



Appeal Decision

Site visit made on 8 December 2022

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2023

Appeal Ref: APP/L3625/W/21/3280707

Yew Tree Cottage, Colley Lane, Reigate RH2 9JJ

- 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 Kevin Uphill against the decision of Reigate and Banstead Borough Council.
 - The application Ref 21/00759/F, dated 23 March 2021, was refused by notice dated 14 June 2021.
 - The development proposed is described as upgrading existing green lane to a formal permeable driveway formalising change of use from garden/orchard to driveway.
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Decision

1. The appeal is allowed and planning permission is granted for upgrading existing green lane to a formal permeable driveway formalising change of use from garden/orchard to driveway at Yew Tree Cottage Colley Lane, Reigate RH2 9JJ in accordance with the terms of the application, Ref 21/00759/F, dated 23 March 2021, subject to the conditions in the schedule at the end of this decision.

Preliminary Matters

2. Since the Council made its decision, a revised version of the National Planning Policy Framework has been issued. Both main parties have had the opportunity to raise any issues arising from the revisions to national planning policy which may be pertinent to this appeal. I have assessed the proposal in accordance with the revised Framework.
3. At the time of my site visit, a driveway was in use which allowed for access to the front of the property that did not reflect the final design of this appeal as shown in the submitted plans. In these circumstances, I am required to consider the appeal on the basis of the development as shown on the application drawings.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Whether inappropriate development

5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Paragraph 150 of the Framework states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include 150 b) engineering operations. In this case, it is common ground between the Council and the appellant that the formation of the access track is an engineering operation and not an extension or alteration to a building. I see no reason to depart from that view.
7. In terms of the effect on openness, this is an essential characteristic of the Green Belt which has spatial as well as visual aspects. The openness of the Green Belt is clearly evident around the appeal site. The appeal proposal would run adjacent the short length of the fenced garden area of Woodbury Cottage. The driveway would largely be located behind sections of newly planted hedgerow and against the backdrop of the fencing and both Yew Tree Cottage and Woodbury Cottage.
8. It would not result in any built form above the existing ground level and whilst the proposed grasscrete and gravel surfacing would be visible initially from the immediate vicinity; the materials would blend into the context of the surroundings and due to the topography of the land and the hedgerow screening, it would not be highly visible in the wider area. In addition, it would allow grass to grow through at the entrance area, which would enable the driveway to further blend in with its surroundings.
9. Whilst the proposal would provide a small area to allow some limited parking and open storage this would be viewed against the backdrop of the existing built form namely, the host dwelling and existing fencing which would be further screened by the proposed planting. For these reasons, in both spatial and visual terms, the proposal would preserve the openness of the Green Belt.
10. Paragraph 138 of the Framework sets out the 5 purposes of the Green Belt, one of which is to assist in safeguarding the countryside from encroachment. The site clearly forms part of the countryside, however, the nature and limited scale of the driveway, particularly the lack of built form and proposed planting when viewed against the backdrop of the host property, would not result in encroachment of development into the countryside.
11. Consequently, I conclude that the proposal would not be inappropriate development in the Green Belt, in the terms set out by the Framework or Policy NHE5 of the Reigate & Banstead Local Plan Development Management Plan 2019 (LP).

Character and appearance

12. The current driveway and garage serving the appeal property is located off Colley Lane and is formed of a single garage and short narrow driveway. To access Yew Tree Cottage occupiers must then walk back down the lane and

through a long narrow footpath between Woodbury Cottage and its enclosed garden area. This is at odds with parking arrangements for other properties in the area that benefit from parking close by and to the front. The proposed driveway would see the existing garage, driveway and footpath closed. The new driveway would skirt around the large, enclosed garden area of Woodbury Cottage which would be taken directly from Colley Lane.

13. Although at an upward slope, most of the public vantage points are a reasonable distance from the site, with significant screening provided by Yew Tree Cottage, Woodbury Cottage and its enclosed fenced garden and further surrounding trees and vegetation.
14. Within the wider landscape, which is made up of open fields, the visual impact of the driveway, entrance and hardstanding would be limited, but the site is clearly visible from the south and west due to a rise in levels. Nonetheless, its location adjacent to the front of the appeal property, relationship with the nearby enclosed garden and proximity to Colley Lane limits the visual impact of the development. The proposed additional hedge planting along the south and western boundary would help to further reduce any visual impact from both nearby and wider views. As a result, the proposal would not be an intrusive or incongruous feature or out of character with its rural surroundings.
15. I conclude that the proposal would not cause undue harm to the character and appearance of the area. Consequently, there would be no conflict with LP Policy DES1 which requires that development is of a high quality design and reinforces local distinctiveness and respects the character of the surrounding area.

Other Matters

16. Having concluded that the proposal does not amount to inappropriate development in the Green Belt it is not necessary to consider very special circumstances. The specific circumstances that apply in this case are unlikely to be repeated elsewhere. Concerns about precedent are therefore not a significant consideration. In any case, given that I have concluded that the proposal would be acceptable, I see no reason why it would lead to harmful developments on other sites.
17. I note the concerns that the proposed landscaping will take time to mature. However, there is already landscaping on the site which assists in breaking up some views of the appeal site. Any unacceptable impact whilst the landscaping matures would be minor and time limited.
18. From my site inspection, it is unlikely that the tree to the front of the site would need to be removed since it is located some distance from the proposed access. It has not been impacted by the introduction and use of the temporary driveway, and I find it would be the same case with the proposed scheme given the limited works proposed. Furthermore, whilst it is a large tree there is no evidence before me that it is protected and could not be removed without consent.
19. Interested Parties have raised concerns over the amount of hedging to be lost. The proposal would see a small loss but would also see the further introduction and reestablishment of hedges above the amount to be lost. Accordingly, there would be no significant harm in this regard.

20. I acknowledge the concern over the need for the proposed driveway. However, I have found the scheme acceptable in terms of its Green Belt location and also on the effect of the character and appearance of the surrounding area. Accordingly, there is no requirement for the Appellant to demonstrate need.

Conditions

21. I have considered the conditions suggested by the Council having regard to the tests in the Framework and the advice in the Planning Practice Guidance, as well as the appellant's comments in response. I have made such amendments as necessary to comply with those documents and for clarity and consistency.
22. The Council, as part of their suggested conditions, has set a 3-month period to begin implementation. However, in the absence of any compelling evidence to justify a shorter period I have concluded the standard time limit is sufficient and would not result in any adverse impacts. I have also imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty.
23. Conditions in respect of details of materials of the grasscrete and new gates are necessary to ensure that the development is of a high standard and the character and appearance of the area is protected.
24. A condition is also imposed requiring the planting of the hedging. This is to ensure the character and appearance of the area is protected.
25. I note the appellant has agreed to the removal and remediation of the garage site. However, as I have found the proposal would preserve the openness of the Green Belt this condition is not necessary.

Conclusion

26. For the reasons given above I conclude that the appeal should be allowed.

A Hickey

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: Site Plan, Landscape Plan, Driveway Plan and Tree Planting Plan.
- 3) Prior to the laying of the grasscrete surface, details shall be provided to and be approved in writing by the Local Planning Authority of the proposed 'grasscrete' manufacturer and model/type. The development shall be carried out in accordance with the approved details.
- 4) Prior to the installation of the new gates, details shall be provided to and approved in writing by the Local Planning Authority of the design, materials and scale of the gates. The development shall be carried out in accordance with the approved details.
- 5) Prior to the driveway hereby approved being brought into use, the hedging shall be planted. Any part of the new hedging which within a period of 5 years from the completion of the development dies, is removed, or becomes seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

End