



Appeal Decision

Site visit made on 12 January 2022

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th January 2022

Appeal Ref: APP/L3625/W/21/3276535

1 Fairlawn Grove, Banstead, SM7 3BN

- 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 P & K Anderson LLP against the decision of Reigate and Banstead Borough Council.
 - The application Ref 20/02814/F, dated 12 December 2020, was refused by notice dated 15 February 2021.
 - The development proposed is erection of an attached two storey house.
-

Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - Whether the proposed house would be inappropriate development within the Green Belt and its effect on openness;
 - The effect on the character and appearance of the area; and
 - Whether other considerations clearly outweigh the harm to the Green Belt and any other harm so as to amount to very special circumstances.

Reasons

Whether inappropriate development and openness

3. The National Planning Policy Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate unless one of the specified exceptions applies. Policy CS3 of the Core Strategy of 2014 reflects the policy test in the Framework. Policy NHE5 of the Development Management Plan of 2019 refers to extensions and alterations and replacement buildings in the Green Belt and so is not relevant in this case.
4. The appeal site is on the corner of Fairlawn Grove and Croydon Lane. The proposed dwelling would be attached to No 1. This part of Croydon Lane comprises an isolated pocket of mainly inter-war development. According to the appellant there are over 100 properties within the three cul-de-sacs. There is other sporadic and ribbon development along Croydon Lane as well as open land. The environment is affected by the high volume of traffic along the road.
5. The appellant claims that including the built development along Croydon Lane within the Green Belt is an anomaly. However, Green Belt boundaries were

- reviewed in connection with the Development Management Plan. The Framework makes clear that these should only be altered through the preparation or updating of plans rather than individual planning decisions. Furthermore, Green Belt policy makes no distinction between different types of land within it, including whether sites have a 'hard' or 'soft' edge to them.
6. The site is physically outside of Banstead as defined on the Policies Map accompanying the development plan. Indeed, this collection of houses cannot reasonably be described as a "village". It has no facilities or clear identity as a distinct place. Therefore the proposal would not be limited infilling within a village and criterion e) of paragraph 149 of the Framework would not be met.
 7. The definition of previously-developed land at Annex 2 of the Framework excludes land in built-up areas such as residential gardens. Although now separated by fencing, it is reasonable to presume that the appeal site was originally part of the garden of No 1. The amount of housing nearby gives the locality the character of a long established built-up area notwithstanding that it is outside of Banstead. In these circumstances the site is not previously-developed land.
 8. Even if the site were to be regarded as outside any built-up area, the exception allowed for in paragraph 149 g) is caveated by any limited infilling not having a greater impact on the openness of the Green Belt than the existing development. Given that the proposed dwelling would occupy a currently undeveloped area there clearly would be a greater impact on openness. Therefore the proposal would not fall within the parameters of this paragraph. As a result it would be inappropriate development in the Green Belt.
 9. Openness is one of the essential characteristics of the Green Belt. This would be reduced in spatial terms as the proposal would be built on vacant land. However, the proposed dwelling would be part of an area with a suburban appearance so the visual effect on the wider openness of the Green Belt would be minimal. Therefore the harm to openness would be limited.

Character and appearance

10. Although development on the southern side of Croydon Lane is generally well set back there is no obvious or fixed building line. The proposed dwelling would retain a reasonable margin at the side to the back edge of the highway verge. Because of this the proposal would not appear cramped as it would be well separated from the road and it would also be seen in the context of other houses. It would therefore not be obtrusive due to its siting.
11. However, the design of the building incorporates devices intended to reduce its visual intrusion. These would have the opposite effect. The slight reduction in scale compared to No 1, the set back from its front wall, small front gable, half hip main roof, rear catslide roof and dormer would all accentuate the fact that the proposal is a later addition. It would be neither fully integrated nor clearly subservient to the attached dwelling. Because of this it would have an odd and jarring appearance that would detract from the street scene.
12. The proposal includes parking spaces on the forecourt of both the existing and proposed properties. There is also a garage at the rear with a space in front of it. A dual purpose turning area and patio would be provided in the garden of the proposed dwelling. The Council has not specified its requirements for

residential parking in this location and it is also unclear how the spaces would be allocated. Nevertheless there would be scope for both the existing and new dwellings to have two spaces each which appears to be reasonable. There is therefore no clear conflict with Policy TAP1 of the Development Management Plan which expects local parking standards to be met.

13. There are no parking restrictions in Fairlawn Grove and so any overspill parking could take place there. On-street parking is already a constituent part of this cul-de-sac. Given that additional demand would be likely to be very limited there would be no harm to the character of the area arising from the proposed parking arrangements.
14. However, because of its design, the proposed dwelling would harm the character and appearance of the area. It would be contrary to Development Management Plan Policy DES1 which expects the design of new development to be of a high quality that makes a positive contribution to its surroundings.

Other considerations

15. Planning permission was given for two detached dwellings on the opposite side of Croydon Lane in 2018. However, they replaced existing stabling and storage buildings of a similar ridge height and footprint. The Council accepted there would be no adverse impact on openness. That case is clearly different to the proposal which involves the erection of a building on an empty site.
16. Extensions have also been permitted at Whitecot on the other side of the Fairlawn Grove junction. These were held by the Council not to be visually disproportionate. Paragraph 149 c) of the Framework contains a different policy test for development of this kind compared to limited infilling. The same applies to the other floor area and volume increases that have occurred in Fairlawn Grove, Lipsham Close and South Drive.
17. Reference is also made to an appeal that was allowed for the demolition of outbuildings and the erection of a single storey house on land to the rear of Cherrytrees and Willoughby in Croydon Lane. From the description of development it is apparent that this scheme included the removal of existing structures and so is not directly comparable.
18. These decisions show that certain development can be permitted in the Green Belt but they can be distinguished from the proposal and therefore are of limited importance in determining this appeal.
19. The proposal would add a windfall property to the supply of housing. However, there is no evidence that there is a shortfall and, in any event, the increase would be marginal. It is unlikely to significantly reduce any future land allocations from the Green Belt should these be required. The Framework encourages planning decisions to promote an effective use of land. Even if the appeal site is treated as previously-developed land this policy does not override the need to protect the Green Belt
20. The necessary services and infrastructure are in place but this is not a positive consideration in favour of the appeal as this would be likely to be the case for similar sites within the defined settlements.

21. Imposing a condition to remove permitted development rights would not overcome the harm, by definition, associated with inappropriate development in the Green Belt or the harm to the character and appearance of the area.

Whether very special circumstances exist

22. Whether or not any of its purposes would be compromised, the proposal would be inappropriate development within the Green Belt. In accordance with the Framework substantial weight should be given to any harm to the Green Belt. This is a strict policy that applies whatever the nature of the area as the Government attaches great importance to Green Belts. In addition, there would be harm to openness albeit limited. Because of the overly convoluted design there would also be harm to the character and appearance of the area.
23. Against this, the other considerations in support are not significant. Even when combined they do not clearly outweigh the totality of harm and therefore very special circumstances do not exist. As a result there would be conflict with Core Strategy Policy CS3.

Conclusion

24. The proposed development would not accord with the development plan and there are no other considerations to outweigh that finding. Therefore, for the reasons given, the appeal should not succeed.

David Smith

INSPECTOR