



Appeal Decision

Site Visit made on 15 September 2021

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2021

Appeal Ref: APP/L3625/W/21/3269434

Land between 4 & 5 Farley Close, Banstead

- 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 Paul Hunt of Paul Hunt Investments Ltd against the decision of Reigate and Banstead Borough Council.
 - The application Ref 20/01928/F, dated 9 September 2020, was refused by notice dated 18 November 2020.
 - The development proposed is a single detached dwelling, with associated parking on land between 4 & 5 Farley Close.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the consideration of this appeal the revised National Planning Policy Framework July 2021 (the Framework) has been published. Both main parties have had the opportunity to submit comments on the relevance of the Framework to this case.

Main Issues

3. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.
 - The effect on the openness of the Green Belt.
 - If the proposal is inappropriate development, whether 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

Whether the proposal is inappropriate development

4. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate, and thus should be approved only if very special

circumstances exist, unless they come within one of the categories in the closed list of exceptions in paragraph 149 of the Framework. These requirements are broadly replicated by Policy CS3 of the Reigate and Banstead Local Plan: Core Strategy (July 2014) (the Core Strategy) and Policy NHE5 of the Reigate and Banstead Local Plan Development Management Plan (September 2019) (the Local Plan).

5. Of relevance to this appeal is that 'limited infilling in villages' and '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 development.' are listed as exceptions in paragraph 149.
6. Although there is development along this side of Woodmansterne Lane, buildings are sporadic, with open fields opposite. This results in the site being notably separate from the village of Banstead. As such the site is not in a village and consequently the exception at Paragraph 149 e does not apply.
7. Both main parties consider the site as previously developed land in their evidence. Paragraph 149 g of the Framework also requires consideration of the impact on openness, and I will address this below.

Openness

8. Farley Close has been constructed with 7 dwellings. These dwellings appeared to be complete and occupied at my site visit. The appeal site lies outside the Farley Close development and is mainly vegetated open land with some areas of hardstanding/gravel. This represents the existing development. Whilst there were previously commercial buildings on this site, these have been removed and the majority of the land which they occupied has been developed. Notwithstanding this, in accordance with Paragraph 149 g of the Framework I am required to assess the openness of the scheme on the basis of the existing development.
9. Openness has both spatial and visual dimensions. The development would result in a substantial two storey dwelling, highly visible from the properties and access along Farley Close. It would therefore have a greater and more harmful impact on both spatial and visual openness compared with the existing open nature of the appeal site.
10. Consequently, for the reasons described above the development that is the subject of this appeal results in harm to the openness of the Green Belt and is inappropriate development in the Green Belt in the terms of the Framework and Policy CS3 of the Core Strategy.

Other Considerations

11. The proposed development would provide 1 unit of housing which would be a windfall dwelling and contribute to the supply of housing in the Borough. It would be in a location relatively close to shops and services. However, the benefits associated with the provision of a single dwelling are very limited.
12. Farley Close is surrounded by fencing and planting and is notably separate to the appeal site, and it does not appear as an incomplete development. In fact, the undeveloped character of the land between 4 and 5 Farley Close results in a positive sense of openness to the Close. As such, the existing appearance of

the site does not have a negative effect on the character and appearance of the area and its development with a substantial dwelling would not result in an improvement to the character and appearance of the area.

13. The former commercial buildings have been removed and do not represent a fallback position. The appeal is therefore assessed on the basis of the current situation. As such, the fact that the proposed development together with the 7 dwellings at Farley Close would be a reduction from a previous amount of development does not weigh in favour of the proposals. There is also no dispute in relation to the detailed design of the dwelling, flood risk or highway safety. However, the lack of harm in these regards is a neutral factor.

Green Belt Balance

14. The Government attaches great importance to Green Belts. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt. I have found harm to the Green Belt by reason of the proposed development's effect on openness and its inappropriateness. Balanced against that are the other considerations discussed above. However, even when considered together, these do not clearly outweigh the harm to the Green Belt.
15. The very special circumstances necessary to justify the development therefore do not exist. Consequently, the proposed development would conflict with Policy CS3 of the Core Strategy, and paragraph 148 of the Framework, the aims of which are set out above.
16. Policy CS2 of the Core Strategy mainly relates to the protection and enhancement of landscape character and natural environment. Policy NHE5 of the Local Plan refers to extensions or alterations to buildings and replacement buildings in the Green Belt only. Therefore, the policies listed above are more relevant to this development and this main issue.

Conclusion

17. The proposed development would not accord with the development plan and there are no material considerations to outweigh that finding. Therefore, for the reasons given, the appeal is dismissed.

H Miles

INSPECTOR