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## Appeal Decision

Site visit made on 15 October 2025

by **Stewart Glassar BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30<sup>th</sup> October 2025

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**Appeal Ref: APP/L3625/W/25/3366973**

**Land at 2 Duxhurst Cottages, Ironsbottom, Sidlow, Surrey RH2 8QG**

- 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 Darren Reynolds against the decision of Reigate and Banstead Borough Council.
  - The application Ref is 24/01522/RET.
  - The development proposed is for a mobile home on land of the property.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have taken the address and description of development from the Council's decision notice as they are more accurate. I have however, omitted the references to the retrospective nature of the application and the amendment dates as these are not acts of development.
3. The caravan was already on site and a ramp/verandah partially constructed at the time of my site visit. I have determined the appeal based on the plans before me.

### Main Issues

4. The main issues are:
  - (a) whether the proposed 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;
  - (b) the effect of the proposal on the openness of the Green Belt;
  - (c) whether there is sufficient information to determine the effect of the proposed development on Great Crested Newts; and
  - (d) 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*

5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that

inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Certain buildings and other forms of development will not be inappropriate development, where they meet the exceptions set out in paragraphs 154 and 155 of the Framework.

6. The Council does not consider the proposal to meet any of the exceptions set out within paragraphs 154 and 155 of the Framework. The appellant does not address these paragraphs directly but acknowledges that the proposal is inappropriate development. I have no reason to disagree with the conclusions of the main parties. On this basis, the proposal constitutes inappropriate development in the Green Belt, which is, by definition harmful to the Green Belt.
7. Consequently, the proposal would conflict with Policy CS3 of the Reigate and Bansted Local Plan Core Strategy 2014 (CS) and with the Framework, which seeks to protect the Green Belt from harm. The Framework advises that any harm to the Green Belt should be given substantial weight.
8. The Council's decision notice also refers to Policy CS2 of the CS and Policy NHE5 of the Reigate & Banstead Local Plan Development Management Plan 2019 (DMP), but these do not appear to be directly related to the issue of this particular form of development in the Green Belt.

#### *Openness*

9. The caravan is sited behind the existing front boundary planting and so is not widely visible from public vantage points. Nonetheless, it and the associated verandah and ramp would extend built form beyond the residential curtilage and existing outbuildings. Furthermore, given how the verandah and ramp would be positioned around the caravan, they would all combine to appear as a permanent installation, introducing development onto undeveloped agricultural land.
10. This would therefore result in a small loss of visual and spatial openness in the context of the locality. This broadly accords with the appellant's own conclusions that the spatial and visual harm arising would be limited and localised. Nonetheless, as per the Framework, any harm to the Green Belt, including harm to its openness, should be given substantial weight.

#### *Great Crested Newts*

11. Policy NHE2 of the DMP requires, amongst other things, that developments retain and enhance features of biodiversity importance and that if protected species are impacted, mitigation is provided. This broadly accords with paragraph 187 of the Framework insofar as it seeks to minimise impacts on biodiversity.
12. The appellant does not dispute that the site is within a red impact zone for Great Crested Newts (GCNs) but has not provided any information in relation to this issue. The site may be low grade agricultural land, but this does not mean that the issue should not be appropriately addressed. Similarly, the site being prone to waterlogging does not overcome the need to fully address the issue of GCNs.
13. The caravan is in situ, and so the previous baseline remains unknown. Without any information or details on the matter I can give only limited weight to the suggestion that the caravan has not demonstrably impacted the local ecology or that the risk is very low.

14. The appellant refers to mitigation measures, but these can only be established once the scale of any impact is known. Furthermore, without some assessment of the situation, likely harm or potential mitigation measures I do not have a sound basis on which to conclude that a planning condition would be an appropriate way of dealing with the matter.
15. Consequently, there is insufficient information to determine the effect of the proposed development and conclude that the proposal would not have an adverse effect on GCNs. Thus, I cannot be sure that the development retains and enhances features of biodiversity importance and that if protected species are impacted, appropriate mitigation is provided. Therefore, I am unable to conclude that the scheme accords with Policy NHE2 in these respects.
16. It is suggested that the Council did not raise the matter of GCNs with the appellant prior to determining the application. However, I note that the application was a retrospective one and no pre-application advice was sought. As such, the onus was not necessarily on the Council to raise it with the appellant prior to their decision, particularly given the in-principle objection to the scheme.

### **Other Considerations**

17. The proposal would accord with the thrust of the Framework to boost the supply of housing. One unit of accommodation would though make only a small contribution to local provision, and I note that the Council is currently able to demonstrate a 5-year supply of deliverable housing land. Whilst this does not mean there is no benefit in providing additional housing, the positive weight I ascribe to this aspect of the proposal is commensurate with the scale of the provision provided.
18. I have sympathy with the personal circumstances which have resulted in the planning appeal. However, I have been provided with only a limited explanation as to why the caravan has to be in an adjacent field, prone to waterlogging, and outside of the established residential curtilage.
19. The host dwelling appears to benefit from a large curtilage, yet it has not been shown how the caravan would affect the functionality of the dwelling, compromise privacy, harm dignity or undermine autonomy. Similarly, there is limited information and no substantive evidence as to what other steps have been taken to show that other options for alternative accommodation have been exhausted.
20. The caravan is currently in use by an elderly person but there was nothing in the original submission to suggest that it should be limited in this way. Similarly, the proposal has the potential to be reversible, but the application was not for a temporary permission. The appellant now suggests a personal, time-limited permission would address such concerns but offers no indication as to a likely timescale or to whom the permission would be made personal.
21. Thus, the proposal before me is for an indeterminate period during which time there would be harm to the Green Belt. Overall, given the limited substantive evidence that has been submitted, at this time I am only able to attach moderate weight to the specific personal circumstances presented in this appeal.
22. There is no direct suggestion that the outcome of my decision could lead to the loss of a home for the appellants' relative. However, for completeness, I have had regard to Article 8, and Article 1 of the First Protocol of the European Convention

on Human Rights, as incorporated by the Human Rights Act 1998. Article 1 of the First Protocol is the right to a person's peaceful enjoyment of possessions including property. Article 8 is the right to respect for family and private life, home and correspondence. Such rights are 'qualified', but they may be interfered with where it is justified in the public interest. This involves balancing the rights of individuals against the legitimate interests of others and the wider public interest.

23. The loss of a person's home would represent a significant level of interference with the rights under Article 8 and Article 1 of the First Protocol. Nonetheless, the interference would be in accordance with the law and in the pursuit of the well-established and legitimate planning aims of Green Belt policy.
24. In the circumstances presented, I find that the potential consequences of such interference would be proportionate and that the protection of the public interest, in terms of the aims of Green Belt policy cannot be achieved by means that are less interfering of the rights of the appellants' family member.
25. The proposal utilises various services from the dwelling and would use solar panels. Whilst this might reduce the need to install additional infrastructure and demonstrates a commitment to sustainability and environmental responsibility it does not reduce the harm to the Green Belt from the main structures.
26. The land is said to be unproductive agricultural land but this does not diminish the harm to the Green Belt which arises from the proposal. It is suggested that the caravan could be relocated to a different position. However, the purpose of this appeal is to determine the scheme as submitted and so it is not possible for me to consider or suggest alternative locations for the caravan.

### **Green Belt Balance**

27. The appeal scheme is inappropriate development in the Green Belt, which is, by definition, harmful. I give this harm substantial weight as required by paragraph 153 of the Framework. The development also impacts spatially and visually on the openness of the Green Belt, and whilst the extent of the impact is limited, this nonetheless must also attract substantial weight.
28. The circumstances cited in support of a proposal must not just outweigh the harm to the Green Belt but clearly outweigh it in order to constitute very special circumstances. I have considered the matters put before me in favour of the scheme. However, for the reasons given, I conclude that these other considerations as presented and when taken together do not clearly outweigh the substantial weight I have afforded to the Green Belt harm. Consequently, the very special circumstances necessary to justify the development have not been shown to exist in this appeal.

### **Conclusion**

29. The development is contrary to the Framework and to the development plan when taken as a whole. I have considered all other matters raised but none outweigh the conclusions I have reached. For the reasons set out above, I dismiss the appeal.

*Stewart Glassar*

INSPECTOR