The Planning Inspectorate

Appeal Decision

Site visit made on 10 November 2020

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 09/12/2020

Appeal Ref: APP/L3625/W/20/3248128
Littleton, Flanchford Road, Reigate Heath, Reigate RH2 8QZ

- 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 C Driscoll against the decision of Reigate & Banstead Borough Council.
- The application Ref: 19/02143/F dated 24 October 2019, was refused by notice dated 9 January 2020.
- The development proposed is demolition of existing dwelling and various outbuildings; erection of replacement dwelling and relocation of garage.

Decision

1. The appeal is allowed and planning permission granted for demolition of existing dwelling and various outbuildings; erection of replacement dwelling and relocation of garage at Littleton, Flanchford Road, Reigate Heath, Reigate RH2 8QZ in accordance with the terms of the application, Ref: 19/02143/F dated 24 October 2019, subject to the conditions set out in the schedule at the end of this decision.

Main Issue

2. The main issues in this appeal are:

   a) Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies, and

   b) The effect of the proposed development on the openness of the Green Belt and on the character and appearance of the local area, including with regard to its location within the Surrey Hills Area of Great Landscape Value.

Reasons

Issue a) Whether Inappropriate Development

3. The appeal property is a detached property sitting towards the south west corner of an extensive plot, comprising the main house, as extended and separate garage and surrounding amenity area, including a number of stables and outbuildings. The appeal site forms part of a larger plot which also extends to include land used for equestrian purposes, within which there is a sand school. The site is accessed via a private drive off the eastern side of Flanchford Road.

4. The site lies in the countryside within the Green Belt and within an Area of Great Landscape Value (AGLV). There is a dispersed pattern of dwellings and buildings of varying scales on both sides of Flanchford Road, including Littleton Grange which lies to the immediate west of the appeal property, comprising three floors with a total of 12 flats.

5. The National Planning Policy Framework (Framework) sets out the government's planning policies to secure sustainable development. Paragraph 133 sets out the great importance that the Government attaches to Green Belts and that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 confirms that *inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances*. Paragraph 145 sets out that the construction of new buildings is inappropriate except for a limited number of exceptions including the replacement of a building providing the new building is in the same use and not materially larger than the one it replaces. The Framework does not define further the term 'materially larger'.

6. In respect of the Green Belt, the Council has also referred to Policy CS3 of the Reigate and Banstead Local Plan: Core Strategy (Core Strategy) and Policy NHE5 of the Reigate and Banstead Development Management Plan (DM Plan). Policy CS3 of the Core Strategy and in particular criterion 2 largely repeats government guidance that planning permission will not be granted for inappropriate development in the Green Belt unless very special circumstances clearly outweigh the potential harm to the Green Belt. Policy NHE5 (2) of the DM Plan sets out criteria for considering replacement buildings in the Green Belt. Some of these criteria relate closely to the exception set out under the Framework, whilst other of the criteria I consider more fully under my second issue.

7. There is no dispute between the Council and the Appellants that the existing building is lawful and permanent. It also appears to be agreed that the proposed dwelling would have a floor area of 416sqm and a volume of 1238.9cum and that the existing house has a floor area of 261.05sqm and a volume of 709.29cum.

8. A number of outbuildings and stables are proposed to be demolished which have a floor area of 157.8 sqm and volume of 414.89cum. I do not consider that 'building' should be read as necessarily excluding more than one building, providing that they can sensibly be considered together in comparison with what is proposed to replace them and, following the clear guidance in Paragraph 145 of the Framework, and repeated under Policy NHE5, criterion 2 of the DM plan, are in the same use. In this context, and on the basis of the information before me, I am advised that the outbuildings and stables to be demolished are ancillary in use to the main dwelling. The Council has not disputed this and on that basis that all the outbuildings and stables to be demolished form part of the residential curtilage and ancillary to the residential use of the property, I consider that they form part of this assessment.

9. There is also disagreement as to whether the floorspace that would be created by permitted extensions to the existing house, as confirmed under the Council's ref:16/00978/CLP, but which have not been constructed, should be included in the calculations. These would have a floor area of some 75.4 sqm and a volume of 223.65cum. However, I agree with the Council that in terms of

addressing the criteria in Paragraph 145 of the Framework, the consideration relates to the building as existing. I do not therefore consider that the floorspace arising from these permitted but unbuilt extensions can be included in this assessment.

10. On the basis of an assessment of both the footprint and the volume to be demolished in comparison with the proposed replacement dwelling, I find that the overall footprint would be largely the same, but the volume increased. However, the increase in volume for the proposed replacement dwelling would be relatively small compared with the existing. There would also be an increase in the overall height of the replacement dwelling, compared with the existing dwelling, but I do not consider that this would be significant, even taking into account the extensive flat roofed, single storey form of the existing dwelling. I am therefore satisfied that the proposed replacement dwelling would not be materially larger than the one being replaced.

11. Taking all of these factors together, it is my conclusion that the proposed development would not be inappropriate development for the purposes of the Framework and development plan policy. There is therefore no need for the development to be justified by special circumstances.

Issue b) Openness and Character and Appearance

12. There would be some increase and consolidation in the volume of built development as a result of the proposed replacement dwelling. However, the proposed design, with a hipped roof and the breaking up of the roof form with gables and dormers set at different levels would assist in reducing the overall massing. The re-siting of the dwelling further away from Littleton Grange would create more openness between the built forms. Furthermore, the removal of a number of the outbuildings would in my view result in an overall benefit in terms of the siting and reduction in the spread of built development across the site. I am satisfied that there would be no material impact on the openness of the Green Belt. There would be no conflict with the Framework and Policy NHE5 of the DM Plan in this regard.

13. The proposed replacement dwelling would sit on a large plot of land and would respect the character and appearance of the local area, including individual dwellings of varying scales on large plots of land, generally well spaced apart. In this regard, I consider that the re-siting of the replacement dwelling further away from Littleton Grange would be a benefit to the character and appearance of the local area.

14. I have taken into account the Landscape and Visual Assessment provided by the Appellants at the appeal stage. Although the scale and massing of the replacement dwelling would be increased in comparison with the existing dwelling, given the location of the dwelling within the site and the very limited view points where part of the existing can and part of the replacement would be viewed, I consider that the impact on the AGLV would be minimal. I therefore conclude that it would protect the valued landscape and scenic beauty of the AGLV. There would be no conflict with Policy NHE1 of the DM Plan and the Framework and in particular Section 15, both of which seek to protect valued landscapes.

15. I have taken into account that the site has been recommended for inclusion as part of the Surrey Hills Area of Outstanding Natural Beauty (AONB) Review.

However, I have no further information provided regarding the current status of this review but note that the Council's Landscape Officer concluded that the proposal would not impact on the setting of the AONB because of the distance and physical features between the two. I have no reason to reach a different conclusion.

Conditions and Conclusion

16. The Council has proposed a number of conditions if planning permission were to be granted, including a number of pre-commencement conditions. The Appellants have raised no objections to these conditions, under their final comments on the appeal.

17. I agree that conditions relating to existing and finished levels, materials, boundary treatments and landscaping are required to safeguard the visual amenities of the locality. However, as this is an existing residential dwelling within an established residential curtilage, I consider that the landscaping condition can be simplified, and considered alongside any changes to the boundary treatments. I also agree that a condition to list the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.

18. Although I have not been provided with copies of all the policies, I agree that conditions relating to ensuring appropriate drainage as well as energy and water efficiency should be imposed to secure a sustainable development, although a number of these can in my view be simplified. In particular given that this scheme relates to the replacement of an existing dwelling with a new dwelling, I consider that the conditions relating to surface water drainage can be modified; the draft condition proposed by the Council appears more appropriate to a larger development. Whilst I fully understand and support the objectives, I do not consider it appropriate or necessary, on the basis of the limited information before me, to impose conditions relating to broadband and electric charging points.

19. I agree that the conditions relating to levels and surface water drainage require to be pre-commencement, in order to serve their purpose and the Appellants have indicated that they have no objection to these pre-commencement conditions.

20. The Council has not requested a condition to ensure the removal of the existing buildings proposed to be demolished. Although this forms part of the description of development, I consider that this condition requires to be imposed and for all the buildings proposed to be removed, to be cleared prior to the first occupation of the replacement dwelling, to accord with the scheme as proposed and to respect the Green Belt location.

21. The existing garage is proposed to be re-located but the details have not been specified and I consider that these should be controlled to ensure that the proposed relocation is acceptable in Green Belt terms.

22. The imposition of these additional conditions, without recourse to the Appellants would not, in my view, prejudice the Appellants as they accord with the scheme as proposed and submitted.

23. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR

Schedule of Conditions (1- 9 inclusive):

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: L/FR/19-PR; L/FR/19-TS; L/FR/19-01; L/FR/19-02; L/FR/19-03; L/FR/19-05 (November 2019).

3) No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the replacement dwelling hereby permitted, including fenestration and roof, have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

4) Prior to its relocation, further details of the proposed garage, including siting, plans, elevations and materials shall be submitted to and approved in writing by the Local Planning Authority. The garage shall be built in accordance with the approved details and thereafter retained for its intended use.

5) The development hereby permitted shall not be first occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected, together with details of hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment and hard landscaping shall be completed in accordance with the approved details, before the first occupation of the development hereby permitted. All soft landscaping work shall be completed in full accordance with the approved scheme, prior to first occupation of the development hereby permitted, or within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing with the Local Planning Authority.

6) No development shall take place until details of both existing and proposed ground levels and the proposed finished ground floor levels of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

7) The existing house, stables and outbuildings as shown to be demolished on Plans L/FR/19-03 and L/FR/19-02 shall be demolished and cleared from the site before the first occupation of the development hereby permitted.

8) The development hereby permitted shall not be first occupied unless and until an Energy and Water Efficiency Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall detail how the development will:

    a) Ensure that the potential water consumption by occupants of the dwelling hereby permitted does not exceed 110 litres per person per day;
    b) Achieve not less than a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) as defined in Part L1A of the 2013 Building Regulations

    The development shall be carried out in accordance with the approved details and shall be implemented, installed and operational prior to the first occupation of the development hereby permitted.

9) The development hereby permitted shall not commence until details of the design of a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved prior to the first occupation of the development hereby permitted.