
Appeal Decision

Site visit made on 10 December 2025

by **S F Barnes MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 January 2026

Appeal Ref: APP/L3625/W/25/3374488

Boreham House, Alcocks Lane, Kingswood, Surrey KT20 6BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Arne Property Ltd. against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 25/00503/OUT.
 - The development proposed is the erection of self-build/custom-build dwelling and associated works including the creation of vehicular access, vehicular parking, cycle store, bin store and landscaping (appearance reserved).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal was submitted in outline with matters of access, landscaping, layout and scale for consideration. As appearance would be reserved for future consideration, I have treated matters of appearance on the accompanying plans and drawings as illustrative only.
3. The appellant makes reference to a previous refused scheme for a new two-storey detached house in a similar position. The proposal before me seeks to overcome concerns raised by that scheme. The changes to the design of the dwelling now proposed are said to include a larger plot, reduction in massing at first-floor level and incorporating a western projection that would be set-back further into the plot at the corner and set down in level compared to the main bulk of the building, to respond to sloping topography along Copt Hill Lane.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site concerns part of a large garden to a detached dwelling, Boreham House (hereafter referred to as the 'donor property'), at the corner of a crossroads of Alcocks Lane and Copt Hill Lane. The donor property and some of its neighbours, including those known as Pinecroft and Tudor House, lie within the Alcocks Lane and Waterhouse Lane Residential Area of Special Character (RASC).

6. Policy DES3 of the Reigate and Banstead Local Plan Development Management Plan (adopted September 2019, 'the Local Plan DMP') supports the principle of new residential development within RASCs, provided that they comply with certain technical criteria. Accordingly, the principle of development at this site is acceptable, subject to satisfying those criteria.
7. Properties along Alcocks Lane and Copt Hill Lane, including those lying outside of the RASC, are generally detached dwellings in spacious plots and screened from the highway to some extent by mature trees, high hedges and shrubs. At my site visit I observed that surrounding properties vary in their scale, massing, form, orientation and degree of set back from the highway. The evidence indicates similar variability in plot coverage, shape and the length of frontages.
8. The donor property is set at an angle from its lengthy frontage on Alcocks Lane and has a large garden there, much of which is enclosed by mature hedges. The greater bulk of all four dwellings on the individual corners of this crossroads is generously set-back from the edges of the narrow, single-track roads they adjoin. The verdant appearance and the spacious siting pattern of buildings create strong visual interest at the streetscene.
9. The proposal would subdivide the existing plot of the donor property and introduce a 2-storey self-build dwelling set back from Copt Hill Lane by a new driveway and access there. A 2-storey western projection along part of the flank side would have a very modest set back from Alcocks Lane, with a slightly greater setback for the remaining bulk of the building. The height would step down to a single-storey projection at its rear.
10. The donor property's existing garden is large in its context. Its subdivision would not result in an uncharacteristically small curtilage for either the donor property or the proposed dwelling compared with other plots in the RASC and area. The proposed 2-storey height would be consistent in scale and form with its neighbours. Its layout would correspond in its depth to buildings further along Copt Hill Lane and within the RASC.
11. Existing hedges around much of the frontage of the site are to be retained, ensuring a boundary treatment that would integrate well with the Alcocks Lane and Copt Hill Lane streetscenes and would provide effective screening, too, to storage for waste and recycling. The length of the frontage would also be in keeping with those found at surrounding sites. New planting would be introduced particularly in the proposed front garden, along with modest tree planting and screen planting along a new rear garden boundary to the donor property. The landscaping scheme would ensure an appearance consistent with the verdant character of the RASC.
12. The extent of the set-back at Copt Hill Lane would reflect the layout of adjoining properties there, including Red Cottage. However, along the Alcocks Lane frontage, the proposed scale and massing would introduce a tall and lengthy flank side that would be seen to project above the hedge line, where there is currently a significant gap between buildings. Despite the set down in proposed massing at the western projection, there would nevertheless be a noticeable intrusion into the existing spacious quality at this prominent corner.
13. This modest set back within the plot would fail to relate to the layout of buildings at the opposite corners of this crossroads. There would be a particularly marked contrast with Pinecroft, itself a prominent feature due to generous set-back from

the highway by the distance of a wide front garden at its frontage on Alcocks Lane, where no boundary treatment screens it. The scale and position of the proposal within the plot would harmfully erode part of the spacious character of this junction and the wider streetscene.

14. That prominence of the proposed development and its effect on openness would be particularly apparent when approaching it along Alcocks Lane from outside of the properties known as Hilbre and Linden. The relatively tight relationship between the proposed building and site boundary at Alcocks Lane would result in the building being unduly dominant within its plot. The depth of the plot would not be readily appreciated from outside of the site, so would do very little to mitigate this. Consequently, the siting in combination with the height, bulk and massing of the proposal would result in harm to the spatial characteristics of the immediate surrounding area and of the RASC. The proposal would fail to be sympathetic to local character and not amount to good design in this regard.
15. A study of surrounding properties has been undertaken which considers properties within part of the RASC boundary and along Copt Hill Lane. There is no dispute between the main parties as to the methodology or the specific metrics arrived at, such as plot coverage. However, on the matter of setback of buildings from the highway, the appeal site is distinguished from the majority of the properties considered in that study by its prominent corner position and location within the RASC. I do not therefore consider that this evidence justifies the proposal, particularly where harm has been identified.
16. Whilst I recognise that the proposal would comply with many provisions of Policy DES3, the spacious character is a key contributor to the distinctive sense of place in this RASC. I consider that the conflict with its relevant provisions (namely criterion no.4) in this regard are particularly important to the individual circumstances of this site and its prominent corner plot.
17. I therefore conclude that the proposal would harm the character and appearance of the area. This would conflict with relevant provisions of Policies DES1 and DES3 of the Local Plan DMP and Policy CS4 of the Reigate and Banstead Local Plan: Core Strategy adopted July 2014. Those policies, in summary, require high quality design which takes direction from the existing character of the area. It would also be contrary to those principles of the National Planning Policy Framework (the Framework) that seek to secure well-designed and attractive places.

Other Considerations

Self-build and custom housebuilding

18. The Self Build and Custom Housebuilding Act 2015 requires local authorities to have regard to their self-build and custom housebuilding (SBCH) register and to grant enough suitable development permissions to meet the identified demand. The appellant suggests there are around 29 individual entries on the Council's SBCH Register. Whilst the Council has not provided any evidence regarding its performance in meeting its duty, I have proceeded on the basis that it is likely there is some unmet demand for SBCH plots. I also recognise the importance that the Framework attaches to meeting such housing needs and that such provision would weigh in favour of the scheme.

19. A unilateral undertaking (UU) has been submitted with this appeal. This seeks to secure the proposal as a SBCH plot. However, the plan accompanying the UU excludes the access to the highway and the site is smaller than shown on the planning application site location plan. With reference to the Inspectorate's published guidance¹ on submitting UUs, I have not been provided with evidence of title for the appeal site. This means I cannot be certain that there are no other parties with an interest in the land who could implement a grant of planning permission without being bound by the terms of the UU. Accordingly, I cannot be satisfied that the UU is complete and legally sound.
20. In any event, I have reservations as to the way it would operate. There is a high risk that a developer would be left uncertain of the duration of time over which its 'first occupation' requirement needs to be observed. It could be argued that a token short period would suffice, after which it could be sold on the open market. However, this eventuality would not achieve the intended purpose of securing a genuine opportunity for a SBCH builder to occupy a home of a design that they have had primary input into. There is no proposed mechanism requiring the Council to be informed of the commencement of first occupation, nor that occupancy is retained by individuals who had an input on the design and layout of the dwelling. These issues would give rise to difficulties enforcing the provisions of the UU.
21. As an alternative to a planning obligation, the main parties each promoted an identically-worded condition to secure the proposal as a SBCH plot. However, this condition would have many of the same drawbacks that I have described above. I am also not satisfied that the proposed condition would meet the policy tests set out by the Framework, specifically in respect of enforceability. Given my conclusions on the main issue, it would not have been reasonable or appropriate to seek further views on these matters.
22. Ultimately, no enforceable mechanism to secure the proposal as a SBCH plot is before me. Therefore, provision for SBCH carries very limited weight in favour of the appeal.
23. I note that a self-build exemption is sought in respect of mandatory biodiversity net gain requirements. However, for the reasons above, no mechanism is before me to secure the proposed dwelling as SBCH. Thus, it is uncertain whether the proposal would qualify for the self-build exemption. However, as the appeal is being dismissed on other grounds, this matter is not determinative.

Other Matters

24. The Council raised no objections to the proposal's effects on highways, flooding, ecology, trees, landscaping or living conditions for its intended and neighbouring occupiers. I find no compelling reasons to come to a different view. However, as all development proposals would be expected to be satisfactory in these respects, this has been a neutral factor in my consideration of the appeal.
25. I acknowledge the appellant considers the Council has not explained why changes made to the design did not overcome its stated concerns on a previous application for a dwelling at the site and that it had not proactively engaged with them on the application. Nonetheless, my consideration of the appeal has been based on the

¹ Guidance - Planning obligations: good practice advice. Updated 5 February 2025.

evidence before me, and this conduct does not have any direct bearing on my conclusion on the main issue.

Planning Balance and Conclusion

26. Weighing in favour of the appeal, the proposed dwelling would make a contribution to local housing supply, utilising a small site which could be delivered relatively quickly. The proposal would make efficient use of land within an existing settlement and without flood constraints, as encouraged by the Local Character & Distinctiveness Design Guide SPD (2021) and the Framework. Its construction and future occupation would be associated with economic benefits for the local area. The proposal also provides for new landscaping which, whilst not quantified, is likely to result in some biodiversity enhancement. However, in view of its small scale, the scheme's economic, environmental and social benefits could reasonably be described as relatively limited.
27. The provision of a single SBCH plot, in the context of an unmet demand in the Borough, would ordinarily attract significant weight. However, in the absence of an enforceable mechanism to secure such provision, this matter carries very limited weight in this appeal.
28. The Council has designated the site as part of an RASC, where maintaining the prevailing character is clearly desirable. Whilst there would be benefits from development, this should not be at the expense of securing well-designed and attractive places. I have found that the proposal would harm the character and appearance of the area, and this harm carries significant weight.
29. Consequently, considerations weighing in favour of the proposal are not sufficient to outweigh the harm I have found. The proposal conflicts with the development plan when taken as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

S F Barnes

INSPECTOR