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## Appeal Decision

Site visit made on 7 February 2024

**by David Smith BA(Hons) DMS MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15<sup>th</sup> February 2024**

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**Appeal Ref: APP/L3625/W/23/3327240**

**Meath Green House, 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 Kevin Wheeler against the decision of Reigate and Banstead Borough Council.
  - The application Ref 23/00032/F, dated 6 January 2023, was refused by notice dated 23 May 2023.
  - The development proposed is a new detached 4 bed house on land adjacent to Meath Green House including using existing highways entrance.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. These are:
  - The effect of the proposal on the management of land supply having regard to development plan policy and whether it would prejudice the long-term comprehensive development of an urban extension allocation; and
  - Whether the proposed dwelling would preserve or enhance the character or appearance of the Meath Green Lane Conservation Area.

### Reasons

#### *Land supply and urban extension allocation*

3. The appeal site is part of the garden of Meath Green House. It is within a larger area to the north and east allocated as a sustainable urban extension by the Development Management Plan. Policy NWH1 indicates that this is expected to deliver about 75 homes. These areas are governed by Policy MLS1 on managing land supply. Where the Housing Monitor indicates that a five-year housing supply would not be maintained over that period, then this will trigger the release of the urban extension sites.
4. However, the latest position, as of March 2023, is that the Council can maintain a five-year housing land supply and it is predicted that this will continue to be the case in April 2024. Therefore, the fundamental pre-condition for the release of land within the urban extension to the north-west of Horley has not been met. The Council's stance in this respect was supported in the appeal decision at Sandcross Lane (Ref: APP/L3625/W/23/3317013).

5. According to Policy MLS1, planning permission will not be granted for any proposals which would prejudice or compromise the long-term comprehensive development of an urban extension allocation. There is limited evidence about how the site at north-west Horley is intended to be developed and whether different land interests are working in concert. It might be argued that any development within its boundaries could influence any future scheme. But it is more reasonable to expect there to be some tangible indication of the potential longer-term implications of an individual proposal, especially if small in scale.
6. The policy states that vehicular access should not be from Meath Green Lane but rather that primary access should be through the North West Sector. However, the Council indicates that the site cannot be accessed from Westvale Park and therefore that it is likely that the new housing would need to be accessed from the lane. The rationale for this departure from the policy is not clear and neither is it apparent how this would conform to the expectation that the semi-rural character of Meath Green Lane is respected.
7. Nevertheless, there would be some sense in using an existing access if that were feasible. However, the entrance to the appeal site is not the only option and the associated traffic would be liable to cause issues for the residential properties on either side. It is also unlikely that it could be retained in its present form as alterations to achieve the necessary highway standards to serve around 75 houses would be liable to be required.
8. Alternatively, the Council suggests that the appeal site could be used to create a dense landscape buffer and footpath but as the proposed dwelling would be set back into the site, this would not be precluded. In addition, adding another house next to an existing one would not materially affect the potential of the land to the north within the allocation (including that owned by the appellant) to be developed. It is therefore difficult to see how building on this small parcel of land would stymie reasonable options for the development of the wider sustainable urban extension site.
9. A series of piecemeal incursions could, over time, possibly threaten the holistic development of the urban extension allocation. However, any such proposals would need to be assessed on an individual basis. Given the factors outlined above and the location of the appeal site on the edge of the allocated area, the impact of the proposal on its future development is uncertain and tenuous. This therefore does not amount to an objection.
10. Returning to broad principles, Policy MLS1 reflects the spatial strategy which is based on an 'urban areas first' approach. This is intended to focus growth on existing settlements with sustainable urban extensions identified in case it is not possible to deliver the housing requirement in that way. Although the proposal is only for a single dwelling, allowing it would undermine the strategy for the provision of housing within Reigate and Banstead. It would dilute the Council's efforts to locate development in existing built-up areas.
11. The appeal site is partly previously developed land due to the buildings and hard surfacing on it. The Framework indicates that small sites can make an important contribution towards meeting the housing requirement of an area and that windfall sites should be supported. The role of such sites is acknowledged by the Development Management Plan. Paragraph 77 of the Framework refers to a minimum level of supply and provision over and above Government expectations should not be thwarted as a matter of course.

12. However, in this case, the significance of the current level of supply is that the release of land within the sustainable urban extensions is not required. This applies to the appeal site. The purpose of removing the land around it from the Rural Surrounds of Horley where countryside policies applied, was solely to facilitate comprehensive development when the supply of urban sites ran short. It was not to facilitate sporadic windfall development.
13. In conclusion, although the proposal would not physically compromise the future development of the urban extension, it would seriously weaken the strategy for the delivery of housing in the Borough. There would be conflict with Policy MLS1. The Framework confirms that the planning system should be genuinely plan-led and that would not be the case if the appeal were allowed.

#### *Conservation Area*

14. As well as the statutory duty in the Planning (Listed Buildings and Conservation Areas) Act 1990, the Framework indicates that great weight should be given to the conservation of heritage assets.
15. The significance of the Meath Green Lane Conservation Area lies primarily in the historic interest of the former green, the gardens, the farmland and the country lane and its hedgerow setting and the architectural and historic interest of the vernacular houses and buildings. The Inspector who dealt with the appeal (Ref: APP/L3625/W/21/3289794) for three dwellings at nearby Thurgarton Cottage referred to a green corridor along the lane and its spacious, semi-rural character. However, the setting of the conservation area is affected by the recent housing developments that have taken place, albeit that these are set back from the road.
16. Meath Green House is an attractive Edwardian building in local materials situated on a right-angled bend in the road. To the east is The Cottage which is an early twentieth century house with tile hanging. The appeal site is between these buildings and contains a driveway, a timber car port/garage and a shed with planting largely to the rear. It affords views through to more significant trees to the north.
17. However, its contribution to the overall qualities of the conservation area is limited. This is because it already has a domestic presence due to the hard surfacing and buildings on the land. Furthermore, the timber fence along the frontage is a harsh feature that does not reflect the generally soft edges elsewhere. Planning permission has also been given for a triple garage and for an extension to Meath Green House which would further fill the existing gap between buildings.
18. The proposed dwelling would be subservient in scale and vernacular in style. Suitable materials could be secured by condition. It would be larger than the permitted garage but glimpses of distant trees would still be possible and there would be adequate space between the proposal and the houses on either side. Indeed, it would fit comfortably between them and would not appear cramped. The proposal would not result in a suburban row of houses but rather would comprise a small group of buildings in a green setting. A new frontage hedge could be secured to complement the existing roadside treatments and this would represent a significant enhancement.

19. Parking may well occur in front of the proposed dwelling as the existing garage is quite small. However, parking associated with Meath Green House can currently take place in this area. That property would be served by an access to the west which is said to be unauthorised. However, there would appear to be scope to accommodate vehicles within its grounds in an unobtrusive way.
20. The Council is critical of the information provided in respect of the long-term retention of trees although no objection is raised to the removal of the smaller specimens required to facilitate the development. The only concern relates to T2 which is a large oak tree to the front of the site. However, this is adjacent to an existing permeable drive and any new surface could be controlled by condition. Furthermore, no trees have been identified that might be subject to pressure to prune or fell them in order to address shading.
21. Conditions could be attached to any permission to protect the existing trees to be retained and to require an arboricultural method statement. There is no evidence that the proposal would threaten or lead to the loss of any trees that are of significant value to the conservation area.
22. The appeal at Thurgarton Cottage was dismissed. However, that case can be differentiated from this one in that it involved three dwellings rather than one on a wider site which was not positioned between well-established dwellings.
23. Therefore, the proposal would preserve the character and appearance of the Meath Green Lane Conservation Area. There would be no conflict with policies in the Development Management Plan that are concerned with design, residential garden land development, heritage assets and protecting trees (Policies DES1, DES2, NHE9 and NHE3).

### **Other Matters**

24. One letter of support was received at application stage. The benefits of an additional dwelling and the improvement to visual amenity by replacing the existing fence have already been assessed. The wider advantages to the community and economic growth and jobs would be slight. None of these considerations override the harm resulting from the conflict with Policy MLS1.
25. Objections were received from neighbouring dwellings. These concerns were addressed in the officer report. As the appeal is to be dismissed there is no need to consider them further.

### **Conclusion**

26. The proposed dwelling would preserve the character and appearance of the conservation area. However, it would be contrary to the management of land supply that is being pursued by the Council in line with its policy. The proposal would not accord with the development plan and there are no material considerations to outweigh that finding. Therefore, for the reasons given, the appeal should not succeed.

*David Smith*

INSPECTOR

