



Appeal Decision

Site visit made on 9 December 2025

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2025

Appeal Ref: APP/L3625/W/25/3372701

Sunny Acres Nursery, 18 Reigate Road, Hookwood, Surrey RH6 0HJ

- 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 Richard Foss against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 25/00183/F.
 - The development proposed is described as 'erection of 4 x new build dwellings; in the alternative to permission granted under 23/02512/F for 3 dwellings including extensions that would otherwise be permitted development and subdivision of plot 1 to pair of semi-detached houses'.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made against Reigate and Banstead Borough Council. This is the subject of a separate decision.

Preliminary Matters

3. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and in reaching my decision, I have had regard to the Framework published in December 2024.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the Framework;
 - the effect of the proposal on the openness and purposes of the Green Belt;
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal provides an appropriate mix of housing; 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 (VSC) required to justify the proposal.

Reasons

Whether inappropriate development

5. The site is located within the Green Belt. Paragraph 153 of the Framework sets out that substantial weight should be given to any harm to the Green Belt, and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in VSC. Paragraph 154 of the Framework states development in the Green Belt is inappropriate unless exceptions apply.
6. Policy CS3 of the Reigate and Banstead Local Plan: Core Strategy¹ (Core Strategy) is consistent with the Framework as it seeks to protect the Green Belt by resisting inappropriate development unless VSC can be demonstrated. Similarly, Policy NHE5 of the Reigate and Banstead Local Plan: Development Management Plan² (Local Plan) aligns with the Framework by setting clear criteria for exceptions relating to replacement buildings. Specifically, both require that replacement buildings must be for the same use as the building it replaces and not materially larger than it.
7. The proposal seeks to replace existing buildings and stables on the site which are not in residential use. During my visit, horses were present in the stables, and aside from the existing annex, the other buildings proposed for demolition appeared to be used primarily for storage. On this basis, the development would not satisfy the exception for replacement buildings set out in the Framework or Policy NHE5 of the Local Plan.
8. Paragraph 155 of the Framework makes provision for a further exception to inappropriate development. This provision was introduced in the 2024 Framework and as a result is not reflected in the Local Plan. It is therefore a material consideration in this appeal.
9. Paragraph 155 details that the development of homes and other development in the Green Belt should not be regarded as inappropriate where all the following apply:
 - a) 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,
 - b) there is a demonstrable unmet need for the type of development proposed,
 - c) the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework, and
 - d) where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 of the Framework.

¹ Adopted July 2014

² Adopted September 2019

10. The term 'Grey Belt' is defined in the Framework as land in the Green Belt comprising previously developed land and/or any other land that in either case, does not contribute to any of the purposes (a), (b) or (d) in paragraph 143.
11. The parties agree that the appeal site does not strongly contribute to purposes (a), (b) or (d) and as a result it complies with criterion (a) of paragraph 155 and the definition of Grey Belt. It is therefore relevant to consider whether the proposal accords with criteria (b) to (c) in paragraph 155.
12. With reference to criterion (b), Footnote 56 details that a demonstrable unmet need, means the lack of a five year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Tests was below 75% of the housing requirement over the previous three years. The latest Housing Monitoring Report demonstrates that as of 1 April 2025 the Council can demonstrate both a five year housing land supply (5.6 years) and a housing delivery test of 118%.
13. The appellant refers to a summary of the predicted five year housing land supply position at April 2026, which suggests that at that point the supply may fall below the required five years. However, this is a forward-looking projection and does not represent the current position. The relevant assessment for decision-making is based on the latest published data at the time of determination, which confirms that the Council presently has a deliverable five-year supply of housing land. As such, the predicted shortfall in 2026 does not alter the application of Green Belt policy. Given the Council can demonstrate the required housing land supply, criterion (b) is not met and therefore the proposal would not fall within the exception at paragraph 155 of the Framework.
14. Reference is made by the appellant to a costs decision which they assert involved analogous Grey Belt considerations. In that case, the relevant Council failed to refer to Grey Belt within its officer's report and did not defend the Green Belt reason for refusal at appeal. This situation is not comparable to the current proposal. While Grey Belt was not addressed in the officer's report for this application, it has been considered within the Council's appeal statement, and the Council has defended the Green Belt reason for refusal. Accordingly, the circumstances of the cited costs decision are not comparable to the appeal.
15. The appellant further asserts that the proposal falls within exceptions (c) extensions or alterations to buildings that would not result in disproportionate additions over and above the size of the original building, and (g) limited infilling or the partial or complete redevelopment of Previously Developed Land (PDL) which would not cause substantial harm to the openness of the Green Belt, as set out in paragraph 154 of the Framework. However, these claims are not substantiated. The description of development is explicit: the proposal is for four new dwellings, not extensions or alterations to existing buildings. Furthermore, it has not been adequately demonstrated that the site meets the definition of PDL. Even if the proposal were considered partial or complete redevelopment of PDL, it has not been sufficiently demonstrated that the scheme would avoid substantial harm to the openness of the Green Belt.
16. For the above reasons, the proposal does not fall within the exceptions to inappropriate development listed in the Framework and is therefore inappropriate

development in the Green Belt. It would therefore be contrary to Policy CS3 of the Core Strategy and Policy NHE5 of the Local Plan.

Openness

17. Openness is identified within the Framework as one of the essential characteristics of the Green Belt, comprising both spatial and visual aspects. The spatial impact of the proposal would arise from an increase in the amount of built form on the site. Although the increase in footprint would be modest, the proposed three-bedroom dwellings at the front of the site would include bedrooms and laundry rooms at first floor level, making these buildings significantly taller than the flat-roofed, single-storey structure they would replace. Furthermore, proposed bungalows A and B would also be taller than the existing modest stable block. As a result, the proposal would lead to a noticeable reduction in the openness of the Green Belt, both spatially due to the increased built form and visually because of the greater height and prominence of the new dwellings especially when viewed from Reigate Road. For these reasons, despite not conflicting with the purposes of the Green Belt, the proposal would negatively affect the spatial and visual openness of the Green Belt and be contrary to Policy CS3 of the Core Strategy and Policy NHE5 of the Local Plan.

Character and Appearance

18. The appeal site is accessed from Reigate Road and forms part of a small cluster of detached dwellings set within generous plots, creating a spacious and open layout. These properties are arranged in an informal pattern with varied orientations, building forms, and sizes, and are generally screened from the road by mature vegetation, which contributes to the semi-rural character of the area.
19. While the proposed three-bedroom dwellings at the front of the site would occupy a significant proportion of the site's frontage, their position adjoining the open area to the front of the existing dwelling would help maintain the overall sense of space. Furthermore, the areas to the front and rear of the proposed dwellings would provide opportunities for appropriate landscaping, which would assist in integrating the development into its surroundings and preserve the character of the locality.
20. For the above reasons, the proposal would have an acceptable effect on the character and appearance of the area. It would therefore comply with Policy DES1 of the Local Plan insofar as it requires proposals to reinforce local distinctiveness, respect the character of the surrounding area and visual appearance of the street scene.

Mix of Housing

21. Policy DES4 of the Local Plan requires that, borough-wide, on schemes of up to 20 homes, at least 20% of market housing should comprise smaller units (one and two-bedroom homes), unless it can be demonstrated that this is not financially viable or technically feasible.
22. The proposal comprises four three-bedroom dwellings and therefore does not provide any smaller homes as required by Policy DES4. The previous proposal for three dwellings complied with this policy and it has not been demonstrated why the required mix of housing cannot be provided.

23. While the appellant asserts that the proposal provides a mix of houses based on the demand, that they are aware of, this is not supported by substantive evidence. Furthermore, although it is alleged that the requirement to provide a percentage of smaller units is inconsistent with national policy, the Framework seeks to ensure that developments deliver a range of housing types to meet the needs of different groups in the community. Accordingly, this argument carries limited weight.
24. For the above reasons, the proposal is contrary to Policy DES4 of the Local Plan which seeks to provide homes of an appropriate type, size and tenure to meet the needs of the local community.

Other Matters

25. Reference is made to the fallback position of the extant planning permission for three dwellings (Ref: 23/02512/F). There is a real prospect that this development will be implemented and, as such, it is a material consideration in my assessment. Whilst it is asserted that the appeal scheme proposes four dwellings with a footprint comparable to what could be achieved within permitted development tolerances, the fallback position is not directly comparable. This is because the appeal scheme would provide an additional dwelling and, unlike the proposal, the fallback permission includes two smaller units and therefore complies with Policy DES4 of the Local Plan. Furthermore, it has not been sufficiently demonstrated in the evidence that the extensions detailed could be erected within permitted development tolerances. In any event, the fallback position does not justify a departure from the required housing mix set out in Policy DES4 of the Local Plan.
26. The appellant refers to planning applications³ to illustrate how permitted development tolerances can act as a fallback position. However, it is not disputed that the fallback position is a material consideration, but for the reasons set out above, it is materially different scheme to the proposal and therefore only moderate weight can be ascribed to it.
27. The appellant alleges that the proposal would avoid the need to throw materials into a skip and waste labour and money, but materials could be stored on site and there is nothing to prevent the appellant from carrying out alterations to the approved dwellings within permitted development tolerances. As a result, it has not been sufficiently demonstrated how this would be a benefit of the scheme.
28. The proposal would improve the site's appearance, enhance the built form, rationalise on-site parking, reduce hardstanding, and deliver residential accommodation in a sustainable location. However, these benefits would also be achieved by the extant permission, which provides one fewer dwelling but includes the smaller units sought by Policy DES4 of the Local Plan. Accordingly, I attach limited weight to these benefits.
29. Reference is made to the scheme delivering visual improvements to the street scene and increasing the supply of market housing within the district. However, it is unclear how the street scene would be enhanced when the existing boundary treatment and access arrangements are to remain unchanged. Furthermore, while the addition of one dwelling would contribute to the governments objective of significantly boosting the supply of homes, the Council can demonstrate a five-

³ MO/2021/1530 and MO/2023/0308

year housing land supply. Consequently, the weight attributed to these benefits is limited.

Green Belt Balance

30. The proposed development would be inappropriate development in the Green Belt. It would also result in harm to the openness of the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt. The harm is therefore collectively of a high order.
31. Conversely, I have attached moderate weight to the fallback position and limited weight to the improvements to the site's appearance and layout, and the provision of an additional dwelling. Taken together, these considerations do not clearly outweigh the substantial harm to the Green Belt identified. The VSC required to justify the proposal therefore do not exist. Accordingly, the proposed development would conflict with Policy CS3 of the Core Strategy, Policies NHE5 and DES4 of the Local Plan, and Chapter 13 of the Framework.

Conclusion

32. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the above reasons and having regard to all other matters raised, the appeal is dismissed.

V Goldberg

INSPECTOR