



Appeal Decision

Site visit made on 21 January 2026

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th February 2026

Appeal Ref: APP/M3645/W/25/3373391

Woodlands Garage, Chapel Road, Smallfield, Surrey RH6 9NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by DevTec Properties Limited against the decision of Tandridge District Council.
 - The application Ref TA/2024/1154 was approved on 15 May 2025 and planning permission was granted subject to conditions.
 - The development permitted is Demolition of existing buildings and the erection of 9 no. 3 bed dwellings with associated parking and landscaping (Amended Scheme).
 - The condition in dispute is No. 12 which states that:
The development hereby approved shall not be first occupied unless and until facilities for high quality, secure, covered parking for bicycles and the provision of a charging point with timer for e-bikes by said facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.
 - The reason given for the condition is:
In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and/or are required in recognition of Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework (December 2024).
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Decision

1. The appeal is allowed and the planning permission Ref TA/2024/1154 for Demolition of existing buildings and the erection of 9 no. 3 bed dwellings with associated parking and landscaping (Amended Scheme) at Woodlands Garage, Chapel Road, Smallfield, Surrey RH6 9NN granted on 15 May 2025 by Tandridge District Council, is varied by deleting condition 12 and substituting for it the following condition:

12) The development hereby approved shall not be first occupied unless and until facilities for secure, covered parking for bicycles and the provision of a charging point with timer for e-bikes by said facilities have been provided in full accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved facilities shall be retained and maintained strictly in accordance with the manufacturer's specifications.

Preliminary Matters

2. This appeal seeks the variation of condition 12 which relates to the provision of cycle storage for a new housing development. Section 79(1) of the Town and Country Planning Act 1990 allows me to allow or dismiss the appeal or reverse or vary any part of the decision (whether the appeal relates to that part or not) and I may deal with the proposal as if it had been made to me in the first instance. This

means that if I vary a condition, even if it does not address the appellant's key concerns, I must allow the appeal.

Main Issue

3. The main issue is whether the condition is reasonable and necessary having regard to sustainable transport.

Reasons

4. Conditional planning permission has been granted for the redevelopment of Woodlands Garage for 9 dwellings. Condition 12 requires the provision of covered parking for bicycles and a charging point with timer for e-bikes as part of this cycle storage provision. The appellant seeks to remove the requirement to provide charging points and timers but not the covered storage itself.
5. The reason given for the condition is so that highway safety is not prejudiced, highway users are not inconvenienced and that the sustainable transport provisions of the National Planning Policy Framework (the Framework) are recognised.
6. Having regard to the consultation response from the Highway Authority (HA) and how this is laid out, my reading of the response is that the HA provided a single sentence to cover the reasoning behind the three conditions that they wished to see imposed on any permission. Therefore, in reality, it is only the sustainable transport reason which would apply to condition 12, with the issues of highway safety and inconvenience likely applying to the other suggested highways conditions.
7. The Council does not point me towards any particular parts of the Framework's chapter on sustainable transport. However, this chapter not only promotes sustainable transport generally, but it notes that applications for permission should ensure that sustainable transport modes are prioritised. This includes cycling.
8. Given the growing demand for e-bikes and that they can increase the number of people who would benefit from cycling, the provision of charging facilities in new residential developments is sensible. Indeed, in this case, given the site's location, it is likely to encourage the use of this travel option for some future residents. The condition would therefore be supported by the Framework and would accord with its overall objectives. The Framework is government policy and thus a material consideration.
9. Although I have not been specifically directed to any development plan policies or supplementary development documents, I note that both Policy DP7 of the Tandridge Local Plan Part Two 2014 and the Tandridge District Parking Standards - Supplementary Planning Document (SPD) support the provision of cycling. Given their age, they do not specifically address the issue of e-bikes, but the planning condition would accord with their overall objectives in boosting cycling and ensuring there are appropriate storage facilities.
10. The appellant indicates that the requirement would be disproportionate in terms of costs and technical burden but offers no substantive evidence in support of this concern. There will inevitably be a cost involved in providing and installing the equipment but if installed at the same time as the houses are constructed, this cost would no doubt be lessened. I also cannot rule out the possibility that the provision

of this facility would be a selling point and could be reflected in the price of the finished development. As the provision of facilities is based on the number of houses, these requirements would be proportionate to the size of the overall development.

11. It is also suggested that alternative provision would be possible. Having regard to the proposed internal layout of the houses, they do not appear to have been specifically designed and laid out to allow for charging of e-bikes inside the dwellings. There are no garages within the scheme where alternative provision could be provided. Furthermore, the Planning Statement submitted in support of the planning application specifically notes that covered cycle storage would be provided in the rear garden of each plot.
12. The enforceability of the condition is also queried. To my mind, it would be a relatively simple matter for the Council to check on whether or not the charging facility had been installed or subsequently removed. A planning condition cannot require an owner to use the charging facilities, but the condition does not seek to do that.
13. The condition does require the facilities to be retained and maintained to the satisfaction of the local planning authority. The use of the term 'satisfaction' is imprecise, offering no certainty as to what is required from an owner. As such, it should not generally be used in planning conditions. Similarly, the term 'high quality' is subjective and there is no reference to any guidance or legislation to help the appellant or other interested party understand what it means in this context.
14. Although I do not propose to change the substantive parts of the condition, it does require amendment in order to provide certainty. I therefore propose that the term high-quality is omitted and that the condition requires the equipment to be retained and maintained in accordance with the manufacturer's specification. I also propose some associated changes to the construction of the condition, removing the reference to 'within the development site' and the second reference to the approved facilities being provided, as they are unnecessary.
15. Although I have not found in favour of the appellant, as I am amending the wording of the condition the appeal must be allowed.

Conclusion

16. Having regard to the above, I am satisfied that the condition is reasonable and necessary in the interests of sustainable transport. Furthermore, subject to my proposed amendments, it would accord with the tests set out in paragraph 57 of the Framework. I shall therefore delete condition 12 and replace it with a new condition to ensure the requirements are sufficiently precise. All other aspects of TA/2024/1154 remain unaltered.
17. Therefore, having considered the development plan along with all other material considerations, I conclude that the appeal should succeed to the extent I have specified.

Stewart Glassar

INSPECTOR