



Appeal Decision

Site visit made on 16 October 2024

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2024

Appeal Ref: APP/L3625/W/24/3340647

Thurgarton Cottage, Meath Green Lane, Horley, Surrey, RH6 8HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Richard Sloman of Nye Saunders Ltd Chartered Architects against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 23/01358/F.
 - The development proposed is erection of two three bedroom houses, provision of six parking spaces and turning area.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Richard Sloman of Nye Saunders Ltd Chartered Architects against Reigate and Banstead Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The application was amended during the decision making process, and the Council made its decision on plans which show the access point located further North than the existing access along Meath Green Lane. The appellant has requested that both the original and amended options are considered as part of this appeal. It is important that the appeal is essentially the same scheme that was considered by the LPA and by interested parties at the application stage and the appeal process should not be used to evolve a scheme. Therefore, in the interests of fairness and openness I have dealt with this appeal on the basis of the drawings on which the decision was issued.
4. I have had regard to a previous Inspector's decision at this site for three dwellings (Appeal ref: APP/L3625/W/21/3289794) and I note that does not make any comment as to whether a single additional house would be the limit.

Main Issue

5. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Meath Green Lane Conservation Area.

Reasons

6. The site is within the Meath Green Lane Conservation Area (CA). The Council's character assessment describes its significance deriving from its character as a

cohesive settlement of local Wealden vernacular architecture centred around a hedged country lane threading through the urban area.

7. A large amount of new housing development is taking place close to this CA including as part of the North-West Sector development. I saw that properties to the North of the site have been built, with the nearest two storey dwellings and the majority of the single storey garages set back from the road. However, there is a small single storey double garage which is set back by approximately 11m according to the Council's submissions. Development to the east of the appeal site has also been constructed. The North-West sector development is visible from Meath Green Lane around and through the vegetated borders and it is clearly seen from the junction with Hoadley Road. There is also residential development nearby which is outside but visible from the CA including housing at Denora's Rest and Poynes Road. Development has also been permitted at The Croft which, although mainly outside the CA, includes an access and part of the development within the CA.
8. I have taken all the above into account. However, in the vicinity of the appeal site generally built form is away from the road and significant vegetation and open space is maintained along the majority of the boundaries with Meath Green Lane. As such, although properties are visible, due to the intervening open spaces and landscaping and the set back of buildings, the Lane retains its vegetated, green, semi-rural character.
9. The buildings within the CA are generally large dwellings set in generous landscaped grounds with planting to the front boundary. I am provided with a list of plot sizes within the CA, including the more recent and consented developments identified above. There are some plots which are more limited, although few are less than around 350sqm. However, the majority of plots, particularly those fronting Meath Green Lane are very large and this pattern of development is an important feature of the CA.
10. Therefore, the CA as a whole derives its significance from the historic buildings with generally large properties set in generous plots. Centred around their layout along the tree and hedge lined Meath Green Lane which has a spacious semi-rural character.
11. Thurgarton Cottage was previously associated with the Grade II listed Cheswick Farmhouse, however it has since been subdivided and forms its own plot. It is a single storey cottage with a large garden which is parallel to the road with hedging to this boundary. The siting of the historic cottage on the Lane, along with its large plot and the extent of the open garden area and hedge lined boundary adjacent to the road makes a positive contribution to the spacious pattern of development and the traditional, green and semi-rural character of the Lane and to the significance of the CA in this regard.
12. The proposed development would introduce two new dwellings to the garden area of this plot. A 5m wide hedgerow is proposed along the boundary with Meath Green Lane. The proposed dwellings and Thurgarton Cottage would be served by a single access point with an area for turning and six car parking spaces constructed mainly in gravel. The parking spaces would be in front of and adjacent to the proposed dwellings and the bin collection point would be located behind the hedgerow.

13. Figures from the appellant show that Plot 1 would be a part single part two storey dwelling. The two storey element would be set back 15m, with the single storey element projecting 4m forwards of this. The plot would be around 625sqm. Plot 2 would also be a part single, part two storey building set back 15m. Its plot size would be around 345sqm. Thurgarton Cottage would retain a plot size of approximately 592sqm.
14. The proposed development would introduce an area of gravel for car parking, turning and bins in a location close to Meath Green Lane. Part of Plot 1 would also extend close to the road. The enlarged hedgerow would provide some screening. However, these urban features are likely to be seen including through the access, even though vistas would be limited, but particularly when trees are not in leaf, as well as from neighbouring properties. Whilst the extent of these features would be modest, they would nevertheless introduce urban forms of development to an extent and proximity to Meath Green Lane that would erode its semi-rural character. This is the case notwithstanding the advice in the Reigate and Banstead Borough Council's Local Character and Distinctiveness Design Guide Supplementary Planning Document (2021) which contains guidance that to achieve a green corridor development should be set back at least 15m from the hedge line. Therefore, there would be harm to the CA in this regard.
15. The proposed plots would be smaller than many within this CA. Whilst the evidence demonstrates that there are some properties with smaller or comparable plot sizes to those proposed for Thurgarton Cottage and Plot 1, Plot 2 would be notably smaller than the majority of the plots in this area. I note that the dwellings proposed are generally smaller than the buildings on the larger plots nearby and therefore plot ratios are similar. Also the density proposed would be lower than nearby development outside the CA. Nonetheless, the appeal scheme does not propose large dwellings on generous plots which are characteristic of this area. As such it would not propose an appropriate amount of development. Therefore, the proposed development would harmfully erode the pattern of development and this significant feature of the CA in this regard.
16. The hedgerow to Meath Green Lane would be enlarged. It would replace what is currently a smaller hedgerow, but with open green space behind which is appropriate to the green and landscaped character of the lane. However, although the proposed hedgerow would be larger, it would be seen in the immediate context of the urban development described above and this would undermine its contribution to the semi-rural character of the lane. As such, overall, there would not be an enhancement to the CA.
17. The dwellings proposed are in the style of traditional agricultural barns with black weatherboard and clay roof tiles. Rooflights are included but do not dominate the roofslopes and are located away from the front elevations. Whilst the windows including dormer windows are domestic in their nature, they are not so dominant as to be harmful to the semi-rural setting. Therefore, the proposed detailing would not be harmful to the character and appearance of the CA. However, the lack of harm in this regard does not outweigh the multiple harms to the CA identified above.
18. The proposed development would therefore result in harm to the semi-rural character as well as harm to the spacious pattern of development that are

important features of the CA. Taken together this would result in unacceptable harm to the character and appearance of the CA.

19. Chiswick Farmhouse is a Grade II listed building. Its significance derives from its traditional appearance reflecting its historic function as a farmhouse. The Council have not refused the scheme on the basis of the effect on the setting of the listed building and the appellant's specialist's heritage statement states that there would be no harm to the setting and therefore significance of the listed building. I have visited the appeal site and I agree that there would be no harm to the setting of the listed building.
20. Nevertheless, the proposed development would not preserve or enhance the character or appearance of the Meath Green Lane Conservation Area. Therefore, in this regard, it would be contrary to policies DES1, DES2 and NHE9 of the Reigate and Banstead Local Plan Development Management Plan (2019). Together these set criteria to achieve high quality design including for garden land development, that development should respect the character and local distinctiveness of the surrounding area and should be in keeping with the prevailing layout amongst other things. Also, that development will preserve and enhance heritage assets including conservation areas.

Other Matters

21. The application was refused due to harm to ecology, in particular Great Crested Newts (GCN). The Council has confirmed that it has now received a NatureSpace Great Crested Newt District Licensing Scheme Certificate. As such it has determined that there would be no harm to GCNs and therefore it does not contest the second reason for refusal. I have no detailed evidence to disagree with these findings. Therefore, the proposed development would not result in harm to ecology.
22. Planning permission has been granted for a five-bedroom house with an attached two-bay garage (LPA ref 23/02516/F). Given the nature of the development proposed there is a real prospect that this permission would be implemented if this appeal were dismissed. However, the consented scheme is set further back from Meath Green Lane with larger plot sizes and lesser associated development including car parking, hard standing and bin stores. Therefore, this fallback scheme would be less harmful than the development proposed and as such it does not justify the appeal scheme.
23. At present the entrance to the site is via a narrow access point, close to a bend and there is no turning space within the site so vehicles cannot enter or leave in a forward gear. The proposed development would provide turning space on the site which would improve the safety of this access. Nevertheless, I am not provided with any evidence that the existing access has been unsafe, as such although the improved access would be a benefit, it would be limited.

Heritage Balance

24. The National Planning Policy Framework (the Framework) advises that heritage assets are irreplaceable and should be conserved in a manner appropriate to their significance and that any harm requires clear and convincing justification. In terms of the Framework the harm to the CA would be less than substantial. Nevertheless, this is a matter of considerable weight and importance. The

Framework requires me to weigh this harm against the public benefits of the scheme.

25. The proposed development would result in the social and economic benefits associated with the provision of two new homes and would make an efficient use of the land. However, taking into account the scale of the proposed development, these are important but minor benefits. There would also be a limited improvement to the access. Consequently, the benefits in this regard would be minor.
26. On the other hand, having regard to my statutory duty I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. I attribute considerable importance and weight to the harm identified. Accordingly, taking all the above into account, the minor public benefits would not outweigh the unacceptable harm to the CA.

Conclusion

27. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

H Miles

INSPECTOR