



Appeal Decision

Site Visit made on 20 October 2020

by Martin Small BA(Hons) BPI DipCM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th December 2020

Appeal Ref: APP/M3645/W/20/3254198

Redehall Preparatory School, Redehall Road, Smallfield, RH6 9QA

- 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 Aurora Redehall School against the decision of Tandridge District Council.
 - The application Ref TA/2019/2056, dated 21 November 2019, was refused by notice dated 24 January 2020.
 - The development proposed is demolition of existing teaching building and replacement by new classroom and services building. Additional parking.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing teaching building and replacement by new classroom and services building and additional parking at Redehall Preparatory School, Redehall Road, Smallfield, RH6 9QA in accordance with the terms of the application, Ref TA/2019/2056, dated 21 November 2019, subject to the conditions set out in the attached schedule:

Procedural Matter

2. Aurora Redehall School provides specialist education for children and young people with communication difficulties. Mindful of the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, I sought further information from the appellant on this matter and provided the Council with an opportunity to comment on it. I have taken the information into account in reaching my decision.

Main Issues

3. The main issues are:
 - i) whether the proposal would be inappropriate development within the Green Belt;
 - ii) the effect of the proposal on the character and appearance of the site and area;
 - iii) the effect of the proposal on the safe and convenient use of the highway; and
 - iv) would the harm, by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

4. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies (2014) (the Local Plan) states that inappropriate development is, by definition, harmful to the Green Belt and will normally be refused. Proposals involving inappropriate development will only be permitted where very special circumstances exist. This approach reflects paragraph 143 of the National Planning Policy Framework (the Framework).
5. Policy DP13 of the Local Plan sets out the Council's approach to the assessment of buildings in the Green Belt. This approach is consistent with paragraph 145 of the Framework which states that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a list of specific exceptions.
6. The proposal is to replace rather than extend the existing building and would represent the partial redevelopment of previously developed land. As such, the relevant considerations for the proposal are those set out in Sections F and G of Policy DP13 and clauses d) and g) of paragraph 145 of the Framework.

i) Replacement buildings

7. Section F of Policy DP13 sets out that the replacement of buildings within the Green Belt (outside the Defined Villages) is one of the exceptions to the general presumption against new buildings in the Green Belt. This is consistent with the exception listed in paragraph 145 d) of the Framework which sets out that the replacement of a building is acceptable, provided the new building is in the same use and not materially larger than the one it replaces. These requirements are reflected in criteria 1 and 2 of Policy DP13.
8. The proposed building would be the same general use as the existing building. As regards size, neither the Framework nor Policy DP13 set out a threshold for 'materially larger'; this is a matter of planning judgement. From the evidence before me, the existing teaching building has an internal floorspace of approximately 148 m² and the toilet block 13 m². The appellant gives the floorspace of the proposed building as approximately 222 m² or 226 m² and estimates the increase in floorspace over the existing buildings to be approximately 25%. The Council does not dispute this.
9. The Council estimates the volume of the existing buildings to be approximately 531 m³ and that of the proposed building, including ramps and access paths covered by an overhanging roof, to be approximately 1,150 m³. This would represent an increase in volume over the existing building of 116%. Excluding the volume under the overhang, the volume of the proposed building would be approximately 765 m³. Even so, the appellant estimates that this would represent an increase in volume of approximately 50% over the existing.
10. In my view, therefore, the proposed building would be materially larger than the existing buildings to be replaced both in terms of its floorspace and volume. It therefore fails to meet the exception relating to a replacement building.

ii) Previously developed land

11. Section G of Policy DP13 sets out that the partial or complete redevelopment of previously developed sites is another of the exceptions to the general presumption against new buildings in the Green Belt. This is consistent with the exception listed in paragraph 145 g) of the Framework that sets out that the partial or complete redevelopment of previously developed land is acceptable provided that it would not have a greater impact on the openness of the Green Belt than the existing development.
12. Openness has both spatial and visual aspects. The existing teaching building and toilet block limit the contribution of the site to the openness of the Green Belt. The proposal would not extend built development beyond the confines of the existing school buildings or grounds. Nevertheless, the proposed building would result in the loss of the currently open area between these existing buildings and so partially consolidate the built development on the site. I have found above that the proposed building would be materially larger than the buildings it would replace. It would therefore, spatially, result in the loss of openness.
13. The site is visible from Redehall Road. This view is partially restricted when cars are parked in the school car park and views beyond the site are restricted by a solid fence with a higher hedge behind forming the eastern boundary of the site. However, although the proposed building would have a maximum height of only 3.9 m, it would be 34 m long and would result, visually, in a limited loss of openness. It therefore fails to meet the exception relating to the redevelopment of previously developed land.

iii) Findings

14. For these reasons, I find that the proposal would not satisfy either of the exceptions that are relevant to this case. I therefore conclude that the proposal would be inappropriate development in the Green Belt. It would conflict with Policies DP10 and DP13 of the Local Plan and national policy to protect the Green Belt unless very special circumstances exist, a matter to which I return below.

Character and appearance

15. The existing buildings to be replaced are plain, single-storey and set back from Redehall Road. Neither they nor the gap between them contribute significantly to the street scene or to the character or appearance of the area. Their loss would therefore not be harmful in these respects. The proposed building would also be single-storey and set back from the road and would be seen in the context of other buildings, car parking and fencing. The design of the proposed building is acceptable and the timber cladding to the walls would be appropriate in this semi-rural area. Although visible from Redehall Road, the proposed building would not be prominent in the street scene or in views to or from the wider countryside.
16. The proposal would result in a limited consolidation of built development on the school premises. However, even with the proposed additional four parking spaces, with the car park retained to the front of the proposed building, sufficient space would remain on the school premises for the proposal not to result in a significantly cramped or constrained appearance.

17. I therefore conclude that the proposal would not be significantly harmful to the character or appearance of the site or area. Accordingly, the proposal would comply with Policy CSP 18 of the Tandridge District Core Strategy (2008) (the Core Strategy) and Policy DP7 of the Local Plan which require, amongst other things, development to reflect and respect character and local context and not to result in overdevelopment. Nevertheless, this lack of harm is not a factor in the proposal's favour and I therefore give it neutral weight in my decision.

Highways

18. The School's operations affect the use of the local highway network in two ways. Firstly, as the School serves children with special needs, many travel some distance to attend it and opportunities to use public transport are limited due to the service available and the special needs of the pupils. Accordingly, all but 2 existing pupils arrive and are collected by car or taxi. Although the School advises that very precise instructions are given to all taxi drivers and parents for drop off and pick up times, these times are not staggered. The representations of Burstow Parish Council and local residents indicate that the operation of the School currently causes congestion at drop off and pick up times. Secondly, parking for staff on site is restricted and overspill parking on nearby streets causes inconvenience for local residents.
19. The proposal, combined with the relocation of the older students to another site, would allow an additional 10 pupils to attend the School. This would be likely to lead to an increase in congestion at drop off and pick up times. The proposal would also result in 2 additional permanent staff on the site. Notwithstanding the proposed additional 4 parking spaces, it is not clear to me that there would be adequate parking on-site for all staff, including any part-time staff, visitors and those dropping off or picking up pupils. I therefore consider it likely that overspill parking will remain a problem.
20. Paragraph 5.9 of the Tandridge Parking Standards Supplementary Planning Document (SPD) sets out that where schools are proposing to expand, they will be expected to develop, update and monitor School Travel Plans. No Travel Plan currently exists for the School, without which the proposal would conflict with Policy CSP 12 of the Core Strategy and Policies DP5 and DP7 of the Local Plan. In combination, these policies require proposals to not cause congestion or harm to highway safety and to have regard to the Parking Standards SPD.
21. The highway authority objected to the proposal due to insufficient information being provided in respect of the additional staff and pupil numbers and trip generation that would result from the proposal to enable it to make a full assessment of the effects on the public highway. Since the determination of the application, this information has been provided, and the highway authority has confirmed that it would be prepared to reconsider its objection should the proposal be resubmitted.
22. It is clear that the School has some ideas which would address parking issues, including an arrangement with local residents for the use of their driveways for parking during the school day. These need to be developed and secured if they are to be effective. A School Travel Plan could also address the arrangements for the drop off and pick up of pupils and for part-time staff and visitor parking and set explicit outcomes / targets, such as for the proportion of staff travelling to the School by car. It should also include appropriate monitoring measures. I am satisfied that such arrangements and measures, which should be

developed in consultation with local residents and approved by the highway authority, could be formalised within a School Travel Plan and would mitigate the harm I have identified.

23. I therefore conclude that, subject to a condition requiring agreement to a Travel Plan, potentially harmful effects of the proposal on the safe and convenient use of the highway could be adequately mitigated. With an agreed Travel Plan, the proposal would conform with Policy CSP 12 of the Core Strategy and Policies DP5 and DP7 of the Local Plan. Furthermore, the proposal would accord with the objectives of the Framework and the Surrey Local Transport Plan relating to highway safety.

Other considerations

24. The PSED requires me to have due regard to the need to, amongst other things, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. Disability, including mental impairment, which in turn encompasses developmental conditions such as autism, is a 'relevant protected characteristic'.
25. The School is meeting the needs of children with special education needs (SEN). Evidence provided by the appellant is that the capacity for SEN in East Surrey is extremely limited with the mainstream school SEN provision in East Surrey and the neighbouring Local Education Authority of West Sussex at full capacity. As a consequence, young people with SEN are spending periods of time out of school. There are very limited options for providing suitable education for these children in East Surrey and there is a demand for places at the School. An additional 10 pupils with SEN would be able to attend the School as a result of the development and the relocation of the older students to another site. This is a significant benefit of the scheme.
26. Furthermore, the proposal would make effective use of the land at the School and provide improved accommodation, including classroom space, staff rooms, a first aid room and improved toilet facilities, including a disabled toilet. These improved facilities for staff and pupils would also be a significant benefit for all users of the school.
27. Overall, I give very considerable weight to the opportunities that the proposal gives both to provide suitable education for more children with SEN and to improve the facilities for existing staff and pupils at the School.

Green Belt Balance

28. I have found that the proposal would be harmful to the Green Belt by reason of inappropriateness and loss of openness. The Framework requires me to give this harm substantial weight. However, I have found that it would not be harmful to the character and appearance of the area and I am satisfied that, subject to a condition to secure an effective Travel Plan, there would be no undue harm to highway safety or inconvenience for other road users.
29. In this case I find that the significant benefits that would arise from the improvements to the educational facilities for children with special needs clearly outweighs the limited harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development exist, and the appeal should succeed.

Conditions

30. In addition to the standard time limit for commencement, the Council has suggested conditions were planning permission to be granted. I have considered these in light of the tests set out in paragraph 55 of the Framework and the Planning Practice Guidance and the comments of the appellant on the suggested conditions. I have made minor alterations accordingly.
31. It is necessary to specify the approved plans in the interests of certainty. In doing so I have not listed the photographs of existing similar buildings submitted with the application as these are not necessary to ensure certainty. A landscaping scheme and details of any external lighting are necessary in the interests of the character and appearance of the area. The landscaping scheme needs to be a pre-commencement condition to ensure the protection of any trees and hedgerows to be retained during the course of the development. I consulted the appellant on this condition and their agreement has been confirmed¹.
32. I have sufficient information to be confident that a means of overcoming the highway authority's objection would be to impose a condition requiring a Travel Plan. I have therefore done so, having consulted both main parties on this condition and taken their comments into account. Given the importance of such a Plan to make the scheme acceptable in highway terms, it should be in place before any works begin on site. The appellant has confirmed their agreement to this¹.
33. Details of the proposed materials were submitted with the application and the appellant consequently queries the need for a condition regarding materials. However, I consider such a condition necessary to afford the local planning authority control over the materials to be used in the interests of the character and appearance of the area.

Conclusion

34. The proposal complies with the development plan as very special circumstances have been demonstrated in this case. For this reason, the appeal is allowed and planning permission is granted subject to conditions.

Martin Small

INSPECTOR

¹ Email dated 4 December 2020

Schedule of 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 plans: 200 (including the red-edged site location plan), 201, 202A, 203, 204, 205, 206, 207, 208, 216, 217, 2003/01 and J740/001.
- 3) No development shall take place until there shall have been submitted to and approved in writing by the local planning authority details of hard and soft landscape works. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants (including those to be retained as part of the development) which within a period of 5 years from the completion of the development die, are removed or, in the opinion of the local planning authority, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. The hard landscape works shall be carried out in accordance with the approved details prior to the occupation of the building.

- 4) No development shall take place until a Travel Plan has been submitted to and agreed in writing by the local planning authority. The Travel Plan shall be implemented prior to the first occupation of the development hereby permitted and monitored thereafter in accordance with the approved details.
- 5) Notwithstanding condition 2), no development above slab level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

End of Schedule