



Appeal Decision

Site visit made on 24 March 2025

by **G Ellis BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 May 2025.

Appeal Ref: APP/L3625/W/24/3354244

Penlan, Southern Lane, Chipstead, Coulsdon CR5 3SN

- 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 Anthony Tollworthy against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 24/00611/F.
 - The development proposed is the erection of a replacement dwelling following demolition of existing dwelling and 4 no outbuildings. Associated hardstanding and landscaping.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a replacement dwelling following demolition of existing dwelling and 4 no outbuildings. Associated hardstanding and landscaping at Penlan, Southern Lane, Chipstead, Coulsdon CR5 3SN in accordance with the terms of the application, Ref 24/00611/F, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are: -
 - Whether or not the proposal would be inappropriate development within the Green Belt in terms of the National Planning Policy Framework (the Framework) and the development plan policies, and
 - The effect of the development on the character and appearance of the area.

Reasons

3. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate unless one of the specified exceptions applies. This includes the replacement of a building provided that the new building is in the same use and not materially larger than the one it replaces. This is reflected in policy CS3 of the Reigate and Banstead Local Plan Core Strategy (CS), adopted in 2014, and Policy NHE5 of the Development Management Plan (DMP) 2019, with the latter setting out five criteria for replacement buildings in the Green Belt. In terms of assessing what is 'materially larger', it refers to footprint, floor area, massing, bulk and height. It does not, however, set any specific limits.
4. Penlan is a lengthy but relatively narrow, detached two-storey building oriented end-on to the road. The proposed dwelling would be set further back and be of a contemporary design. With a flat roof, the height (above ground level) would be

lower, although it would be a wider building. Due to its form, rather than the graduated profile from the eaves that occurs with the existing pitched roof, the full height and bulk would extend across most of the building. The massing is, nonetheless, broken up, as it is designed with blocks of various sizes, heights, alignments, and materials.

5. From certain viewpoints within the site, the building may appear to be three storeys due to the garage. However, the basement utilises the existing levels, and to the west elevation (towards the road), the first-floor element is set further back.
6. Notwithstanding this, the basement contributes to the size of the proposed dwelling, which the appellant suggests would result in a total increase of 12% in floor area and 10% in volume compared to the existing dwelling. This incorporates an offset for the other buildings, which are to be removed as part of the proposal. These outbuildings are located to the rear (east) of the dwelling, comprising a garage, storage building, and wooden stable block. They are smaller, ancillary structures, but their removal would result in a consolidation of the built form and open up the land around the house. I do agree with the Council that the oil tank, which is for fuel and does not provide any usable floor area, should not be included in these calculations. Nonetheless, as a small structure, it does not significantly affect the figures, and as a result of the proposal, there would be a reduction in the built footprint of approximately 35%.
7. As expressed by the Council, what the proposal gives with one hand it takes with the other. In my view, this effectively equates to a balancing, with the new volume and floorspace primarily in the form of a basement. This would, in part, be visible as a result of the entrance to the garage, although there would be a greater setback from the road, and the building would be set within a spacious and open landscaped plot. The existing property has previously been extended, but the assessment under paragraph 154 d) of the Framework is in relation to what it replaces, not the original building.
8. Some increase in size is permissible as part of a replacement, and taken as a whole, I do not find that the various elements, including the low-level percentage increases, amount to the proposed dwelling being materially larger. The proposal would therefore accord with exception d) of paragraph 154 of the Framework and DMP policy NHE5 and would not be inappropriate development in the Green Belt. Therefore, there would not be harm to the Green Belt, and very special circumstances are not required. Accordingly, there would be no conflict with CS policy CS3, which protects the Green Belt from inappropriate development.
9. Policy NHE5 also incorporate matters relating to the character and appearance of the area as part of the assessment, which is not directly reflective of the approach in the Framework, and I have considered this as a separate issue.

Character and Appearance

10. Penlan is part of a small cluster of properties along Southern Lane, situated within the open countryside. These are all individual buildings, different in form and design. The closest neighbours (19 and 20 Southern Road) are Grade II Listed cottages. The existing tree screening along the shared boundary will be retained, and the adjusted positioning will result in reduced visibility between the proposed dwelling and the neighbouring cottages when viewed from the road.

11. Pelan is situated on higher ground than the road, yet due to the setback and limited height (under 7m), I do not find that the proposed building would be visually imposing. As a modern design, it may draw attention as something new or different, but that does not necessarily mean it is out of keeping with the local character.
12. The property sits within a large plot, and the general layout, relationship with the neighbours, and its open and landscaped setting would be retained. The proposed design does not reflect the traditional style of the existing property. However, there is no objection to its replacement, and the properties in the locality do not have a consistent appearance; rather, they are defined more by the rural character of the area.
13. Through the proposed form and articulation, the scale of the building would vary. While not directly in the same form or seen together, the proposed materials (flint, render, and timber) are exhibited on other nearby properties. I can understand that, given the more complex nature of the building compared to the existing vernacular, there is potential for a mixture of materials to appear incongruous; however, there is nothing to suggest these materials would not be of high quality, and the specific details can be secured via a condition.
14. Overall, I cannot agree with the Council that the design is poor. While introducing a contemporary style, the proposed dwelling would integrate with its site and respect the character and appearance of the area. As such, it would comply with DMP policy DES1, which requires all development to be of a high quality, respect the surrounding area and the visual appearance of the immediate street scene.

Other Matters

15. Other matters are addressed in the officer's report, including the relationship with the listed building, the Area of Great Landscape Value, trees and landscaping, ecology and transport, to which the Council has raised no objection, subject to conditions. There is no evidence before me which leads me to take a different view.
16. Construction work will be temporary, and a construction transport management plan, including details of vehicle routing and parking, can be secured by condition.

Conditions

17. I have had regard to the conditions proposed by the Council, and where necessary and in the interests of simplicity and clarity, I have altered the conditions to better reflect the relevant guidance.
18. Conditions are necessary to ensure compliance with the statutory requirements relating to the commencement of development and the plans in order to provide certainty.
19. I have also imposed conditions requiring the details of the materials and landscaping to be approved in the interests of the appearance of the building/site and the character of the area. Conditions are also necessary to ensure the protection of the existing trees during construction, and a construction management plan is required to maintain the safe operation of the site and highway during the works. Due to their nature, these need to be pre-commencement conditions. For completeness, I have also incorporated details of the levels, retaining structures, lighting, boundary treatments and hard surfacing into the landscaping condition.

20. As the proposal has been assessed against Policy NHE5 on the basis that it is not materially larger, the removal of permitted development rights is warranted. It is also necessary to ensure that the existing outbuildings are removed as they formed part of the rationale for my findings.
21. In line with policy INF3, a broadband connection is to be secured, an electric charging point in line with policy TAP1 and water efficiency measures policy CCF1.
22. Evidence of bats and nesting birds has been found within the buildings, and therefore, compliance with the recommendations and mitigation in the Bat Survey is required. However, the proposal is replacing an existing building in the same location, and there is no evidence of other ecological impacts or contamination, including asbestos, which, if found, is subject to separate legislation. There is also no evidence that there are particular local issues that require details of foul and surface water drainage to be approved. Therefore, these conditions are not necessary.

Conclusion

23. The proposed development would not be inappropriate development in the Green Belt and would not be harmful to the character and appearance of the area. It would accord with the development plan, and there are no other material considerations to outweigh this finding. Therefore, for the reasons given, the appeal is allowed.

G Ellis

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan P23-029-P-001 A, Floor Plan P23-029-P-402 A, Floor Plan P23-029-P-101 A, Floor Plan P23-029-P-102 A Roof Plan P23-029-P-103 A 28.03.2024, Existing Plans P23-029-P-104 A, Elevation Plan P23-029-P-105 A 28.03.2024, Existing Plans P23-029-P-106 A, Existing Plans P23-029-P-107 A, Floor Plan P23-029-P-111 A, Floor Plan P23-029-P-112 A, Floor Plan P23-029-P-113 A, Roof Plan P23-029-P-114 A, Street Scene P23-029-SK-304 A, Existing Plans P23-029-P-401 A, Elevation Plan P23-029-P-901 A, Elevation Plan P23-029-P-903 A, Elevation Plan P23-029-P-902 A, Block Plan P23-029-P-002 B, Block Plan P23-029-P-003 C, Elevation Plan P23-029-SK-301 B, Elevation Plan P23-029-SK-302 B, Elevation Plan P23-029-SK-303 B, and Elevation Plan P23-029-SK-304 B.
3. No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

4. No development shall commence, including groundworks, preparation and demolition, until all related arboricultural matters, including arboricultural supervision, monitoring and tree protection measures are implemented in accordance with the approved details contained in the arboricultural report comprising the arboricultural method statement and tree protection plan compiled by JN Tree Consultancy, dated August 2024.
5. No development shall commence until a Construction Transport Management Plan, to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) provision of boundary hoarding behind any visibility zones
 - (e) vehicle routing
 - (f) measures to prevent the deposit of materials on the highway
 - (g) on-site turning for construction vehicleshas been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.
6. 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. These details shall include:-
 - a) earthworks showing existing and proposed finished levels or contours;
 - b) means of enclosure and retaining structures;
 - c) hard surfacing materials;
 - d) boundary treatments, including gates
 - e) any external lighting
 - f) planting plans including written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation and management programme.The landscaping works shall be carried out in accordance with the approved details before the new dwelling is first occupied or within the first planting season following completion of the development.
7. Any trees, shrubs or plants planted in accordance with condition 6 which are removed, die or become damaged or become diseased within five years of planting shall be replaced within the next planting season by trees, and shrubs of the same size and species.
8. Prior to the first occupation of the dwelling hereby permitted the existing outbuildings marked on P23-029-003 C to be demolished shall be removed from the site.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, B, E, and AA of Part 1, of Schedule 2 to the Order shall be undertaken.
10. The dwelling shall not be occupied until an Electric Vehicle Charging Point has been installed in accordance with details that shall first have been submitted to and approved in writing by the local planning authority and shall be maintained for the charging of electric vehicles thereafter.
11. The dwelling shall be occupied until infrastructure to facilitate connection to high-speed broadband has been installed to that dwelling. This as a minimum should include a broadband connection accessed directly from the nearest exchange or cabinet, and cabling and associated installations which would enable easy access for future repair, replacement or upgrading.
12. The development hereby approved shall not be first occupied unless and until a Water Efficiency Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall detail how the development will ensure that the potential water consumption by occupants of each new dwelling does not exceed 110 litres per person per day. The development shall be carried out in accordance with the approved details.
13. The development hereby approved shall be carried out in accordance with the recommendations set out within the submitted Bat Survey Report by Animal Ecology & Wildlife Consultants dated November 2023.