



Appeal Decision

Hearing held on 8 December 2022

Site visit made on 8 December 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 09 February 2023

Appeal Ref: APP/L3625/W/21/3289794

Thurgarton Cottage, Meath Green Lane, Horley RH6 8HZ

- 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 Oliver Horne against the decision of Reigate and Banstead Borough Council.
 - The application Ref 21/00838/F, dated 26 March 2021, was refused by notice dated 30 September 2021.
 - The development proposed is described as 'Erection of three detached two-storey dwellings and provision of new access with car parking for 7 cars with the retention of the existing dwelling'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans, which were amended during the course of the planning application, that the development proposed is the erection of three detached dwellings, and the provision of new access with car parking for 6 cars with the retention of the existing dwelling. The Council dealt with the proposal on this basis and so shall I.
3. Since the determination of the planning application new houses on Seacole Way and Lawrence Gardens have been built and are now occupied. The residents of these properties were not notified of the Hearing by the Council. However, a petition has been received from the neighbours of these properties, and one of these residents spoke at the Hearing. He confirmed that the immediate neighbours were aware of the Hearing time and date but had chosen not to attend. As such I am satisfied that their interests would not be unfairly prejudiced.
4. An amended layout plan was submitted at the Hearing, which show additional planting and one of the proposed dwellings (Plot 1) to be set back a further metre from the Meath Green Lane highway. This change is a minor alteration to the original scheme, and I do not consider that any party would be unfairly prejudiced by my determining of the appeal with regard to the amended drawing refs: J003738-DD-13 Rev C and TPP+TR/PP 03.

Main Issues

5. The main issues are whether the proposed development would preserve or enhance the character or appearance of the Meath Green Lane Conservation Area, and the effect of the proposed development on the setting of Cheswick Farmhouse, a Grade II listed building.

Reasons

Heritage

6. The appeal relates to the side garden area of Thurgarton Cottage, which is located on the eastern side of Meath Green Lane. The site lies within the Meath Green Lane Conservation Area and adjacent to Cheswick Farmhouse, a Grade II listed building. I therefore have statutory duties to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area and to have special regard to preserving the setting of the farmhouse. The National Planning Policy Framework (the Framework) states that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. It also advises that any harm or loss to designated heritage assets should require clear and convincing justification.

Conservation Area

7. Following an unsuccessful Judicial Review, the main parties do not dispute that the appeal site is located in the Meath Green Lane Conservation Area (MGLCA), which was designated in February 2021. Although there is no Conservation Area Character Appraisal before me, the Council's Character Assessment (CCA) of the MGLCA, which was used when recommending its designation to the Planning Committee, identifies it as an area that forms a cohesive settlement of local Wealden vernacular architecture centred around a hedge lined country lane threading through the urban area.
8. The CCA acknowledges the presence of the large north-west sector residential development, which bounds 2 sides of the appeal site. However, it states that the character of the country lane green corridor has been protected by setting these properties back 15-20 metres from Meath Green Lane. The Council's Local Character & Distinctiveness Design Supplementary Planning Document 2021 (SPD) reinforces this view by identifying Meath Green Lane as one of a number of green corridors in the Borough. It also advises that development should be set back a minimum of 15 metres from the hedge line. Nonetheless, it does not follow that a proposal should stand or fall solely on the application of these standards and each proposal is required to be judged on its own merits.
9. On my site visit I saw that the separation distances of properties from Meath Green Lane vary, however the majority of the properties within the boundary of the MGLCA sit within generous plots, and are in the main, set well back and behind grass verges, hedgerows, shrubbery and mature trees. Therefore, although its setting is slightly diluted by the more recent housing developments, I consider the significance of the MGLCA, insofar as this appeal is concerned, to derive from the historic architectural form and materials of its buildings, along with the green corridor along Meath Green Lane that is formed by the large softly landscaped plots, areas of open space, grass verges, mature

tree cover and hedgerows. All of these factors contribute towards its spacious semi-rural character.

10. As a part of the spacious grassed garden area to Thurgarton Cottage, enclosed by a hedgerow and trees along Meath Green Lane, the appeal site positively contributes to the significance of this heritage asset.
11. Amended plans and photomontage images have been provided in order to demonstrate how additional planting could provide an approximate 4 metre high hedge. Although there would be some reliance on vegetation within the Council owned ditch that runs along the frontage of the site, this currently contributes to the existing hedgerow, and I have no substantive reason to believe that it would be likely to be removed in the future. The proposed planting does appear to be relatively sparse in the tree protection and structural planting plan, however I am satisfied that a planning condition could be imposed to increase the level of foliage and hedgerow planting.
12. One of the proposed dwellings would be sited a similar distance from Meath Green Lane as Cheswick Farmhouse and Thurgarton Cottage. Nonetheless, the introduction of 3 houses, along with the hard surfaced turning head and driveway areas, and range of other potential domestic paraphernalia, including parked cars, in such proximity to the hedgerow and site frontage, would inevitably alter its character. The proposed dwellings would also occupy significantly smaller plots than most other existing properties in the MGLCA, having considerably less space around them and smaller garden areas than is typical. The parking provision on the turning head, rather than in-curtilage, further emphasises this tight arrangement.
13. Whilst proposed and existing vegetation would provide some screening of the site, a new central vehicular access point would punctuate the hedgerow. Given the proximity to Meath Green Lane this would allow views of the proposed houses, and the centrally positioned hard surfaces and parked cars. The proposal would also be plainly visible from the existing vehicular access points for Thurgarton Cottage, and from several nearby gardens and dwellings.
14. As a result, the intensification of built development would appear out of context with the prevailing pattern of development in the conservation area and would significantly erode from the general sense of spaciousness, and the green corridor that is of significance to the MGLCA.
15. Although the proposal's density may compare favourably with the north-west sector housing development, these neighbouring properties are not within the MGLCA. It has also been put forward that the Council has no objection to the principle of residential development and that a similar access point would be required for 1 new dwelling on the site. However, no such alternative is before me, and it would be for the Council to determine any scheme that was submitted in the future. It is not a matter for me to consider in the context of this appeal.
16. Therefore, even with the increased set back and planting shown in the revised plans, I find that there would be harm to the significance of the conservation area. Accordingly, the proposal would fail to preserve or enhance the character or appearance of the MGLCA. The proposal would conflict with policies DES1, DES2 and NHE9 of the Reigate and Banstead Local Plan Development Management Plan 2019 (Local Plan). These seek, amongst other matters, for

new development to be of high-quality design, incorporating plot widths, front garden depths, building orientation and spacing between buildings in keeping with the prevailing layout in the locality, and to preserve, and where possible enhance the Conservation Area. Conflict would also arise with the design objectives of the SPD.

Setting of Listed Building

17. Cheswick Farmhouse is a handsome 2 storey property that originates from the 17th Century. Alterations and extensions have occurred over the years. However, insofar as this appeal is concerned, I consider the significance of this listed building to derive in a large part from its architecture, traditional materials and detailing, including its interior fabric, honestly reflecting in the present its historic origins as a farmhouse.
18. At the Hearing there was some discussion about whether Thurgarton Cottage, which abuts Cheswick Farmhouse, is a part of the Listed Building. The statutory list description (List Entry Number: 1028993) clearly excludes it, and it is common ground that Thurgarton Cottage was sold separately from Cheswick Farmhouse around 20 years before it was listed. It was therefore not ancillary to the principal building at the time of listing. As such, I concur with the Council's original view that it is not a curtilage structure, and I do not consider it to be a listed building.
19. Nonetheless, from the evidence before me, in particular the ordinance survey map extracts, it is clear that Thurgarton Cottage, and the area of land of which the appeal site forms part, was historically associated with Cheswick Farmhouse. Although now a part of the residential curtilage to Thurgarton Cottage, the site falls within the setting of this listed building.
20. However, those links have subsequently been broken. The site has not been in the same ownership as Cheswick Farmhouse for a considerable period of time. It also does not have a coherent visual connection to the farmhouse, which sits in a relatively confined and enclosed plot, with views of it along Meath Green Lane largely obscured by the presence of high hedges, tall trees, and other houses, including Thurgarton Cottage from the northern direction. The agricultural character of the east and southern sides of Meath Green Lane, in which Cheswick Farmhouse would have previously been experienced, has also evolved and been diluted by the introduction of surrounding modern housing developments. Although it forms part of the setting of the Grade II listed building, the appeal site therefore does not, in my view, contribute to the experience, understanding or significance of the designated heritage asset.
21. Furthermore, the degree of separation between the nearest proposed dwelling (Plot 3) and the listed building, in addition to its reduced height, would continue to allow the glimpsed views of the small portion of Cheswick House's roof slope and chimney when approaching from the northern end of Meath Green Lane to be largely retained. Therefore, whilst the introduction of the proposed housing would result in some change to its setting; this would have a broadly neutral effect.
22. In light of the above, I find that the proposed development would preserve and thereby not cause any harm to the setting of Cheswick Farmhouse, a Grade II listed building. No conflict would therefore arise with Local Plan Policy NHE9. Amongst other things this requires development to protect, preserve and

wherever possible enhance, the Borough's designated and non-designated heritage assets and historic environment, including the settings of statutory and locally listed buildings.

Heritage Planning Balance

23. I have found that the proposal would not have an adverse effect on, and therefore preserve the setting of the listed building. However, I consider the harm that would occur to the significance of the MGLCA would be 'less than substantial' within the meaning of the Framework.
24. Nonetheless, I am mindful that Paragraphs 199 and 200 of the Framework explain that great weight should be given to the conservation of a designated heritage asset, irrespective of whether it amounts to less than substantial harm to its significance, and that any harm, requires clear and convincing justification.
25. In terms of public benefits, at the Hearing I heard that the appeal scheme would make efficient use of the land delivering 3 high quality design houses of a size and mix suitable for families. This is a benefit in the context of the Government's aim to significantly boost the supply of housing. It would also be located in a sustainable location and generate some economic activity during the construction of the house and provide homes to occupiers who would spend and contribute to the local economy.
26. However, the Council has confirmed that they are able to demonstrate a deliverable 5 year's supply of housing, a matter which is not disputed by the appellant. Whilst this is not a ceiling to housing delivery, given the number of dwellings proposed, any benefits in all of these respects would be somewhat limited. With the above in mind, I find that the limited public benefits involved do not outweigh the harm that would be caused to the significance of the MGCLA.

Other Matters

27. I have been made aware that the appeal site was originally included in a masterplan for the major housing development at the north-west sector. Nevertheless, subsequent outline planning permissions (with all matters reserved, other than for access) on this land excluded the appeal site and were granted before the MGCLA was designated. As I have also found that the proposal would preserve the setting of the listed building this matter has not been a decisive consideration in reaching my findings.
28. I am aware that the Council found the effects of the proposal on highways and all other technical matters to be acceptable. I also recognise that the proposed scheme has been amended a number of times. However, the absence of harm in these respects does not weigh in favour of the proposed development.
29. The appellant has also referred to oversights in the Council's public consultation for the SPD, and the lack of feedback to their comments. However, these administrative matters are for the Council and the appellant to resolve. As such, they have had no bearing on my determination of the appeal.
30. Reference has been made to a number of other planning permissions in the surrounding area, and I have had regard to the varying separation distances of the approved buildings from Meath Green Lane. Nonetheless, as previously

noted, the majority of these are not located within the conservation area, and they are predominantly set well back behind landscaped buffers. Indeed, the submitted plans for the development at the Croft (Ref: 19/0986/F) show the portion of the site that falls within the boundary of the MGLCA to remain largely undeveloped with tree planting and landscaping. I also saw the 8 dwellings at Denoras Rest (Ref:16/02374/F) which have recently been constructed to the southern side of Cheswick Farmhouse on my site visit. However, the boundary plan does not show these houses to be within the MGLCA. In any event, I do not consider their presence to be a reason for justifying further harm to the conservation area.

Conclusion

31. The proposal would fail to preserve the character or appearance of the Meath Green Lane Conservation Area. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, the appeal should therefore be dismissed.

Mark Caine

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

George Mackenzie, of Counsel	
Derek Horne	Planning Consultant
Harvey Van Sickle	Historic Buildings Advisor
Oliver Horne	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

John McInally	Conservation Officer
Natalia Achilleos	Senior Planning Officer
Hollie Marshall	Senior Planning Officer

INTERESTED PERSONS

Stefano Sileo	Local Resident
Hannah Endsleigh	Local Resident

DOCUMENTS

1. Amended Plans Ref J003738-DD-13 Rev C and TPP+TR/PP 03
2. Photomontage Images – Existing summer and winter
3. Photomontage Images – Proposed as refused scheme in summer and winter (with fencing)
4. Photomontage Images – Proposed with 4 metre hedge
5. Right of Light Consulting Document
6. Reigate and Banstead Local Cycling and Walking Infrastructure Plan Document