



Appeal Decision

Site visit made on 2 October 2024

by **J Moore BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 January 2025

Appeal Ref: APP/M3645/W/24/3339699

Beacon Platt, High Street, Dormansland, Surrey RH7 6RB

- 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 and Mrs Piers and Sophie Harrison against the decision of Tandridge District Council.
 - The application Ref is TA/2023/873.
 - The development proposed is Erection of 4no. semi-detached dwellings.
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Decision

1. The appeal is allowed, and planning permission is granted for Erection of 4no. semi-detached dwellings at Beacon Platt, High Street, Dormansland, Surrey RH7 6RB in accordance with the terms of the application, Ref 2023/873, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in my formal decision is different to that stated on the planning application form. The evidence indicates that a change was agreed. I have therefore used it in my formal decision and banner heading above, excluding further wording that does not constitute acts of development.
3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024. The main parties were given an opportunity to comment on this matter and I have taken the comments made into account.

Main Issues

4. The appeal site is within the Green Belt. Following the publication of the revised Framework, the main parties agree that the proposal would meet the exception for grey belt under paragraph 155 of the Framework. Therefore, the main issue is whether the proposed development would be inappropriate development within the Green Belt, having regard to the Framework and any relevant development plan policies.

Reasons

Whether Inappropriate Development

5. The Framework sets out that the Government attaches great importance to Green Belts; that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. It establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be

- approved except in very special circumstances. The Framework makes clear that development in the Green Belt is inappropriate, unless certain exceptions apply.
6. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies 2014 (TLP) seeks to refuse permission for inappropriate development in the Green Belt, unless very special circumstances exist. TLP Policy DP13 sets out certain exceptions to this, largely reflecting those within paragraph 154 of the Framework. Taken together, these policies are in general conformity with the Framework. However, they do not take account of paragraph 155 of the revised Framework (paragraph 155), which identifies that the development of homes in the Green Belt should not be regarded as inappropriate, subject to certain criteria.
 7. Criterion a) specifies that the development would need to utilise grey belt land and not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan. The Framework defines Grey Belt as previously developed land in the Green Belt and/or land that does not strongly contribute to any of purposes a), b) or d) in paragraph 143.
 8. The appeal site forms part of the garden at Beacon Platt and is bordered by The Platt to the North and High Street to the east, and to the west there is a dwelling in a large plot. A village church is situated immediately to the north along The Platt. Towards the east and beyond the adjacent dwelling to the west, there are further residential areas within the settlement boundary. Consequently, the appeal site is largely surrounded by other forms of development and does not therefore serve to check the unrestricted sprawl of a large built-up area. It is not close to a neighbouring town, historic or otherwise, and it would therefore not serve to prevent neighbouring towns from merging into one another, nor to preserve the setting and special character of a historic town. For these reasons, it would not strongly contribute to any of the three Green Belt purposes (a), (b) or (d), and therefore it can be classified as grey belt land.
 9. While the plan area comprises a large amount of Green Belt land, the appeal site represents a very small proportion of this land. There is no compelling evidence before me to demonstrate that the proposal would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, and I find no reason to consider otherwise. Furthermore, there are no relevant policies relating to the assets in footnote 7 of the Framework (other than Green Belt) which would provide a strong reason for refusing or restricting development. The proposal would therefore comply with criterion a) of paragraph 155.
 10. The application would provide homes. The evidence before me indicates that the Council cannot demonstrate a five-year supply of deliverable housing sites, with the supply found to be 1.38 years at a planning appeal¹ in April 2023, and given to be 1.92 years in the Council's 2023/2024 monitoring report (May 2024). This is a considerable shortfall and represents a demonstrable unmet need for housing development in accordance with footnote 56 of the Framework. The proposal would therefore comply with criterion b of paragraph 155.
 11. The evidence indicates that Dormsansland is a third-tier settlement within the TLP, with shops and services serving day to day needs, and includes a primary school. Given the limited extent of facilities and services, it is likely that future occupiers would need to travel further afield to meet some of their day-to-day and other

¹ APP/M3645/W/22/3309334

needs, likely by private vehicles. However, paragraph 110 of the Framework indicates that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

12. The appeal site is within a rural area, but it is reasonably served by public transport. Dormans railway station is about 0.5 miles distant from the appeal site, and to the north there is a further station at Lingfield, with connections to Caterham, Croydon and London Bridge. My own observations indicate that there are bus stops in proximity along High Street, with posted timetables showing services operating at varying frequencies Monday-Saturday with no services on Sundays, and I saw buses stopping during my visit. Indicated destinations included Lingfield Station, Nutfield Station, East Surrey Hospital, Redhill and Reigate. For these reasons, the proposal would not be in an unsustainable location.
13. Turning space would be provided within the appeal site for vehicles to leave the site in forward gear with sufficient visibility. The proposal includes a cycle store and electric vehicle charging points which would assist in encouraging more sustainable forms of transport, and a pedestrian access is proposed towards High Street. However, there are no public footways adjacent to the northern and easterly boundaries of the appeal site, such that the proposed pedestrian access would not lead to a footway.
14. The local highway authority (LHA) considers that a crossing and pedestrian link (delivered by a s278 agreement) at the High Street junction with The Platt would provide a suitable link to existing footways, reduce vehicle speeds and improve pedestrian safety. This could be secured by a suitable condition. While highway reasons were not indicated in any reason for refusal, the position of the LHA is clear in their submissions to the appeal, and the appellant raises no objection in this regard. In such circumstances I am satisfied that the proposal would not result in a significant impact on highway safety or the transport network, and safe and suitable access would be provided for all users.
15. Given the above, the proposal would comply with criterion c of paragraph 155. As the proposal would not be a major development, it would not require compliance with criterion d of paragraph 155.
16. For the reasons above, all relevant criteria of paragraph 155 of the Framework would be satisfied. I therefore conclude that the proposal would not be inappropriate development in the Green Belt. The proposed development would therefore accord with TLP Policy DP10, whose objectives I have set out above. Even if the proposal were to conflict with any of the exceptions within TLP Policy DP13, the material considerations of the revised Framework would not alter this conclusion.

Other Matters

17. Interested parties raise concerns regarding a number of other matters, many of which were considered by the Council where relevant at the time of determination in their officer report. Whilst I can understand the concerns of interested parties, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on such matters.
18. In any event, I note that interested parties largely remain concerned about highway safety in terms of the fact that the appeal site is in proximity to a junction, pre-

school, church, and community facilities; and the lack of footway alongside the appeal site at The Platt/High Street. There are concerns that the proposal could lead to an increase in on-street parking and increased risk of collision. However, there is no substantive evidence before me to demonstrate any parking stress in the vicinity. The proposal meets parking requirements arising from the development and includes visitor spaces. While an interested party gives account of an accident resulting in injury in 2017, there is little evidence before me regarding any other accidents. The LHA raises no objection on the grounds of highway safety, subject to the condition requiring the crossing and pedestrian link, which would assist in improving pedestrian safety.

19. Concerns are also raised by the Parish Council and others regarding the effects of construction related activities in the context of the appeal site and its surroundings. It seems to me that the proposal is at a location where there could be an increased risk to pedestrians (including the elderly, children, and those with limited mobility or other needs) from proximity to construction activities. I therefore consider that a condition to control the construction phase would be reasonable and necessary in the particular circumstances of this case if I were to allow the appeal.
20. Further concerns are raised that the appeal scheme would set a precedent for further development outside of the defined settlement. No specific sites have been put forward, save for a general concern that land south of the appeal site towards Dormans station could come forward. However, any future proposal would need to be considered on its own merits and the prevailing policy circumstances of that time. Therefore, the appeal scheme would not set a precedent.
21. The proposed dwellings would be served by an existing access onto The Platt, which also serves as access to the adjacent property of Skeddaway. I note the concerns of the adjacent occupiers that they have rights of access and/or rights of way in this regard. Rights of access are private matters and generally do not affect the consideration of the planning merits of a proposal. However, further concerns are raised in this regard to arrangements for the collection of waste and recycling.
22. While the proposal includes provision of bin stores within the site, the proposed access to the highway would be shared by future occupiers of four properties, as well as the adjacent neighbour, which could lead to a situation where a significant number of bins could obstruct ingress to the site, and thus impede traffic flow. My observations along The Platt and in the wider area indicate that bins are likely presented for collection along sections of the carriageway without pavements, and therefore such an arrangement would not be unusual. There is no compelling evidence to robustly demonstrate that there is insufficient space for bins to be presented for collection without unreasonably impeding ingress. In such circumstances, I see no reason why this matter cannot be controlled by a suitable condition.

Conditions

23. I have considered the conditions suggested by the Council, comments from the appellant including pre-commencement, and in light of Planning Practice Guidance (PPG). For clarity, precision and to ensure compliance with the PPG, I have undertaken some amendments, editing and rationalisation. The appellant has indicated their written agreement to the terms of those conditions requiring

compliance prior to the commencement of development, as per section 100ZA of the Act.

24. Conditions 1 and 2 respectively impose a time limit for commencement and require the development to be completed in accordance with the approved plans. These conditions are necessary in the interests of clarity, precision and enforceability. Although the submitted plans include a landscape plan, this is inconsistent with other submitted plans, such that there are limited/incomplete details pertaining to boundary treatments and hard surfacing which would not meet the tests of precision, clarity and enforceability. I have therefore not included this plan within the plans condition. Condition 3 is imposed to control the materials for external surfaces of the dwellings in the interests of the character and appearance of the area.
25. Condition 4 is imposed to ensure that a Construction Method Statement is in place to ensure public safety and the operation of the highway network; and to protect the reasonable amenity of neighbours during the construction phase. Condition 5 seeks to ensure that suitable protection measures and working practices are in place to prevent harm to retained trees, in the interests of the character and appearance of the area and biodiversity. Condition 6 requires a landscaping scheme in light of the inconsistent landscape plan submitted with the application, in the interests of sustainable transport, to control the appearance of the development, and in the interests of biodiversity. Conditions 4-6 (inclusive) are reasonable and necessary and imposed as pre-commencement conditions to ensure that suitable controls and measures are in place prior to any clearance, demolition and construction works.
26. Condition 7 is a “Grampian” condition and is reasonable and necessary to secure suitable pedestrian access and a crossing in the interests of sustainable transport, highway safety and the operation of the transport network. There is no evidence before me to indicate that such works cannot be delivered within the time limits of the permission.
27. Conditions 8-10 inclusive are reasonable and necessary in the interests of sustainable transport. Condition 8 is also imposed in the interests of highway safety and the operation of the transport network. Conditions 9-11 inclusive are also reasonable and necessary in the interests of tackling climate change. Condition 12 is reasonable and necessary in the interests of highway safety, the operation of the transport network and in the interests of neighbouring and future occupiers of the development.

Conclusion

28. For the reasons given above the appeal should be allowed, and planning permission should be granted, subject to the conditions I have set out.

J Moore

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: C0244-P001 – Site Location Plan; C0244-PL003 Rev A – Proposed Site Layout; C0244-P004 – Proposed Site Layout Plan (Access); C0244-P006 – Proposed Site Layout Plan (Drainage) C0244-P111 – Proposed Ground Floor Plan; C0244-P112 – Proposed First Floor Plan; C0244-P114 – Proposed Roof Plan; C0244-P211 – North Elevation; C0244-P212-West Elevation; C0244-P213-South Elevation; C0244-P214-East Elevation; C0244-P215-Proposed Site Section; C0244-P214-North Elevation (Materials).
- 3) The external surfaces of the dwellings hereby permitted shall be constructed in the materials shown on drawing no: C0244-P214-North Elevation (Materials).
- 4) No site clearance, preparatory work or development shall take place, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of any security hoarding;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) delivery, demolition and construction working hours; and
 - vii) full contact details of the site foreman or responsible person.The approved statement shall be adhered to throughout the construction period for the development.
- 5) No site clearance, preparatory work or development shall take place until a scheme for the protection of retained trees and any trees within 12m of the site boundary (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with British Standard BS 5837: 2012 *Trees in relation to design, demolition and construction - Recommendations* (or an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of retained trees shall be carried out as approved.

No fires shall be lit within the root protection area (RPA) or within 10 (ten) metres of the nearest point of the canopy of a retained tree. No further trenches, drains or service runs (other than those approved) shall be sited within the RPA of a retained tree. No further changes in ground levels or excavations (other than those approved) shall take place within the RPA of a retained tree.
- 6) Notwithstanding condition no.2, no development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The details shall include:
 - i) boundary treatments, including gates and fencing details;
 - ii) vehicle parking layouts;
 - iii) other vehicle and pedestrian access and circulation areas;
 - iv) hard surfacing materials;

- v) minor structures to include refuse and cycle stores;
- vi) retained landscape features including retained trees and other vegetation;
- vii) proposed and existing functional services above and below ground including access points; and
- viii) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed details.

- 7) No dwelling shall be occupied unless and until a pedestrian connection onto High Street and a continuous pedestrian priority crossing at the High Street junction with The Platt has been implemented in accordance with a scheme that shall have been submitted to and approved in writing by the local planning authority. For the avoidance of doubt, the works will need to be undertaken as part of a section 278 agreement with the local highway authority.
- 8) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. C0244-P004 - Proposed Site Layout Plan (Access) for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the space shall be kept available at all times for its designated purposes.
- 9) No dwelling shall be occupied until it is provided with an operational fast charge electric vehicle charging point, in accordance with a scheme that has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the siting and specifications of the charging point infrastructure (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply). The approved details shall be fully implemented prior to the first occupation of the development and thereafter shall be retained and/or maintained in accordance with the approved details.
- 10) No dwelling shall be occupied until details of secure and covered storage for bicycles including charging points with timers for electric bicycles have been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented prior to the first occupation of the development and thereafter shall be retained and/or maintained in accordance with the approved details.
- 11) No dwelling shall be occupied until details demonstrating how the development would deliver a 10% reduction of carbon emissions through renewable resources have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the development and thereafter shall be retained and/or maintained in accordance with the approved details.
- 12) Notwithstanding condition no.2, no dwelling shall be occupied until details of the arrangements for collection of refuse and recycling have been submitted to and approved in writing by the local planning authority.

END OF SCHEDULE