



Appeal Decision

Site visit made on 1 April 2025

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 24 April 2025

Appeal Ref: APP/M3645/W/24/3354183

Ashlone, Town Hill, Lingfield, Surrey RH7 6PG

- 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 D Ashdown against the decision of Tandridge District Council.
 - The application Ref is TA/2024/355.
 - The development proposed is subdivision of existing residential curtilage and erection of a detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for subdivision of existing residential curtilage and erection of a detached dwelling at Ashlone, Town Hill, Lingfield, Surrey RH7 6PG in accordance with the terms of the application, Ref: TA/2024/355, subject to the conditions set out in the Schedule attached to this decision letter.

Preliminary Matters, Main Issue and Reasons

2. The application was refused permission by the Council on 30 September 2024 for one reason, namely that the proposed development would be inappropriate development in the Green Belt which is harmful by definition and would also cause harm to the openness of the Green Belt. The reason for refusal went on to acknowledge that the proposal would contribute to local housing supply on a small scale and that there were no other objections to the proposal, but that this would not outweigh the harm identified. The proposal was therefore found to be contrary to policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (TLP Part 2) and policies within the National Planning Policy Framework (December 2023).
3. The appeal site relates to part of the rear garden of Ashlone, a semi-detached property on the south-west side of Town Hill. There is a long driveway to the immediate south of Ashlone leading to garages at the rear of the site serving Ashlone, and a rear entrance to the garden as well as providing access to a property to the south, Little Stirrups. There is a further property to the south of Ashlone and north east of Little Stirrups called Glyn Garth. The appeal property and adjoining properties are in the Green Belt.
4. The proposal is for the subdivision of the existing plot and the erection of a three bedroom chalet style dwelling. The proposed site for the new dwelling would also

incorporate an existing garden room and the adjacent garages at the rear of the site, with access from the existing driveway.

5. During the course of the appeal the revised National Planning Policy Framework (Framework) was published in December 2024. Both the Council and the Appellants were invited to submit comments, if appropriate, to the changes which form part of the revised Framework which has relevance to the appeal.
6. Paragraph 142 of the Framework confirms that the Government attaches great importance to the Green Belt and that the essential characteristics of Green Belts are their openness and their permanence. At paragraph 153, the Framework confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 155 of the Framework confirms that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate, subject to a number of criteria including that the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; there is a demonstrable unmet need for the type of development proposed; that the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework, and where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157. This final criterion is not applicable in this instance because the proposal for one dwelling would not be major development.
7. The Appellants submitted their final comments by letter dated 13 January 2025, including with reference to the revised Framework and the new paragraph 155. The Appellants set out their reasons why the proposed development would accord with paragraph 155 of the Framework and would not therefore be inappropriate development.
8. The Council submitted their comments in respect of the revised Framework on 29 January 2025. The Council assessed the proposal against the new paragraph 155 and concluded that the development would comply with paragraph 155 and consequently would not undermine the purposes, taken together, of the remaining Green Belt across the area of the plan. In summary, the Council confirmed that the proposal would be considered to comply with the purposes of the Green Belt in terms of retaining its openness and permanence and would therefore be considered an acceptable form of development in accordance with the Framework.
9. The Council further confirmed that it had found the proposal acceptable in terms of sustainability, character and appearance, design and siting, parking and highway safety, renewables, biodiversity, flooding, trees and landscaping. As a result of its considerations and in the light of the Framework, the Council confirmed that it wished to withdraw its previous reason for refusal. This was the only reason for refusal raised.
10. For the avoidance of doubt, I have had regard to all the representations submitted and in particular in the light of the Framework and the introduction of paragraph 155. It is my view that the proposed development would satisfy the relevant criteria set out under paragraph 155 and would therefore not be inappropriate development in the Green Belt and would not conflict with the relevant provisions of the Framework.

11. I therefore conclude that the proposed development would not be inappropriate development in the Green Belt. There would be no conflict with the Framework nor Policy DP10 of the TLP Part 2 which protects the Green Belt from inappropriate development.
12. It is also my view, from all the representations before me, as well as my site visit, that the proposal would be acceptable in terms of sustainability, character and appearance, design and siting, parking and highway safety, renewables, biodiversity, flooding, trees and landscaping.

Other Considerations

13. I have taken into account the concerns raised by the neighbours at Gatton. I consider that there would be sufficient distance between the existing property and the proposed dwelling that there would be no material overlooking and loss of privacy and that furthermore, conditions could and should be imposed to strengthen the boundary treatment between the two properties to assist in this regard and a further condition imposed to restrict the insertion of windows at first floor and roof level in the elevation looking towards Gatton. The effect on a view is not a planning matter but I am also satisfied that the separation distance between the two properties would not result in an overwhelming or enclosing outlook which would materially harm the living conditions of the neighbours at Gatton.

Conditions

14. In terms of conditions, further details of materials are required to respect the character and appearance of the local area, and the approved plans should be listed for the avoidance of doubt and in the interests of good planning.
15. The application was supported with a detailed flood risk assessment which included recommendations in respect of flood resistance and resilience measures. A condition is required to ensure that the development adheres to these recommendations to safeguard future occupiers from flood risk, together with a condition to ensure that a suitable surface water drainage scheme is submitted and approved and then implemented and maintained.
16. An arboricultural report was submitted with the application but this did not extend to include an arboricultural impact and method statement in relation to the proposed development; this is required to protect existing trees on and adjoining the site together with a landscape scheme to protect the character and appearance of the local area. The landscaping scheme together with a condition to restrict the installation of windows in the first floor and at roof level of the north east elevation together are also required to respect and protect the living conditions of the neighbours at Gatton.
17. The landscape scheme should also incorporate biodiversity enhancement measures to meet national and development plan objectives in respect of biodiversity protection and enhancements, including but not limited to, those set out in the Ecological Impact Assessment supporting the application.
18. Any lighting that is proposed requires to be controlled to protect both the amenities of neighbours as well as biodiversity objectives.
19. The existing garage is shown to be incorporated into the proposed site for garaging and this should be retained for the parking of vehicles to serve the new house

permitted to ensure appropriate parking on site, together with conditions to require cycle parking and an electric vehicle and e-cycle charging point to incorporate sustainable transport modes and the reduction of CO2 emissions. Similarly, the recommendations from the Energy Statement accompanying the application including the provision of solar panels should be provided, as proposed, prior to occupation, to achieve a carbon emissions reduction.

20. I have not imposed the suggested condition to remove permitted development rights. Paragraph 55 of the Framework indicates planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Such a condition would not be necessary to make the appeal proposal acceptable in planning terms and would not comply with the Framework.
21. In order to be effective and given the nature of the development and the limited information submitted to date, it is my view that the conditions relating to the submission and approval of the arboricultural and construction method reports and the surface water drainage scheme both require to be pre-commencement conditions. In accordance with Section 100ZA (5) of the Town and Country Planning Act 1990 and The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018, I have therefore requested and received the Appellant's written agreement to the imposition of these conditions.

Conclusion

22. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be allowed.

L J Evans

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Notwithstanding the information provided, no part of the development hereby permitted shall take place above slab level until details of the external facing materials for the building hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved materials.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: LO1 Rev B; BP 01; EX 01 Rev A; 01 Rev D; 04a Rev B; 05 Rev A; X01 Rev C.
- 4) The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and completed in accordance with the approved details prior to

the first occupation of the development hereby permitted and thereafter retained and maintained.

- 5) The development hereby approved shall be constructed in accordance with the recommendations, including those at paragraph 5.2, set out within the Flood Risk Assessment supplied by Aegaea referenced AEG5485_RH7_Lingfield_01 and dated 29/07/2024 and shall not be occupied until they have been completed. These measures shall thereafter be retained and maintained.
- 6) The development hereby approved shall be constructed in accordance with the recommendations from the Energy Statement by Blew Burton Ltd dated February 2024 and shall not be occupied until they have been completed. These measures shall thereafter be retained and maintained.
- 7) Prior to the first occupation of the dwelling hereby approved, the solar panels shown on the plans hereby approved shall be installed in accordance with further details that shall be first submitted and approved in writing by the Local Planning Authority. They shall thereafter be retained and maintained.
- 8) No site works or works on the development hereby permitted shall be commenced before arboricultural and construction method reports have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall accord with BS3998 British Standard for Tree Work and BS5387 Trees in relation to Design, Demolition and Construction (or an equivalent British Standard if replaced) and shall include:
 - the position of existing trees including in relation to the proposed development and existing and proposed ground levels,
 - any proposed pruning, felling or other works to these trees,
 - the siting of and details of temporary tree protection fencing,
 - construction method statements including construction routes.

The works shall be undertaken in accordance with the approved details and the fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

- 9) Notwithstanding the information received, prior to first occupation of the development hereby approved a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:
 - a) Include a planting specification, implementation details and a 5- year landscape management plan.
 - b) Provide details of screening, including trees and hedging, around the perimeter of the site to mitigate for the development, include gaps at ground level in the boundaries to allow the passage of wildlife, to enhance the locality and, particularly on the northeast boundary, to afford more privacy to 'Gatton'.

- c) Provide details of the incorporation of biodiversity enhancements, including with reference to those set out at Section 7.1 of the Ecological Impact Assessment by Lizard Landscape Design and Ecology (Ref: LLD3160-ECO-REP-001-00-EcIA).
- d) Provide details of all hard landscaping materials
- e) Include a timetable for undertaking all of the hard and soft landscaping, including biodiversity enhancements works set out above.
- f) Provide details for the storage of bicycles.

All hard and soft landscaping works shall subsequently be undertaken in accordance with the approved details and the approved timetable.

Any trees or plants which within a period of 5 years from the completion of the development hereby permitted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 10) The existing triple garage shown on Plan O1D shall be kept available for the parking of motor vehicles at all times. The garage shall be used solely for the benefit of the occupants of the dwelling hereby permitted and for no other purpose and shall be permanently retained as such thereafter.
- 11) Prior to the first occupation of the development hereby approved one electric vehicle charging point and one e-bike charging point shall be installed in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority. The installed provisions shall thereafter be retained and maintained for that purpose.
- 12) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The details will demonstrate that areas to be lit will not disturb bat activity. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.
- 13) No windows shall be installed at first floor or roof level in the north-east elevation of the dwelling hereby permitted.

End of Conditions Schedule