referred to in the decision notice does however remain extant. The DMP policies now carry full weight. In light of this, the main parties have had opportunity to comment on the policy changes and whether they have any bearing on the appeal. My findings take account of their comments and I have considered the appeal against the current development plan policies.

Main Issues

3. The site falls within the Metropolitan Green Belt. Accordingly, the main issues are:

- Whether the proposal is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;

- The effect of the development on the character and appearance of the area.

Reasons

4. The appeal site is an existing outbuilding to the north-east of the residential property of Cornerstones and east of other properties within Gatton. There are other timber structures scattered within surrounding land as well as polytunnels to the north. There are a number of trees surrounding the appeal building with open land to the east and south, and a treed band to the north, contributing to a generally verdant character. The area is defined as an Area of Great Landscape Value (AGLV) and Area of Outstanding Natural Beauty (AONB). A Public Right of Way (PROW) runs along the northern boundary of the site, providing close range unobstructed views of the appeal site.

Whether Inappropriate Development in the Green Belt

5. The Framework states in paragraph 145 that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions. Exception d) is for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Policy NHE5 of the adopted DMP and policy CS3 of the adopted CS conform to the thrust of national Green Belt policies in these respects.

6. The appeal proposal would result in a decrease in the floor area of the proposed building compared to the existing structure and both parties agree that it would not result in an increase in volume. I have no information that would lead me to a contrary view on these matters. Whilst I acknowledge that there would be an increase in height and an infilling of front and rear elevations, this to my mind is mitigated by the proposed decrease in floor area and lack of increase in volume such that, overall, the proposed development would not result in a materially larger building.

7. For this reason, therefore, I conclude the appeal proposal would not be inappropriate development in the Green Belt and, in this regard, it would not conflict with CS policy CS3, policy NHE5 of the DMP and with the Framework.

Character and appearance

8. The appeal site is not clearly visible within the wider landscape or from the public highway, particularly owing to the levels of vegetative cover including that within and adjacent to the site. However, clear close-range views are afforded from the PROW which runs along the northern boundary of the site. Whilst the proposal would result in a modest increase in height and more solid structure owing to the lack of open elevations, the development would not result in an overly dominant or visually imposing addition in this location, including when viewed from the PROW. As such I consider that the proposal would preserve the wider landscape interest of the AONB and AGLV.

9. I conclude therefore that the proposal would accord with policy NHE1 of the DMP, that seeks amongst other things that proposals must conserve and enhance the landscape and scenic beauty of the AONB; DES1 of the DMP that seeks amongst other things that development should make a positive

contribution to character and appearance and its surroundings; and the Framework, including paragraph 172 which says that great weight should be given to conserving and enhancing the landscape and scenic beauty of an AONB.

Other Matters

10. The Council refer to policy NHE6 as being of relevance. Noting that this relates to the reuse and adaptation of buildings, I am not persuaded that it is directly relevant to the proposal and as such attribute this little weight in my determination of the appeal.

Conditions

11. Planning permission is granted subject to the standard three-year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.

12. Within the officer report reference is made to potential impact upon trees and that further details would have been required including a tree protection plan and method statement if planning permission was to have been granted. However, no wording for such a condition has formally been suggested. Owing to the proposed position of the building on the footprint of the existing structure and the lack of formal protection of the trees, I am satisfied that such a condition is not necessary.

13. The officer report also notes comments received with regard to asbestos. I concur with the officer's findings that a condition is not necessary in this instance and this is adequately covered under separate legislation. As such no condition is attached in this regard.

Conclusion

14. I conclude that the proposed development would not be inappropriate development in the Green Belt and would not harm the character and appearance of the countryside, AONB or AGLV.

15. In light of the above, and having considered all other matters, I conclude that the appeal should be allowed.

Robert Lankshear

INSPECTOR