



Appeal Decision

Site visit made on 4 February 2025

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2025

Appeal Ref: APP/L3625/W/24/3346156

Trumpet Hill Lodge, Flanchford Road, Reigate Heath, Reigate, Surrey RH2 8QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
- The appeal is made by Jason and Julia Smith against the decision of Reigate and Banstead Borough Council.
- The application Ref 23/01697/F was approved on 15 December 2023 and planning permission was granted subject to conditions.
- The development permitted is "Construction of a new cattle shed on the grounds of the site. As amended on 20/10/2023."
- The condition in dispute is No 4 which states that:
If the building is no longer required for agricultural purposes the building shall be demolished immediately, the materials and hardstanding removed and the site returfed within 3 months of demolition. Reuse of the building for non agricultural uses is not permitted.
- The reason given for the condition is:
"In the interests of protecting the visual amenity of the area with regard to Development Management Plan policies, DES1, NHE1, and NHE9."

Decision

1. The appeal is allowed and the planning permission Ref 23/01697/F for construction of a new cattle shed on the grounds of the site at Trumpet Hill Lodge, Reigate, RH2 8QX granted on 15 December 2023 by Reigate and Banstead Borough Council, is varied by deleting condition 4.

Background and Main Issues

2. Planning permission for the development permitted was granted in December 2023, as set out in the banner heading above. The current proposal is to remove the requirement of condition 4 for demolition of the approved cattle shed if the building is no longer required for agricultural purposes.
3. A further revised National Planning Policy Framework (the Framework) was published in December 2024. In the specific circumstances of this appeal, there is no need to invite further comments on the revisions from the main parties, as they do not affect the issues in dispute subject of this appeal.
4. The officer report states that the appeal site is within the Surrey Hills National Landscape. The Council has since clarified that this was an error, as the site is in a consultation area for a proposed boundary extension that has not yet concluded. It remains that the appeal site is within the Metropolitan Green Belt and an Area of Great Landscape Value, and the submitted evidence also indicates that the site is near to non-designated heritage assets. I have determined the appeal accordingly.
5. Having regard to the above, the main issues are:

- whether the development, without the condition in place, is inappropriate development in the Green Belt;
- whether the condition is reasonable and necessary in the interests of the landscape and scenic beauty of the surrounding area within the Area of Great Landscape Value (AGLV); and,
- whether the condition is reasonable and necessary to protect and preserve the significance of nearby non-designated heritage assets.

Reasons

Inappropriate development

6. The appeal site comprises an existing stable block building, at the end of a long vehicular access leading off the entrance adjacent to the main dwelling of Trumpet Hill Lodge. Some of the land adjacent to and beyond the stable block is used by the appellants for agricultural purposes to accommodate cattle.
7. The site is within the Metropolitan Green Belt. Policy CS3 of the Reigate and Banstead Local Plan: Core Strategy 2014 (LPCS) states that planning permission will not be granted for inappropriate development in the Green Belt unless very special circumstances clearly outweigh the potential harm to the Green Belt. The LPCS does not define what may constitute inappropriate development, but the Policy CS3 supporting text refers at paragraph 5.3.2 to national policy that requires that the Green Belt be protected from inappropriate development.
8. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless certain exceptions apply, one of which is buildings for agriculture and forestry. The Council states that the cattle shed subject of the disputed condition was only permitted in the Green Belt because of its proposed agricultural use and on this basis, it considers the removal of the building to be necessary and reasonable should the agricultural use cease.
9. However, the Planning Practice Guidance¹ (PPG) states that a condition requiring the demolition after a stated period of a building that is clearly intended to be permanent is unlikely to pass the test of reasonableness. There is no evidence before me that the submitted planning application was not for a permanent building.
10. Irrespective of whether or not the appeal site forms part of an agricultural holding, any future material change of use of the cattle shed to a non-agricultural purpose would require an additional application for planning permission, which would involve statutory public consultation and formal review of potential impacts. In such circumstances, the Council would also be at liberty to take enforcement action, if considered expedient, irrespective of whether the existing condition is in place or not. I therefore find the disputed condition to be unnecessary and unreasonable for this reason alone.
11. Furthermore, the condition requires immediate demolition of the building if its agricultural use ceases. This could in some circumstances potentially leave future owners of the appeal site liable to immediate enforcement action upon occupying the land, and may not allow for appropriate consideration of any future planning application. I therefore also find the wording of this condition to be unreasonable.

¹ Paragraph: 014 Reference ID: 21a-014-20140306

12. I am satisfied that construction of the approved cattle shed for agricultural use would not be inappropriate development in the Green Belt. Moreover, deletion of the disputed condition would not in itself cause any conflict with Green Belt Policy as set out in Policy CS3 of the RBLPCS and the Framework.

Landscape and scenic beauty

13. The appeal site and surrounding area is within an Area of Great Landscape Value (AGLV), as defined in the Policies Map of the Reigate & Banstead Local Plan Development Management Plan 2019 (LPDMP). Policy NHE1 of the LPDMP lists in its first section the principles for proposals within the Surrey Hills Area of Outstanding Natural Beauty (AONB), now known as Surrey Hills National Landscape. As already set out, the appeal site is not within a National Landscape.
14. However, the second section of Policy NHE1 states that its principles apply in the Area of Great Landscape Value (AGLV), as designated on the Policies Map, until such a time as the Surrey Hills AONB Boundary Review is completed which may extend the AONB into land currently designated as AGLV.
15. Policy NHE1 therefore requires me to attach great weight to the impact that development would have on the landscape and scenic beauty of the AGLV that the site lies within. This policy also requires, amongst other things, proposals to conserve and enhance the landscape and scenic beauty of the AGLV.
16. The site and its surrounds has a rural and attractive feel, as the undulating land allows for expansive views across fields and woodland areas. Following a site visit, I share the professional views set out in the officer report that the approved cattle shed would be a relatively minor addition that would not in itself harm the AGLV. Whilst the cattle shed cannot be said to form an enhancement of the landscape, its scale, appearance and siting within a lower part of the site and adjacent to the existing stable block would not alter the landscape to any significant extent.
17. I therefore conclude that removal of the condition would not conflict with Policy NHE1 of the LPDMP when read as a whole.

Non-designated heritage assets

18. The main dwelling of Trumpet Hill Lodge is Locally Listed, sited on higher ground at some distance to the southeast of where the cattle shed would be located. From what I have seen, its significance is derived from its intricate original fenestration features and its siting alongside prominent entrance gate walls and piers, which still allow appreciation of its former lodge house function.
19. Some intervisibility would also be possible between the cattle shed and the locally listed building and historic garden of Trumpet Hill, a large early 20th Century country house set further uphill and away to the southwest. From what I could see during my site visit, the significance of Trumpet Hill is derived in part from its spacious and imposing hilltop setting that creates a prominent feature in the landscape, no doubt deliberately designed as such to form a landmark of status looking out upon its former extensive grounds.
20. Concerns expressed by officers and other interested parties relate more to potential future use for non-agricultural purposes, rather than any visual or spatial impacts directly arising from the cattle shed. Although some concern was expressed regarding the use of a metal sheeted roof, the cattle shed was nonetheless

approved under delegated authority as being in overall compliance with the relevant development plan policies.

21. Following my site visit, I have no reason to disagree with that conclusion. The cattle shed would be of modest scale and functional agricultural appearance that would not visually or spatially detract from the significance of the abovementioned non-designated heritage assets, including their settings.
22. I therefore conclude that removal of the condition would not conflict with Policies NHE9 and DES1 of the LPDMP. Collectively, these policies require, amongst other things, development to protect and preserve the Borough's non-designated heritage assets and historic environment including special features and locally listed buildings, and to respect the character of the area having due regard to building siting, scale, massing, height and important views into and out of the site.

Conclusion

23. For the reasons given above, I conclude that the appeal should be allowed and I vary the planning permission by deleting the disputed condition No 4.

R Cahalane

INSPECTOR