



Appeal Decision

Site visit made on 27 November 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2025

Appeal Ref: APP/L3625/W/24/3345456

45 Lonesome Lane, Reigate, Surrey RH2 7QT

- 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 & Mrs Quinn against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 24/00202/F.
 - The development proposed is the erection of a single storey detached dwelling with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development from the decision notice in the banner above as that was agreed between the main parties during the application process, rather than '*Conversion of existing outbuilding to a separate dwelling*' as provided in the original application form.
3. Since the determination of this application a revised National Planning Policy Framework (The Framework) has been published. The main parties have been given the opportunity to comment. I have considered these and the revised Framework in my decision.
4. It is common ground between the main parties that Policy CS2 of the Core Strategy was cited in error on the decision notice. No further reference is made to that policy hereafter.

Main Issues

5. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - The effect of the development on:
 - the openness of the Green Belt;
 - the character and appearance of the area;

- the living conditions of occupiers of 45 Lonesome Lane (No 45), with particular regard to overlooking, noise and disturbance; and
- Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Background

6. In August 2022 a certificate of lawfulness for a proposed use or development (the CLPUD)¹ was issued in respect of the “Erection of two Class E outbuildings, the first providing a double garage, garden stores and gym, games room and the second as a general garden machinery store” at land comprising the site and No 45.
7. Planning permission was granted for the demolition of an existing dwelling and the erection of a replacement at No 45 in October 2023² (the replacement dwelling).

Reasons

Inappropriate Development

8. The appeal site (the site) includes a vehicular access track from Lonesome Lane, areas of lawn, and a detached ‘L’ shaped building (the building) with areas of hard surface around it. This appeal seeks to retain the building as a new dwelling on the site. The footprint, volume and shape of the building is much as per the CLPUD plans, but externally the building is arranged much as shown on plan ref A104 – ‘Proposed Plans and Elevations’ submitted as part of the planning application. The site is immediately adjacent to a detached bungalow at 45 Lonesome Lane (No 45), and forms part of its curtilage. The site is in the Green Belt, and the land behind it is undeveloped and visible from the road over a simple post and rail fence.
9. Policies CS3 of the Reigate and Banstead Local Plan: Core Strategy (2014) (the Core Strategy) and NHE5 of the Reigate and Banstead Development Management Plan (2019) (the DM Plan) set out the Council’s strategic approach to the Green Belt and the circumstances in which planning permission may be granted for development within it. Both policies defer to national policy to define the circumstances in which development in the Green Belt is not inappropriate. In that respect, there is no significant conflict between the development plan and the Framework.
10. As part of the erection of the building a structure described as a car barn, which was located in the same area of the site, was removed. However, even if the whole site comprises previously developed land, for the reasons set out in the following section I do not consider the proposed development to have the benefit of the exception in paragraph 154(g) of the Framework, as it causes substantial harm to the openness of the Green Belt.
11. Furthermore, even if the site comprises grey belt land the figures provided by the Council in respect of housing delivery show that there is no demonstrable unmet

¹ Application Ref 22/01249/CLP

² Application Ref: 23/00595/F

need for the type of development proposed. As such, the proposal does not meet the criteria set out in paragraph 155 of the Framework.

12. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would conflict with Policies CS3 of the Core Strategy and NHE5 of the DM Plan, and with the Framework.

Openness

13. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. As above, a car barn structure was removed as part of the erection of the building. The effect on openness must be assessed in that context.
14. The building has a significantly larger footprint than the removed car barn, and projects much further across the width of the site. It obstructs views from the road of the undeveloped land behind the site that would otherwise demonstrate the open and verdant nature of the local area, and replaces them with a notably more suburban, developed vista. As such, the building results in substantial harm to the openness of the Green Belt in both a spatial and visual context.

Character and Appearance

15. The site is within a row of development (the row) along the eastern side of Lonesome Lane (the road). Within this, properties which are adjacent to the road generally follow a discernible building line. In many cases the gaps between houses are narrow, and the homes sit side-by-side. Properties located further from the road are indicated by access drives but, in the main, the buildings themselves are not readily visible. These features give the row a planned, orderly, residential feel, highlighted by its contrast with the undeveloped and verdant feel of the land on the opposite, western side of the road and, where visible, behind the row to the east.
16. As evidenced by the appellants, plot widths in the row are not uniform and, should the proposed development take place, the site would not be the narrowest. Even so, at around half the width of the average plot, it would be recognisably amongst the narrowest, and far narrower than most. Moreover, the proposed development involves a tapered plot shape and an angled boundary with No 45, as well as a staggered layout in which the building would be directly visible between its neighbouring dwellings when viewed from the road, but not follow the established building line. These features are not common locally, and would combine to give the proposed development an incongruous appearance in the setting, harmfully at odds with the generally ordered and consistent layout described above.
17. Even if the plot widths and sizes in the appeal proposal compare favourably to those in developments approved at both 65 Lonesome Lane and Bunting Mead, as outlined in the appellants submissions, none of the plots in those two developments front onto, or are directly visible from the road. In the former case, the plots are located behind existing dwellings, with a vehicular access being the only indication of their presence. In the latter, Unit 3, the plot nearest the road, is set a significant distance from the road, behind a segregated communal landscape area and, on the evidence provided, screened from view by planting. I do not find either development directly comparable to the appeal proposal in respect of their effect on the character and appearance of the area, therefore, and do not consider them to provide a precedent.

18. The proposed development would have a harmful effect on the character and appearance of the area, contrary to Policy DES1 of the DM Plan, where it requires development to promote and reinforce local distinctiveness, respect local character and the visual appearance of the immediate street scene, and have due regard to the layout, density, plot sizes, and building siting of the surrounding area. I find Policy NHE5 of the DM Plan, also cited in the decision notice, is not relevant to this issue as the proposal does not involve the extension, alteration, or replacement of a building in the Green Belt.

Living Conditions

19. The existing bungalow at No 45 (the bungalow) is on higher ground than the building and has two clear windows and a glazed conservatory across the rear elevation, as well as a raised patio. There is direct intervisibility over a short distance between the rear of the bungalow and the entrance, living room window, bifold doors, garden patio, and two bedroom windows in the building.
20. Even if a normal domestic fence and additional landscaping were placed along the boundary between the bungalow and the building, the raised level of the former, particularly the rear patio, is such that harmful overlooking into the upper parts of openings of the building would likely remain. Whilst additional screening could be provided, I have no evidence that a boundary treatment tall enough to prevent overlooking would not also cause overshadowing or loss of outlook to one or both properties.
21. The parking area for the proposed development would be immediately alongside a part of the garden of No 45 which is both closest to the rear patio, and on the far side of the bungalow to the road. The vehicular access leading to the parking area would run immediately alongside the boundary with No 45, and directly past a part-glazed porch serving the bungalow kitchen.
22. Whilst the number of vehicles and vehicle movements associated with the proposed development are likely to be modest, the location of the parking area would result in noise and disturbance from cars to part of No 45 that is secluded and well-used, and where the effects would be most harmful, therefore. Furthermore, the movement of cars immediately outside the door of the kitchen porch would intrude directly upon the privacy and peace of occupiers of that structure, and of the kitchen.
23. Even if the replacement dwelling at No 45 were built, the benefits from the subsequent increase in separation distances would be outweighed by the presence of first floor rear windows in the replacement dwelling, from which the extent and effect of overlooking towards the building would become significantly more harmful.
24. Whilst many nearby dwellings, including those the subject of recent approvals, are closer together than the building and the bungalow, they are predominantly not arranged in the staggered layout proposed in the appeal and, as such, are not comparable to the proposed development.
25. Of those which are set out other than side-by-side and adjacent to the road, I have no evidence that the developments approved at 73 or 65 Lonesome Lane result in overlooking of openings and amenity areas comparable to that in the appeal proposal. In the case of development approved at Benting Mead, the evidence

shows that the relationship between neighbouring patios and gardens is markedly different to that in the appeal proposal; The relevant parts of Units 1 and 2 are side by side, whilst Unit 3 is on the far side of the development from Units 1 and 2.

26. Whilst I acknowledge the staggered layout of 77 Lonesome Lane and its immediate neighbours, I have no evidence that the configuration of openings, vehicular accesses, and ground levels in that arrangement result in overlooking or noise and disturbance comparable to that in the appeal proposal or that, in any event, it was approved against the current development plan.
27. The proposed development would have a harmful effect on the living conditions of occupiers of 45 Lonesome Lane in respect of overlooking and noise and disturbance, contrary to Policy DES1 of the DM Plan, where it requires development to not adversely impact upon the amenity of occupants of the existing nearby buildings.

Other Considerations

28. The provision of a building much the same size and shape as the one subject of the appeal may be erected using permitted rights (a PD building). This has been confirmed by the CLPUD and is a greater than theoretical prospect. It is cited as a fallback position.
29. A PD building would not require the visible subdivision of the appeal site from No 45, nor display the same signs of independent occupation. Instead, it would appear as incidental to the enjoyment of the dwellinghouse at No 45 and, as a result, not harm the character and appearance of the area to the same extent or in the same ways as the appeal proposal would. As a PD building would not be a separate dwelling to No 45, it would also not result in harmful effects on living conditions for occupiers of that property.
30. In respect of the effect on openness in the Green Belt, in order to attract weight in favour of the development a fallback would need to be shown to be more harmful than the appeal proposal. The provision of a PD building much the same size and shape as that subject of the appeal would have much the same effects and, as such, the avoidance of its provision as part of the appeal proposal does not amount to a benefit. Given the above I attach minimal weight to the possible provision of a PD building at the site.
31. Whether the use of the building as temporary accommodation in association with the construction of a replacement dwelling at No 45 is, or would be, lawful is not a matter before me. Nevertheless, even if such a use were lawful it would be a temporary arrangement and I attach minimal weight to it, therefore.
32. The proposal would yield a net gain of one new house towards the Government's aim of significantly boosting supply, and it could be built quickly. The prompt delivery of new housing carries significant weight but is tempered in this case by the modest scale of the scheme. There would be temporary economic benefits associated with the construction phase as well as the prospect of work-related training for site operatives. Thereafter, there would be ongoing local economic activity relating to the occupation of the site, to the benefit of the nearest facilities and services. Nevertheless, given the relatively modest scale of the proposal and the small number of new residents brought about, these benefits would be minor.

Green Belt Balance and Conclusion

33. The proposal would constitute inappropriate development in the Green Belt and would harm openness. As such, the Framework requires that the harm by reason of inappropriateness be given substantial weight, and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. The other considerations in this case are not sufficient to comprise the very special circumstances necessary to justify this development. The development is contrary to Policies CS3 of the Core Strategy and NHE5 of the DM Plan, and with the Framework, which seek to protect the Green Belt.
34. 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. The appeal is therefore dismissed.

A Knight

INSPECTOR