
Appeal Decision

Site visit made on 2 September 2025

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2025

Appeal Ref: APP/L3625/W/25/3365342

Waterford House, Babylon Lane, Lower Kingswood, Surrey KT20 6XA

- 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 Daniel Starmer against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 25/00189/F.
 - The development proposed is removal of equestrian sand school and change of use of land to residential garden. Erection of garden building and swimming pool.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the appeal address from the appeal form as, following the construction of Waterford House, it is now the most accurate.

Main Issues

3. The main issues in this appeal are:
 - whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the 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 contains a detached dwelling, to the rear of which is a sand school and paddock, which it is proposed to replace with a garden, swimming pool and associated buildings. The site is within the Green Belt.
5. The Framework advises that the government attaches great importance to Green Belts, whose essential characteristics are their openness and their permanence.

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 154 of the Framework states that development is inappropriate unless one of the exceptions listed in that paragraph applies.

6. One such exception is the provision of appropriate facilities in connection with the existing use of land or a change of use, including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments (criterion b); as long as the facilities preserve the openness of the Green Belt and not conflict with the purposes of including land within it. Another exception is limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt (criterion g).
7. Policy NHE5 of the Reigate and Banstead Local Plan: Development Management Plan Adopted September 2019 (DMP), which has been referred to by both parties, provides guidance on extending, altering and replacing buildings in the Green Belt, and is not directly relevant. Policy CS3 of the Reigate and Banstead Local Plan: Core Strategy Adopted July 2014 (CS), although not referred to in the reason for refusal, aligns with the Framework by guiding 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.
8. Addressing criterion (b) of paragraph 154 of the Framework, the proposal is for a private domestic outbuilding used incidentally to a dwellinghouse, and moreover it involves the loss of a sand school which itself would have been an outdoor recreation facility. Whilst I am mindful of the reference to an appeal concerning a boathouse¹, I do not have the full details of that case before me, and it strikes me that a building used for waterborne activity taking place beyond the private confines of a dwellinghouse and its grounds could be a recreational facility in the Framework's terms. The proposal, however, is not for the provision of appropriate facilities for outdoor recreation, and therefore it would not satisfy paragraph 154(b).
9. Turning to criterion (g) of paragraph 154, it is common ground between the parties that the sand school is previously developed land and the paddock is not. Given that the simple grazing of horses is commonly held to be an agricultural use, I see no reason to take a contrary view. The appellant has argued that a lawn would not be a significant change from a paddock, but this does not overcome the fact that it is by definition not previously developed land. As only part of the appeal site comprises previously developed land, the proposal would not satisfy criterion (g) of paragraph 154 of the Framework in the first instance.
10. I have had regard to the case law and appeal decisions furnished by the appellant in support of their case, but none of them alters my conclusion that the development is inappropriate development in the Green Belt which is, by definition, harmful.

Openness

11. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The appeal site is well screened from Babylon Lane and the fields beyond the appeal site, but is visible across the adjacent paddocks and therefore makes a small contribution to the visual aspect of the Green Belt's

¹ PINS reference APP/Z3635/C/23/3320593, APP/ Z3635/C/23/3320594 and APP/Z3635/C/23/3320595

openness as a whole. Whilst the sand school contains a large levelled area of hard surfacing, and both it and the paddock are enclosed by post-and-rail fences, these are flat, permeable structures and neither contains any substantial, enclosed built form. The site therefore makes a clear contribution to the spatial openness of the Green Belt as a whole.

12. The proposed pool house/plant room would be modestly-sized, whilst the pergola would have a domestic scale and appearance. However, the scheme would represent a marked increase in the volume and perceptible scale of development at the site. The appellant argues that the loss of openness resulting from the buildings associated with the swimming pool would be de minimis, but I consider that the impact of the proposed buildings would result in a moderate loss of openness. A condition taking away permitted development rights for further domestic structures would not overcome this concern.
13. The proposal would therefore result in a moderate loss of the spatial aspect of openness, as well as a small loss of the visual aspect of openness, contrary to the fundamental aim of Green Belt policy, as set out in paragraph 142 of the Framework, of keeping land permanently open.

Character and appearance

14. The area has a mixed character and appearance, combining dwelling houses and their gardens with paddocks and a sand school previously part of a riding school. The area is no longer predominantly equestrian, and the most prominent remaining equestrian element, the sand school, detracts visually from the immediate surroundings. In this context, the removal of the sand school and its replacement with a swimming pool and associated buildings, along with lawns and footpaths, would represent a continuing evolution of the mix of uses in the immediate area.
15. Consequently, the proposal would not detract from the character and appearance of the area, and would accord with Policy DES1 of the DMP. This policy requires all new development to make a positive contribution to the character and appearance of its surroundings, including achieving, where applicable, an appropriate transition from the urban to the rural.

Other considerations

16. The Framework advises us that substantial weight should be given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
17. By replacing a redundant sand school with domestic structures and lawned areas, the proposal would achieve a moderate visual enhancement of the area.
18. The site abuts an area of ancient woodland. Paragraph 193(c) of the Framework guides that development resulting in the loss or deterioration of irreplaceable habitats such as ancient woodland should be refused. The Government's standing advice is that ancient woodland takes hundreds of years to establish and is an

irreplaceable habitat, and that decision makers should not approve development proposals, including gardens, within a 15 metre buffer zone.

19. The removal of the sand school which currently extends into the buffer zone, and its replacement with ecologically rich landscaped areas, would benefit the ancient woodland. The sand school is however, at the appellant's own volition, redundant, with any harm caused by it already established. The appeal scheme includes new buildings well within the 15 metre buffer zone. Moreover, whilst an alternative residential use may come forward, it would not necessarily contain buildings within the 15m buffer zone.
20. The benefits to the ancient woodland and the biodiversity enhancements the scheme would provide more generally, are therefore considerations of moderate weight.

Green Belt Balance

21. The moderate benefits that would accrue from the proposal are not considerations that clearly outweigh the harm arising from inappropriateness and loss of openness. The very special circumstances required to justify the proposal do not, therefore, exist.
22. It follows that the proposal would conflict with Policy CS3 of the CS, the aims of which I have outlined above, and the associated policies of the Framework, which seek to protect the openness of the Green Belt.

Conclusion

23. The proposal would conflict with the development plan as a whole, and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

J Heppell

INSPECTOR