



Appeal Decision

Site visit made on 17 November 2020

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 December 2020

Appeal Ref: APP/C3620/W/20/3250154

Land on the South Side of Reigate Road, Shagbrook, Reigate Road

Reigate, Surrey RH2 9RE

- 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 Mark Papworth against the decision of Mole Valley District Council.
 - The application Ref MO/2019/1709/PLA, dated 21 September 2019, was refused by notice dated 16 January 2020.
 - The development proposed is the formation of access to land from A25.
-

Decision

1. The appeal is allowed, and planning permission is granted for the formation of access to land from A25 at land on the South Side of Reigate Road, Shagbrook, Reigate Road Reigate in accordance with the terms of the application, Ref MO/2019/1709, dated 4 October 2019 and the plans submitted with it, 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 plans: Site Location Plan and Block Plan.
 - 3) Notwithstanding condition 2 no development shall take place until details of the turning space including the materials and any associated works have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and thereafter retained for turning purposes.

Main Issues

2. The main issues are: -
 - Whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework);
 - The effect of the proposal on the openness of the Green Belt;
 - The effect on the character and appearance of the existing property; and

- If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances which would be necessary to justify it.

Preliminary Matters

3. The description of development is taken from the appeal form and decision notice, rather than the planning application form which provided an explanation for the development.
4. The application is for the formation of an access crossover. The area within the redline as shown on the location plan is restricted to a roughly rectangular area approximately 10m x 7m covering the pavement and verge. It is noted that a further plan was submitted during the planning application process providing an indication of turning and parking areas. Nevertheless, the status of this plan is unclear and is referred to by the appellant in their appeal statement as 'illustrating a schematic layout'. I have therefore determined the appeal on the basis of the plans submitted with the original application and the description of development.

Reasons

Inappropriate Development

5. The Government attaches great importance to Green Belts and indicates that any inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances.
6. The Framework explains at paragraph 146 that certain 'other forms' of development are not inappropriate development in the Green Belt, provided that they preserve its openness and do not conflict with the purposes of including land within it. This includes *b) engineering operations*. Both parties identify the proposal as an engineering operation, and I see no reason to disagree. The works therefore have the potential to not be 'inappropriate' development in the Green Belt.
7. The Green Belt purposes, as set out in the Framework at paragraph 134, include safeguarding the countryside from encroachment. The proposal is limited to the formation of an access crossover, and in my view would not materially encroach into the countryside. As such, I agree with the appellant that the proposal would not directly conflict with the identified purposes of the Green Belt.

Openness

8. An essential characteristic of Green Belts is their openness. The development would open the wider site to the road and creating a formal access point. Whilst this would result in visual changes, which are considered further below, the ground level works would not directly reduce openness. The proposal would facilitate associated traffic movements, however, the wider site is primarily treed, and the access is to facilitate management of the land. In addition, given existing traffic movements along the A25 I am of the view that any harm related to traffic movements associated with this development would be limited, and that the openness of the Green Belt would be preserved.

9. I therefore find that the proposal would not amount to inappropriate development in the Green Belt.

Character and Appearance

10. Policy CS14 of Mole Valley Local Development Framework Core Strategy DPD (Core Strategy) indicates that all development must respect and enhance the character of the area whilst making best possible use of land. Policy ENV22 of Mole Valley Local Plan (Local Plan) is a general development control policy which again seeks that proposals respect the character and appearance of the locality, and ENV23 seeks respect for setting. Specifically, in relation to Green Belt policy ENV23 indicates that proposals should respect the rural amenities of the Green Belt by reason of siting, materials or design.
11. The access would serve an irregular shaped parcel of land which extends to Reigate Road, A25. Currently, there is no access to the site from this boundary. The proposed entrance point is overgrown; albeit the boundary is mainly formed of a fallen tree and stacked timbers as seen on my site visit. The access would adjoin the A25, a busy road, at the edge of a bus layby. Immediately adjacent to the site is a residential property with an access drive on to Reigate Road also crossing the layby. There are also accesses on the A25 opposite serving residential and commercial premises.
12. To the west both sides of the road provide an active frontage to Reigate Road with numerous buildings and access points. In contrast, the east of the site is mainly bound by trees and has a rural character beyond the Chesterfield Park Industrial Estate. I find that the proposal, which is limited to the width of an access drive, would relate to its immediate context and would not be detrimental to the rural character to the east which will be maintained as a rural backdrop. Some existing vegetation along the edge of the site would be removed, but from what I saw on site this does not require the removal of any significant trees, and the Council's tree officer has raised no tree protection issues.
13. The formation of the access will require the provision of an area for the turning of vehicles within the wider site. I note the Council's concerns regarding the scale and form of this area, and I accept that a significant area of hardstanding has the potential to be harmful to the character of the area. Notwithstanding this, the submitted details are only illustrative and the appellant indicates that they can be refined. From this illustrative plan and what I saw on site there is sufficient space within the site to allow for a vehicle to enter and leave in a forward gear which would be necessary for highway safety. I am therefore satisfied that the exact details of the turning area could be, as proposed by the Appellant, controlled by a condition to ensure that the design is appropriate for the setting. I am therefore of the view that the proposal, together with details such as materials being pursuant to a condition, that the development would not be detrimental to the character of the area and would comply with policies ENV22 and ENV23 of the Local Plan and Core Strategy policy CS14.

Other Matters

14. Having concluded that the proposal does not amount to inappropriate development it is not necessary to consider very special circumstances.

15. The highway authority which has assessed the application on safety, capacity and policy grounds has raised no objection subject to conditions. The Council's assertion that vehicle movements and an intensification of use would have a detrimental impact has not been substantiated with evidence. In coming to my decision, I am conscious of reference to structures on site and the use of the site being investigated, concerns regarding potential future uses, tree removal and ownership, however these are matters outside the scope of this appeal. Similarly, I am aware of the existing access arrangements however, in light of my conclusion on the main matters, this is not a reason to withhold planning permission for the formation of the access.

Conclusion

16. Overall, I find that the proposal would preserve the Green Belt and would accord with Local Plan policies which seek to protect the character of the area.
17. Conditions are required in relation to the standard implementation timescale and to define the plans with which the scheme should accord. A condition requiring details of the provisions to be made for vehicle turning including the proposed materials are necessary as referred to above. Given that the turning is a safety issue, and the location of the site in the Green Belt these details are required prior to the commencement of development.
18. For the reasons given above I conclude that the appeal should be allowed.

G Ellis

INSPECTOR