
Appeal Decision

Site visit made on 9 April 2024

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2024

Appeal Ref: APP/L3625/W/23/3316084

Land adjacent to Horseshoe Lodge, Brighton Road, Kingswood, Surrey, KT20 6QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Danshe Ltd against Reigate & Banstead Borough Council.
 - The application Ref. 22/01338/F, is dated 11 June 2022.
 - The development proposed is a pair of two-storey semi-detached two-bedroom houses with ancillary car parking to the front.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. As the proposal affects the setting of a listed building I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The Council did not issue a formal decision in this case but has since confirmed that it would have refused planning permission, had it been empowered to do so, due to the impact on the Green Belt; harm to a Grade II listed building (Horseshoe Lodge); and due to insufficient information to demonstrate that the scheme would not harm highway safety or ecological interests.

Main Issues

4. The main issues are:
 - (a) The effect on the Green Belt;
 - (b) Whether the proposal would preserve a Grade II listed building, Horseshoe Lodge, and any of the features of special architectural and historic interest that it possesses;
 - (c) The effect on highway safety;
 - (d) The effect on ecology;
 - (e) Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Green Belt

5. The site is located wholly within the Metropolitan Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
6. The site once accommodated a range of outbuildings, but these were demolished a number of years ago and three new dwellings were erected, now known as Horseshoe Terrace. The appeal site has stood vacant since this time and vegetation has been allowed to grow such that the remains of any structures have blended into the landscape. Consequently, the site is no longer previously developed land in the terms of the National Planning Policy Framework (the Framework). The proposal would therefore constitute inappropriate development.
7. Inappropriate development in the Green Belt is, by definition, harmful to it. Such proposals should not be approved except in very special circumstances. These will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
8. In addition to the definitional harm identified, the erection of two two-storey dwellings would also have an appreciable and harmful impact on the openness of the Green Belt, introducing significant built form to an area that is currently open and which is visible from nearby vantage points, including from adjacent dwellings. The development would further urbanise the appearance of the site and would therefore result in both spatial and visual harm to the Green Belt. I attach substantial weight to the Green Belt harm identified.

Listed building

9. Horseshoe Lodge is an early 19th century house which derives architectural interest from the age and quality of its architectural style, as a good example of its building type and period, existing in a largely well-preserved condition. It derives historic interest for what it reveals about the historic local pattern of settlement, prior to rapid suburban growth of the surrounding areas during the second half of the twentieth century. There is a historic connection between the property and the appeal site, since it once formed part of the surrounding land occupied by associated outbuildings. The higher level of the appeal site also provides a vantage point from which to appreciate the listed building, with views over the roofscape and substantial chimney stacks, notwithstanding the presence of boundary landscaping.
10. Horseshoe Lodge is now enclosed behind a boundary fence and landscaping and the former association with the appeal site is less legible. The setting of the building generally is also much changed with the residential development that has occurred nearby and the close proximity of Brighton Road, a busy dual carriageway. Nevertheless, the appellant accepts that the site makes a very limited contribution to the setting and significance of Horseshoe Lodge and I agree with this characterisation. Construction of two dwellings close to the rear boundary of the listed building would significantly reduce the amount of

open land behind the property and intrude on the space within which the listed building is currently experienced and appreciated.

11. The harm arising would be less than substantial in the terms of the Framework but great weight is to be given to the conservation of the heritage asset. The identified public benefits that would arise from the scheme, including the delivery of two market dwellings and associated social and economic benefits, are modest. They do not outweigh the harm to the heritage asset and the scheme would conflict with the Act, as well as Policy NHE9 of the Development Management Plan (2019) (DMP).

Highway safety

12. The site is accessed from a junction with Brighton Road (A217), a busy dual carriageway. The introduction of two dwellings would intensify use of the access and it is important that sufficient visibility is available to ensure highway safety. Having regard to the Design Manual for Roads and Bridges, the Council identifies the need for visibility splays of 2.4m x 120m. The appellant's Access Appraisal identifies that splays of 2.4m x 104m are achievable. It is unclear whether the larger splays sought by the Council can be achieved and so it is not possible to secure their provision by condition and I cannot be satisfied that the site can be accessed without prejudicing highway safety. As such, the proposal is in conflict with Policy TAP1 of the DMP.

Ecology

13. The site is located close to a designated Site of Nature Conservation Importance and there is potential for the development to harm ecological interests, including protected species. Such harm cannot be established or mitigated in the absence of any ecological survey work and so, the scheme is in conflict with Policy NHE2 of the DMP.

Whether very special circumstances exist

14. Substantial harm would result from the development, primarily in relation to the Green Belt and a designated heritage asset. In addition, it has not been demonstrated that highway safety would not be compromised or that unacceptable harm would not result to ecological interests.
15. I have had regard to other considerations weighing in favour of the proposal, particularly the delivery of two market dwellings that would contribute towards local housing needs, but these matters do not clearly outweigh the harm identified. As such, very special circumstances have not been demonstrated and the proposal is in conflict with Policy CS3 of the Reigate and Banstead Core Strategy (2014) and Policy NHE5 of the DMP.

Conclusion

16. In light of the above, the appeal is dismissed.

Michael Boniface

INSPECTOR