



Appeal Decision

Site visit made on 16 February 2021

by M Scriven BA (Hons) MSc CMgr MCIHT MCMi

an Inspector appointed by the Secretary of State

Decision date: 30th March 2021

Appeal Ref: APP/L3625/W/20/3260826

1A Clears Farm Stables, The Clears, Reigate, RH2 9JL

- 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 T Daniel against the decision of Reigate & Banstead Borough Council.
 - The application Ref 19/02369/F, dated 22 November 2019, was refused by notice dated 21 August 2020.
 - The development proposed is the re-use of previously developed land to provide four open-market residential dwellings and conversion of Reigate stone stable building to a car port. As amended on 19/12/2019, 24/02/2020, 16/07/2020 and 26/07/2020.
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Decision

1. The appeal is allowed and planning permission is granted for the re-use of previously developed land to provide four open-market residential dwellings and conversion of Reigate stone stable building to a car port. As amended on 19/12/2019, 24/02/2020, 16/07/2020 and 26/07/2020 at 1A Clears Farm Stables, The Clears, Reigate, RH2 9JL in accordance with the terms of the application, Ref 19/02369/F, dated 22 November 2019, subject to the attached schedule of conditions.

Procedural matters

2. The description of the proposed development originally included a new stable building to the north of the site, this has since been removed from the proposal, in addition various other amendments have been made. Therefore, for consistency and accuracy I have taken the description of the development from the Council's decision notice.
3. Representation has been received regarding the accuracy of the appellant's visual representations of the proposal. For the avoidance of doubt, I have determined the appeal on the plans submitted. However, I have considered the document titled 'Before and After Aerial' to be indicative.

Main Issues

4. The main issues are;
 - Whether the proposed development represents inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposed development on the character and appearance of the area, with particular regard to setting of the Surrey Hills Area of Outstanding Natural Beauty AONB); and

- The effect of the proposed parking layout on future occupants.

Reasons

Whether inappropriate development

5. The appeal site is located in the Metropolitan Green Belt. Policy CS3 of the Reigate and Banstead Local Plan Core Strategy, 2014 (Core Strategy) states that except in very special circumstances, approval will only be given in the Metropolitan Green Belt for certain developments which are listed as policy exceptions. Policy NHE5 of the Reigate and Banstead Local Plan Development Management Plan, 2019 (LP) identifies such exceptions.
6. The Framework makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore and similarly to the Core Strategy, it states that a local planning authority should regard the construction of new buildings in Green Belt as inappropriate, albeit with a set of exceptions. Pertinent to the appeal before me is Paragraph 145 g), which states that one such exception is limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing building. Openness in this regard can have a spatial as well as visual impact.
7. As such, it is clear that Policy CS3 of the Core Strategy and those components of Policy NHE5 of the LP which the proposal has been considered against are broadly consistent with national Green Belt policy.
8. The existing buildings proposed to be replaced by the intended development comprise a large American stable building and smaller stable block running adjacent to it. In addition, parking areas would be created through a combination of the conversion of the Reigate stone building and new or improved areas of hardstanding. I have no substantive reasoning to suggest the existing site does not constitute lawful development.
9. Spatially, the council state that the footprint of the existing development is 720 sq. metres, with a volume of 3281.5 cu. metres. The built footprint of the proposal would be around half of the existing and the volume would reduce by around a third. Although the homes would be arranged over two storeys, the developed floorspace would reduce overall as a result of the smaller existing block of stables being replaced with gardens.
10. The height of the existing galvanised steel American stables is approximately 7 metres. The proposed development would appear to be no higher than the existing building and incorporates a similar roof arrangement.
11. At the time of my visit there were various items stored across the site. I have no reason to consider that the impact of any domestic paraphernalia associated with proposal would be greater than that associated with the current stables.
12. Visually therefore, even with the use of glazing in the side elevations and roof space, the built form would appear to have less of an impact on openness than that which currently exists.

13. I appreciate significant comment was received by the Council relating to that originally proposed, particularly regarding the principle of new development in the green belt. However, that originally submitted included a new stable building to the north of the site in addition to the proposal before me. However, that component of the scheme has subsequently been removed. Likewise, the previously intended conspicuous zinc roof has been removed from the proposal.
14. Therefore, in my view, both spatially and visually the proposed development would have far less of an impact on openness than the current arrangement of the site.
15. Accordingly, I consider that the proposed development would constitute partial redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development. This complies with criterion g) of paragraph 145 of the Framework.
16. I therefore conclude that the proposal does not constitute inappropriate development in the Green Belt, and I do not regard it as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt. There would be no conflict with the Framework or with Core Strategy Policy CS3 or LP Policy NHE5, for the reasons set out above.

Character and appearance

17. Whilst not located in a conservation area, the appeal site lies to the south of the AONB and Area of Great Landscape Value. The Framework affords great weight to the conservation and enhancement of protected landscapes. The effect of proposed development on the setting of such protected landscapes is therefore a consideration where development is intended nearby.
18. The site sits next to existing residential form, at the edge of the countryside, backing on to fields and the hills above. The attractive rural character of the area is further informed by houses of mixed design and appearance. Whilst the immediate area around the site itself is defined by the current expansive American stabling, clad in dark metal sheeting, and associated stabling to the east, the existing buildings do not detract from the character and appearance of the area. Nor do they harm the wider setting of the AONB when seen in both close and more distant views from the hillside above.
19. As previously referred to, the proposed homes would have a far smaller built footprint than the existing development and, albeit incorporating windows and skylights, have been designed to appear similar in their context to the American stabling which they would replace, including dark stained timber cladding. I fully accept that the buildings would not reflect the appearance of other existing housing nearby, however, the built form which currently exists at the site, whilst of a different use, does not in any way. Neither is it considered harmful. Likewise, although the housing to the immediate east of the site is of similar appearance to one another, the existing wider residential built form is of a mixed appearance.
20. The gardens of the proposed properties would appear to be smaller than those typical of the area. However, this would not equate to harm to the

character or appearance of the area given the intended landscaping would soften their domestic appearance. Furthermore, the gardens would replace existing single storey stable buildings, creating a more open appearance to the site and immediate area. I acknowledge that there would be no front garden space to the proposed homes. However, if such space was to be provided it would harmfully depart from the existing appearance of the site.

21. The front elevation of the development would not appear harmful in appearance given the current arrangement. The proposal would incorporate the conversion of an existing Reigate stone building to accommodate parking. In my view this would result in enhancement to that particular building by virtue of the proposed oak timber framing and slate roof replacing the functional corrugated roof. Likewise, there would be enhancement to existing areas of hard standing for the provision of parking which are currently of poor condition and visible from public viewpoints.
22. The proposal would be similar in appearance to that which it would replace and would be well screened by trees and vegetation from the AONB. In my view, the proposal would preserve the setting of the AONB and respect the character and appearance of the area, reinforcing existing local distinctiveness. As such the proposal would accord with Policy DES1 of the LP, which amongst other things, seeks to ensure that development meets such requirements.
23. Furthermore, the proposal would accord with the Framework's objectives of achieving well designed spaces and conserving the natural environment.

Parking layout

24. The proposed parking arrangements for the development include two spaces of satisfactory size per dwelling. Parking would be provided in the converted Reigate stone building and the remainder of the parking would be located to the north of the development, including upgrade of the existing hardstanding. Parking spaces would be within a short distance from the proposed homes, accessed via a straight, gradually inclined path. Therefore, whilst parking would not be directly outside the properties' front doors, in my view this would not lead to any diminished enjoyment of the properties or inconvenience for future occupants.
25. The fact the pedestrian route would be unlit is not dissimilar to other rural locations and would not introduce harm. Furthermore, other homes in the area appear to sit a similar unlit distance from their associated parking areas.
26. I acknowledge that the provision of tandem parking in the Reigate stone building would necessitate the movement of the vehicle parked nearest the road to enable access to the space behind. However, this would not be dissimilar to typical driveway arrangements of the area and would not constitute a harmfully unsatisfactory layout. Likewise, I have no reason to consider that the intended parking layout would be harmful to highway safety given the available visibility for vehicle manoeuvring.
27. Therefore, the proposal would accord with Policy DES1 and TAP1 of the LP, which amongst other things seek to ensure that development proposals make adequate provision for safe and convenient parking arrangements.

Other matters

28. The ecology report and representations received acknowledge the likely presence of protected species nearby, albeit not at the site itself, including bats and Great Crested Newts (GCNs). Regulation 9 of the Conservation of Habitats and Species Regulations 2017, imposes a duty to consider relevant Directives and whether there is a reasonable likelihood of European Protected Species being present and affected by a proposal. Therefore, a precautionary approach should be adopted and I have had regard to relevant Natural England Standing Advice.
29. I have no evidence of bats roosting at the site, however I have imposed a condition relating to exterior lighting to ensure foraging and commuting routes are safe guarded. I am also aware of the existence of bodies of water within 500 metres of the site, with a recorded presence of GCNs. The ecology report does not identify the species as being present at the site or it being of suitable habitat, the Council does though recognise the potential for the site to be used during their terrestrial phase. Given the wider area has recordings of the species and I also noted the presence of a domestic pond nearby, I consider a condition to be necessary regarding precautionary working arrangements in the event that GCNs are encountered as the development proceeds.
30. On the basis of the evidence before me, subject to appropriate conditions being imposed, I do not consider that the proposal would be harmful to the ecology or biodiversity of the area or the integrity of any designated sites.
31. I have considered the significant number of representations received at both planning application and appeal stages. In addition to the matters considered above various other matters were raised as detailed below.
32. Interested parties have provided visual representations of their perceived effect of the proposal on neighbouring properties. Having viewed the site from the property to the east, the road-side and Public Rights of Way (PRoW), it is clear that the alignment of the proposed buildings would not afford direct views in to neighbouring dwellings.
33. The intended rear gardens would create a significant separation distance between the east facing windows of the proposal and neighbours' gardens beyond. Any lines of sight from the proposed dwellings would be limited to the far ends of rear gardens of properties to the east and would be obscured by existing and intended landscaping. There is also existing overlooking of rear gardens from rear windows of houses along the Clears. Likewise, any views to the neighbouring properties to the west would be limited to an existing driveway access given the extensive screening provided by an established belt of vegetation and trees. A suitable landscaping condition would further ensure that no harm came to the living conditions of neighbours.
34. The built footprint of the proposal would be less than the existing arrangement, the ridge height of the roof would appear similar to the existing American stables, and the existing single storey stabling would be replaced

with gardens. Consequently, this would create a development of reduced built mass and scale overall and, coupled with the associated separation distances, would not result in any overbearing relationship between the intended scheme and the existing built form such as to be harmful to living conditions.

35. Representations refer to existing drainage issues to the rear of the Clears. However, the proposal replaces existing built form, sits within Flood Zone 1 and I have no evidence to demonstrate that the proposal would adversely affect existing drainage arrangements.
36. Matters regarding land ownership, restrictive covenants and historic rights of access within the land and property prices are not planning matters. I have no reason to consider any existing PRoW would be adversely impacted by the development. Concerns have also been raised with regard the future intentions of the appellant for the site and use of nearby land. However, I must consider the appeal on its own merits and on the evidence before me.
37. I have no reason to consider that the proposed development would generate more comings and goings than the current stables, as such I do not consider the associated transport impacts to be harmful. Similarly, I do not consider the proposal to introduce harm to highway safety in respect to the positioning of doors of the intended buildings fronting the proposed path. Likewise, I note swept path analysis demonstrates that the site and surrounds can continue to be suitably serviced by waste collection lorries.
38. Concern has been raised regarding potential noise and disturbance associated with the construction of the proposal. I accept this must be managed sensitively given the location of the site and I have dealt with this through the imposition of an appropriate condition.
39. I have no reason to consider the proposal would lead to any increase in crime. Likewise, I do not consider the proposal would give rise to any health risks or noise post construction.

Conditions

40. I have had regard to the conditions suggested by the Council, which the appellant has agreed to. I have made minor amendment for clarity and to conform with the 6 tests as defined in the Planning Policy Guidance.
41. In addition to the standard commencement condition, I consider that in the interests of the character and appearance of the area, conditions requiring the development proceeding in accordance with the proposed plans are required. Conditions relating to the approval of external finishes, levels, tree protection and implementation of hard and soft landscaping by the Council are also necessary. Notwithstanding the view of the appellant I consider that the details regarding the proposed soft and hard landscaping should be agreed prior to commencement of any works or site clearance given their importance to the setting of the AONB and the landscape sensitivity of the site. For the same reasons, conditions regarding future permitted development rights are required.
42. In order for the proposal to accord with other policies of the Development Plan it is necessary for the proposal to incorporate electric vehicle charging points.

However, I have not specified the detail of the charging point as the requirements may change, this would be agreed with Council prior to installation. A construction transport management plan is required to ensure the development is delivered appropriately.

- 43. A condition relating to the development proceeding in accordance with the measures and recommendations of the submitted ecology information is necessary, in addition to specific conditions relating to bats (external lighting) and GCNs.
- 44. Conditions regarding the facilitation of high-speed internet access, as well as energy and water efficiency statements are necessary to ensure sustainable dwellings are constructed in accordance with the Development Plan.
- 45. The Highway Authority have requested a condition relating to the extent of existing highway being marked up on-site prior to development commencing. However, in my view existing legislation prevents the unlawful obstruction or encroachment of highway and PRow, therefore such a condition is unnecessary.

Conclusion

- 46. Section 38(6) of the Planning and Compulsory Purchase Act, 2004, requires that determination of planning applications must be in accordance with the Development Plan unless material considerations indicate otherwise. I have found the proposed development to accord with the Development Plan and, having had regard to all matters raised, other material considerations do not lead me to a different conclusion.
- 47. Therefore, having had regard to the Development Plan and Framework as whole, the appeal is allowed.

M Scriven

INSPECTOR

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: Block Plan 365 D-06L; Street Scene 365 D-08D; Floor Plan 365 D-02J; Proposed Plans 365 D-04E; Elevation Plan 365 D-03E; Site Layout Plan 365 D-01J; Location Plan 365 D-09D
- 3) No development within the area coloured red on submitted / approved drawing no. Block Plan 365 D-06L shall take place until samples of all external facing materials, including fenestration and roof, have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions permitted by Classes A to E of Part 1 of the Second Schedule of the 2015 Order shall be constructed.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no first floor windows, dormer windows or rooflights other than those expressly authorised by this permission shall be constructed.
- 6) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 7) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include details of hard and soft landscaping, including any tree removal/retention, planting plans, written specifications (including specialised urban planting pits, cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants, noting species, plant sizes and proposed number/densities and an implementation plan and management programme.

All hard and soft landscaping work shall be completed in full accordance with the approved scheme, prior to occupation 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.

Any trees, shrubs or plants planted in accordance with this condition which are removed, die or become diseased within five years of planting shall be replaced within the next planting season by trees, shrubs of the same size and species.

- 8) The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a vehicle fast charge socket, in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.
- 9) The development hereby approved 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:

Ensure that the potential water consumption by occupants of each new dwelling does not exceed 110litres per person per day.

Achieve not less than a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission rate as defined in Part L1A of the 2013 Building Regulations.

The development shall be carried out in accordance with the approved details and any measures specific to an individual dwelling(s) shall be implemented and operational prior to its occupation.

- 10) All dwellings within the development hereby approved shall be provided with the necessary infrastructure to facilitate high speed broadband. Unless otherwise agreed in writing with the Local Planning Authority, this shall include as a minimum:
- a) A broadband connection accessed directly from the nearest exchange or cabinet
 - b) Cabling and associated installations which enable easy access for future repair, replacement or upgrading.
- 11) The development hereby approved shall proceed in accordance with the provisions set out within the All Ecology Clears Farm Stables, 1a The Clears, Reigate, Surrey, RH2 9JL - Ecological Appraisal report, dated 2019 and supplementary All Ecology letter relating to Great Crested Newts dated 8th March 2021.
- 12) Prior to the installation of any external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include locations and details of all proposed external lighting. Any installation of external lighting will be in strict accordance with the approved details.
- 13) No development shall commence until a Precautionary Working method Statement, detailing how the development will avoid killing, injuring or disturbing Great Crested Newts identified at the site has been submitted to and approved in writing by the Local Planning Authority.
- 14) No development shall take place, including any works of demolition, until a Construction Transport Management Plan has been submitted to, and approved in writing by the local planning authority. The Plan shall provide for:

- i) the parking of vehicles of site personnel, operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in the development;
- iv) programme of works, including measures for traffic management;
- v) provision of boundary hoarding behind any visibility zones;
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- vii) delivery, demolition and construction working hours;
- viii) measures to prevent the deposit of materials on the highway
- ix) 'before' construction highway condition surveys and agreement to undertake 'after' construction surveys, so as to determine any damage caused to the highway as a result of the construction of the development hereby approved, in addition to a commitment to fund the repair of any subsequent damage identified to be as a result of the construction of the approved development.
- x) on-site turning for construction vehicles

The approved Construction Transport Management Plan shall be adhered to throughout the construction period for the development, unless otherwise approved in writing with the local planning authority.

****ENDS****