
Appeal Decision

Site visit made on 27 May 2025

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 June 2025

Appeal Ref: APP/L3625/D/25/3360756

The Old Farmhouse, 37 Woodmansterne Lane, Woodmansterne, Surrey SM7 3HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Bennett against the decision of Reigate and Banstead Borough Council.
 - The application Ref. Is 24/01755/HHOLD.
 - The development proposed is for an eastern boundary wall and retention of wall/fence and gates.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At my site visit, I saw that the wall/fence and gates have been completed and I note that the application has been submitted retrospectively. Within the context of this appeal under section 78 of the Act, it is not my remit to formally determine the lawfulness of the development, whether all or in part. If the appellant wishes to ascertain lawfulness, an application can be made under section 191 of the Act.

Main Issues

3. The main issues are:
 - whether the proposal constitutes inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2023 (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - whether any 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.

Reasons

Whether inappropriate development

4. The appeal site relates to a detached dwelling on Woodmansterne Lane, near the junction with Belvedere House, with a row of other houses opposite and a new development to the north. The wider area comprises open fields and small pockets of woodland between Banstead and Woodmansterne.

5. Paragraph 154 of the Framework sets out the limited purposes for which the construction of buildings will not be considered inappropriate. This does not include the construction of gates, walls and fences. Certain other forms of development are not inappropriate providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land within Green Belt (paragraph 154 (h)). Again this does not include the construction of gates and fences.
6. For the above reasons, I conclude the wall/fence and gates would be inappropriate development in the Green Belt, contrary to Policy NHE5 of the Reigate and Banstead Development Management Plan 2019 (DMP) and paragraph 154 of the Framework.

Openness

7. Openness can be perceived spatially and visually. Based on the photos provided, in spatial terms the wall/fence and gates would provide a quantum of built development that did not previously exist on site, which would have a limited adverse impact. With regard to the visual aspect, the development would be clearly visible from public views along Woodmansterne Lane, particularly when approaching from the east. The site itself occupies a residential area, which contrasts with the much less developed open spaces in the wider surrounds. As such, in visual terms I conclude that the gate and side fences would have a modest, but nonetheless clearly discernible effect on the openness of the Green Belt.

Character and appearance

8. The wall/fence and gates are evident from the public highway and appear as conspicuous additions within the setting. The prominence of the elements is exacerbated due to the combined height of the wall and battening, which results in a hard, urban appearance out of keeping with the more green and verdant nature of the surrounding area. Overall, they are incongruous features to the detriment of the streetscene.
9. I conclude that the scheme is injurious to the character and appearance of the surrounding area. This is contrary to Policy DES1 and the Framework, which seek to secure new development of acceptable scale and appearance.

Other considerations

10. The appellant alludes to the removal of the battening, the installation of temporary security mesh and the planting of replacement hedging. However, I have not been provided with specific details of how this would be achieved. The changes to the junction and the presence of new buildings in the vicinity would not counterbalance the harm I have identified above.
11. As I have noted previously, it is not my remit to formally determine the lawfulness of the development, whether all or in part. Similarly, I am not required to examine why the boundary design was not considered under the Ashton View scheme; I have dealt with the proposal as I observed on my site visit. Whilst I can understand the applicant's perceived frustration at the Council's handling of the situation, it is also not my role to offer advice as to how to proceed henceforth.

Green Belt Balance

12. According to paragraph 153 of the Framework, inappropriate development in the Green Belt should not be approved except in very special circumstances. These will not exist unless the harm to the Green Belt, and any other harm resulting from the proposal, are clearly outweighed by other considerations.
13. I am required by the Framework to give substantial weight to the harm the development would cause to the Green Belt by virtue of its inappropriateness and to openness.

Individually or cumulatively, the weights I have attached to other considerations do not clearly outweigh this harm. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

14. Having regard to all matters raised and based on my reasoning above, the appeal is dismissed.

C Hall

INSPECTOR