



Appeal Decision

Hearing held on 9 December 2025 and on 16 January 2026

Site visit made on 16 January 2026

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 FEBRUARY 2026

Appeal Ref: APP/L3625/W/25/3370035

Roseland, Garratts Lane, Banstead, Surrey SM7 2EQ

- 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 McCarthy Stone (McCarthy & Stone Retirement Lifestyles Ltd) against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 25/00404/F.
 - The development proposed is the redevelopment of the site to provide 42 one and two bedroom units for older people with associated parking, landscaping and communal facilities (C3 Use Class).
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Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of the site to provide 42 one and two bedroom units for older people with associated parking, landscaping and communal facilities (C3 Use Class) at Roseland, Garratts Lane, Banstead, Surrey SM7 2EQ in accordance with the terms of the application, Ref 25/00404/F, and the plans submitted with it, subject to the conditions in the attached schedule.

Application for Costs

2. An application for an award of costs was made by McCarthy Stone (McCarthy & Stone Retirement Lifestyles Ltd) against Reigate and Banstead Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. As part of their appeal submission the appellant provided amended plans seeking to address some of the Council's concerns. These alterations include the removal of external balconies, and larger outdoor space to the north of the proposed building following the loss of one parking space. In addition, the appellant submitted other documents with their appeal, including regarding noise, daylight and sunlight, and trees.
4. Having regard to Wheatcroft¹, the plans and documents were submitted at the outset of the appeal, did not relate to a fundamental change to the scheme considered by the Council at the time of their decision, and parties have had the chance to comment on them. As such, no one would be prejudiced by me taking them into account and the Hearing discussions were based on the revised plans.

¹ Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL, 1982, P37]

5. Reason for refusal 2 refers to Policy DES6 of the Reigate & Banstead Local Plan Development Management Plan 2019 (DMP). However, the Council confirmed this was in error and reference should have been to Policy DES5. I have dealt with the appeal on this basis.
6. The Council, on its Statement of Case, confirmed that in light of the additional details provided by the appellant it no longer wished to pursue its objections related to overshadowing of the proposed outdoor space, general vehicular disturbance from the access road and parking arrangement, and overlooking from the balconies on the first and second floors. This narrows reasons for refusal 2 and 3, and I have considered the appeal accordingly.
7. The Council's reason for refusal 5 related to the lack of affordable housing provision. Following ongoing discussions between the parties, a Viability Statement of Common Ground (VSoCG) dated 4 December 2025 was submitted. Within the VSoCG the parties set out the agreed sum to be payable towards affordable housing. In advance of the Hearing, the Council confirmed that it would not be defending reason for refusal 5. A signed and executed legal agreement pursuant to s106 of the Town and Country Planning Act 1990 securing the financial contribution towards the delivery of affordable housing was submitted at the Hearing. Based on the evidence before me there is nothing compelling to lead me to reach a different conclusion in respect of this matter. Accordingly, I have not considered this matter in my reasoning below.

Main Issues

8. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposed development would provide acceptable living conditions for future occupiers, with regard to communal outdoor space;
 - the effect of the proposal on the living conditions of the occupiers of adjoining properties, with reference to outlook, sunlight and privacy; and
 - the effect of the proposal on existing trees.

Reasons

Character and appearance

9. Roseland is a detached two-storey T-shaped building with a slightly curved frontage to Garretts Lane and rear wing extending towards the back of the site. The building is set back from the road, behind an area laid to hardstanding for parking purposes, and the property has two access points directly off Garratts Lane. There is a garden area to the side and rear of the building, and the site contains numerous trees and vegetation including on its boundaries. The building, which is currently vacant, was previously occupied as a care home.
10. The site lies within a predominantly residential setting including the properties along North Acre, which are two-storey detached dwellings with modest rear gardens. Chartham House is a flatted development of a two-storey height and roof

accommodation and frontage laid to hardstanding which is located opposite the site.

11. However, there are also some buildings in other uses. The Burgh Heath Telephone Exchange, next to the site, is a large, detached two-storey building. This plot contains extensive hardstanding, and there are mature trees and other vegetation along its shared boundary with the site. Further to the west of the site there is a car dealership, consisting of a single storey building with large windows and associated parking area. There is variation within building line set-backs, with the properties towards the west of the site being generally set closer to the road than those towards the east.
12. The site, together with the Telephone Exchange and 34 Arundel House, are larger plots within the local context. These buildings extend deep into their plots and are generally greater than the nearby dwellings. Therefore, the surrounding environment includes smaller scale development, as well as some substantial buildings.
13. The proposal seeks to demolish the existing building and redevelop the site with retirement apartments served by a range of communal facilities, car parking and landscaping. The proposed building would be T-shaped. Its overall height would vary from two-storey to three-storey, and would incorporate design elements including gables, dormers and different traditional materials.
14. The front part of the proposed building would comprise a central three-storey element, flanked by two-storey wings with roof accommodation of a lower height. The proposed context elevations submitted by the appellant show that, overall, the height of the proposal would not be dissimilar to that of the Telephone Exchange building or that of Chartham House, despite the front to back orientation of its ridge. Moreover, the central three-storey element would only comprise approximately a third of the front façade. As such, though taller than the existing building on site, the proposal would not appear out of context with these neighbours in terms of height.
15. The proposal would be taller than 64 North Acre. However, the proposed context elevations show that the proposal's element closer to this neighbouring property would have comparable heights to the eaves, thereby achieving an appropriate relationship with this dwelling.
16. The proposed side elevations would be deep. However, the west elevation would be articulated with different setbacks, alternation between brickwork and render, and roofscape featuring a mixture of gables, dormer windows and varying eaves. The east elevation, despite the more consistent eaves height, would be articulated with balconies, gables, varying materials and setbacks. This would assist in breaking up the proposed massing, thereby ensuring that these elevations would not appear excessive in scale and bulk when glimpsed through the gaps between the existing dwellings along North Acre and in views from Garratts Lane.
17. In terms of siting, the proposed development would be angled towards Garratts Lane. As a consequence, while an element of the building would be brought further forwards than the Telephone Exchange, a good proportion of the front elevation would be set further back from the road, which would assist in reducing the perceived visual bulk and mass of the building when seen from Garratts Lane. Thus, while the appeal building would be larger than the existing, it would be compatible with its surrounding context.

18. The proposal would include a substantial expanse of hardstanding. However, this would not be dissimilar to other neighbouring properties within the road. The proportion of the site taken up by the footprint of the proposed building would not be excessive and, in addition, the proposed layout includes the provision of areas of soft-landscaping across the site. Therefore, the proposed development would be commensurate with the size of the appeal site.
19. Given the above, the proposal would have an acceptable effect on the character and appearance of the area. It would accord with DMP Policy DES1, which amongst other things supports development that respects the character of the surrounding area and requires development to have regard to layout, building siting, scale, massing, height and roofscapes of the surrounding area.

Living conditions – future occupiers

20. DMP Policy DES5 seeks to ensure that residential developments make adequate provision for outdoor amenity space, including balconies and roof terraces, and/or communal outdoor space.
21. The proposed development would comprise internal communal space for future residents including a lounge, as well as external communal spaces located to the east and to the north of the building. The appellant's Amenity Space Statement (ASS) explains that residents of retirement living housing prefer an apartment with an interesting view rather than large open areas for active recreation.
22. The proposed eastern outdoor communal areas would be located between the building and existing line of trees. The appellant clarified at the Hearing that the boundary trees include Birch trees, which are open and lightly crowned. As such, while these spaces would not be particularly large, the trees would not have an undue oppressive effect on future residents while using these outdoor areas.
23. The canopies of the boundary trees would overhang part of these outdoor communal areas. However, open areas within each space would remain, in particular those closer to the building. The ASS explains that, generally, residents prefer a shaded sitting out area. Therefore, the position of the trees relative to these spaces would not necessarily result in safety concerns, nor would they reduce the usability of the outdoor space.
24. Residents would also have access to the communal garden to the north of the building, which would have good proportions and a functional shape. The evidence indicates that additional seating would be provided within this space, as well as to the front of the building. Moreover, the ASS identified that the most important communal space is the residents' lounge, whereas the active use of outdoor space tends to be relatively limited and mainly involves sitting out for those few residents who occasionally choose to do so.
25. Given the above, the proposed development would provide acceptable living conditions for future occupiers. In this respect, the proposal would accord with DMP Policy DES5.

Living conditions – adjoining neighbours

Outlook

26. The Council has raised concerns regarding the effect of the proposed front wing on the outlook from the rear gardens and rear habitable windows of the properties along North Acre.
27. The scale and mass of the existing building is present in views from these properties. The proposed development would be taller and visually more obvious than the existing building on site. As such, it would alter the outlook from neighbouring dwellings and gardens.
28. That said, the gap between the proposed development and the rear elevations of the closest dwellings, including rear extensions, would leave an appropriate spatial separation. In addition, the depth of the front wing would not be significant, so the outlook from these properties would not be unduly constrained. Thus, the effect on outlook would not be so intrusive as to making living in these neighbouring dwellings untenable.

Sunlight

29. The appellant's Daylight and Sunlight Report (DSR) assessed the level of sunlight to the outdoor garden spaces within the surrounding properties. The analysis was carried out in accordance with the methodologies contained in the Building Research Establishment's Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2022) (BRE Guidelines). The BRE Guidelines set out that for an outdoor space to appear adequately sunlit throughout the year, at least half of that area should receive at least two hours of sunlight on 21 March. The Council accepts the methodology employed by the appellant to carry out this assessment, as well as its results.
30. The Council clarified at the Hearing that its concerns relating to sunlight pertain to the rear gardens of the properties along North Acre. Appendix 4 of the DSR includes a plan indicating the existing and proposed shadow within the garden of these properties. The plan shows that the level of sunlight within the rear gardens of 60 North Acre would marginally increase as a result of the proposed development. While this would not be the case in relation to the rear gardens of other properties, including 61 and 62 North Acre, the reduction in sunlight would be small and therefore unlikely to constitute a significant adverse effect.
31. Further, these neighbouring gardens would accord with the recommendations within the BRE Guidelines and would maintain at least two hours of sunlight to more than 50% of their area on 21 March. Therefore, the scale and size of the proposal would maintain a reasonable amount of sunlight to the rear gardens of these dwellings.

Privacy

32. The Council confirmed at the Hearing that it has no specific guidance or local policy on distances pertaining to privacy, therefore this assessment is a matter of planning judgement. The parties recognise that a 21m distance is a common benchmark utilised to assess the relationship between windows directly facing each other.

33. The appellant clarified at the Hearing that the distance between the windows within the new building and the common boundary with the properties to the west would vary between some 16.5m to 20m. However, the garden space commonly use is that closer to the dwelling, and the windows on these properties would be further away from the proposal. Consequently, any views towards these spaces would be distant.
34. Moreover, from my site observations, the first-floor windows within the existing building already offer views towards neighbouring rear gardens. While the proposal would introduce second floor windows, these would be dormers set within the roof space and therefore would be positioned further away from these neighbours. Given such, overall, the proposal would not significantly increase the existing levels of overlooking.
35. In light of the above, the proposal would have an acceptable effect on the living conditions of the occupiers of adjoining properties, with particular reference to outlook, sunlight and privacy. It would accord with DMP Policy DES1, which supports development that does not adversely impact upon the amenity of occupants of existing nearby buildings, including by way of overbearing, obtrusiveness, overshadowing, overlooking and loss of privacy.

Trees

36. The Council confirmed at the Hearing that it is satisfied that the health of the boundary trees would be safeguarded during construction. It clarified that its concerns relate with pressure to prune the trees identified as T16 and T21 within the arboricultural documents provided with the appellant's appeal submission. These trees form part of a row of trees located along the shared boundary between the appeal site and the Telephone Exchange. Taken together, the trees within the site and the Telephone Exchange make an important contribution towards the verdant character of the area.
37. As discussed above, I have found that it is unlikely that the proposed development would result in pressure to unacceptably prune the boundary trees. Irrespective, the appellant clarified at the Hearing that there would be no need to prune the trees to such an extent that would lead to their demise. Further, the proposal would provide additional soft-landscaping. As such, no undue harm to the character and visual appearance of the area would arise, should these trees be lost.
38. Thus, the proposed development would not have a harmful effect on existing trees, with particular regard to pressure to prune, in accordance would DMP Policy NHE3. Amongst other things, this policy seeks to protect existing trees.

Other Matters

39. The submitted Transport Statement (TS) explained that research carried out by the appellant to assess the likely parking demand at the proposed development found that an average car parking provision of 0.517 spaces per apartment would be required. This would equate to a total parking requirement of 22 spaces to serve the proposed units. The parking spaces delivered by the proposal would be in excess of this and, in addition, there is public transport infrastructure near the site. I have not been directed to any local policy or specific parking standards for retirement living.

40. As such, the proposed parking provision would be sufficient to meet demand and would not be likely to result in any overspill parking on the local road network. If inconsiderate parking practices were to arise, they would be subject to normal policing and controls within the highway.
41. The TS demonstrates that the proposed development would generate a small number of vehicular trips. Therefore, the proposal would have a negligible impact on the existing safety and operation of the local road network. The vehicle tracking plans provided within the TS show that vehicles would be able to enter the site using the proposed primary access, turn, and egress onto the local road network in a forward gear. The tracking plans further demonstrate that private cars would be able to safely manoeuvre into and out of a selection of the parking spaces.
42. Given the scale of the proposed development, it is unlikely that the construction period would be unduly long. As such, while there may be some inconvenience for adjoining neighbours during construction, this would likely be temporary in nature and therefore would not be unacceptable.
43. The evidence indicates that the substation would be covered and its location would be screened by landscaped planting. There is no compelling evidence to suggest that it would cause significant harm to living conditions. The Car Park Noise Assessment supplied by the appellant demonstrates that, with acoustic screening from timber fencing, the resultant noise level from vehicle movements would be significantly below the existing ambient noise level and therefore acceptable.
44. There is no compelling evidence before me to suggest that this development would place an unacceptable pressure on local infrastructure, including GP surgeries and sewage capacity. The appeal site lies within an urban area and is not within the Green Belt. Additionally, whilst there is a preference for alternative proposals for this site, I am nonetheless tasked with determining the appeal scheme before me.

Conditions

45. The agreed list of suggested conditions set out within the Statement of Common Ground were discussed at the Hearing and, subsequently, an updated list of agreed conditions was submitted by the Council. I have considered the suggested conditions in light of the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG). In the interests of precision and clarity I have undertaken some rationalisation and rewording of the conditions suggested.
46. In addition to the standard time limit condition, in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
47. Conditions relating to the external materials, hard and soft landscaping, and tree protection are necessary in the interests of protecting the character and appearance of the area.
48. Concerning the safe and efficient operation of the highway network, conditions for details of vehicle and cycle parking and sustainable transport modes are necessary. A condition regarding visibility details is also necessary and I have amended this condition to secure the submission of pedestrian sight lines on both access points.

49. Ecology conditions are required for safeguarding wildlife, habitat and protected species. These pertain to the submission of a Construction Environmental Management Plan, delivery of ecological enhancement measures and external lighting.
50. Conditions related to the design of a surface water drainage scheme and a verification report are necessary to secure appropriate drainage. Conditions are required to ensure that the development delivers appropriate levels of accessible and adaptable housing, provides a building with appropriate security and suitable broadband infrastructure is in place. To ensure the development caters for those requiring retirement housing a condition restricting the age of future residents is necessary.
51. An Employment Skill Plan is necessary to ensure the development promotes local training and employment opportunities. To ensure construction, demolition and excavation waste is minimised, a Site Waste Management Plan is necessary.
52. There are a number of conditions which require compliance prior to the commencement of development. I am satisfied that these conditions are necessary.
53. I have not imposed suggested condition 6, which required the construction of a reinforced crossover in the proposed western access to Garretts Lane because there is no compelling evidence before me to suggest it would be necessary to make the development acceptable in planning terms. The Council confirmed at the Hearing that while suggested condition 8 would be in accordance with best practice, it would not be strictly necessary in terms of highway safety. As such, suggested condition 8 would not meet the test of necessity and therefore I have not imposed it.
54. The PPG sets out that conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning. As such, I have not imposed suggested condition 10 related to EV charging points, suggested condition 14 regarding Biodiversity Net Gain or suggested condition 20 related to the submission of a Water Efficiency Statement

Conclusion

55. For the reasons given above the appeal is allowed.

P Terceiro

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Mr Robert Walton - KC

Mr Gideon Lemberg - Architect of McCarthy Stone

Mr Ian Hann - Principal Planning Associate of the Planning Bureau Ltd

Mr Jago Keen MSc - Head of International Green Infrastructure, Keen Consultants

FOR THE COUNCIL

Mr Matthew Holdsworth - Planning Officer

Mr Andrew Benson - Head of Planning and Regulatory Services

Mr Guy Stephens - Tree Officer

INTERESTED PARTIES

Ms Catalina (Vassallo-Bonner): representative of the Banstead Village Residents' Association

Submissions at or after the Hearing

Certified copy of the s106 legal agreement

Costs application from the appellant

Costs response from the Council

List of agreed conditions

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Layout Plan – 002 G5
 - Block Plan – 001 G4
 - Location Plan – LSE-3025-03-AC-0010 P0
 - Elevation Plan – 008 G2
 - Elevation Plan – 007 G2
 - Floor Plan – 005 G2
 - Floor Plan – 004 G2
 - Floor Plan – 003 G3
 - Roof Plan – 006 G2
 - Proposed elevations – 009 G4
 - Section Plan – 010 G1
 - Proposed boundary plan – 012 G2
 - Tree protection plan – 2391-KC-XX-YTREE-TPP01 Rev0
 - Tree Constraints Plan – 2391-KC-XX-YTREE-TCP01 Rev A
 - Landscape plan – LSE 3025 03 LA MCS781 Drg 01 P8
3. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The approved CEMP shall be adhered to throughout the construction period for the development.
4. No development shall take place until a Site Waste Management Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
5. No development, including groundworks, preparation and demolition shall take place until tree protection measures have been implemented in accordance with the approved details contained in the Tree Protection Plan - 2391-KC-XX-YTREE-TPP01 Rev0.
6. Other than demolition works, no development shall take place until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The plan shall set out details of drainage management responsibilities and maintenance regimes. The development shall be carried out, managed and maintained in accordance with the approved details.
7. Other than demolition and ground works, no development shall take place until an Employment Skill Plan has been submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details of that plan.

8. No development above ground level shall take place until details setting out how the applicant will ensure that:

- a) at least 20% of the homes meet the Building Regulations requirements for 'accessible and adaptable dwellings'; and
- b) at least 4% of homes are designed to be adaptable for wheelchair users in accordance with the Building Regulations (M4(2)) requirements for 'wheelchair user dwellings' have been submitted to and agreed in writing by the local planning authority.

The development shall be implemented in accordance with the agreed details and thereafter retained as such.

9. Notwithstanding the approved plans, no development above ground level shall take place until details of the materials to be used in the construction of the external surfaces, including fenestration and roof, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

10. No development above ground level shall take place until a scheme for the landscaping of the site has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall include details of hard and soft landscaping, including any tree removal/retention, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation and management programme.

All hard and soft landscaping work shall be completed in full accordance with the approved scheme, prior to first occupation or within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing with the local planning authority.

All new tree planting shall be positioned in accordance with guidelines and advice contained in the current British Standard 5837: Trees in relation to construction.

Any trees shrubs or plants planted in accordance with this condition which are removed, die or become damaged or become diseased within five years of planting shall be replaced within the next planting season by trees, and shrubs of the same size and species.

11. Notwithstanding the submitted plan ref LSE 3025 03 LA MCS781 Drg 01 P8 the development shall not be first occupied until the proposed eastern and western accesses to Garretts Lane have been provided with pedestrian sight lines of 2 metres by 2 metres on both sides of the access in accordance with a revised scheme to be submitted to and approved in writing by the local planning authority. The approved visibility splays shall thereafter be retained as such.

12. Notwithstanding the submitted plan ref LSE 3025 03 LA MCS781 Drg 01 P8 the development hereby approved shall not be first occupied until the following

facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the local planning authority for:

- a) The secure parking of 6 bicycles within the development site,
- b) Information to be provided to residents staff and visitors regarding the availability of and whereabouts of local public transport, walking, cycling and car sharing clubs and the whereabouts of employment, education, retail, leisure, hospitality and medical land uses within walking distance of 2 km using public transport.

The approved facilities and details shall thereafter be retained and maintained.

13. The development hereby approved shall not be first occupied until space has been laid out within the site in accordance with the approved plan ref LSE 3025 03 LA MCS781 Drg 01 P8 for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning area shall be retained and maintained for their designated purposes.
14. The development hereby approved shall not be first occupied until a verification report carried out by a qualified drainage engineer has been submitted to and approved in writing by the local planning authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.
15. The development hereby approved shall not be first occupied until a scheme demonstrating compliance with 'Secured by Design' award scheme has been submitted to and approved in writing by the local planning authority. The approved details shall be completed before the occupation of the development hereby permitted and shall be permanently maintained as such thereafter.
16. The development hereby approved shall not be first occupied until each unit is provided with the necessary infrastructure to facilitate connection to a high-speed broadband and be retained at all times. This shall include as a minimum:
 - a) A broadband connection accessed directly from the nearest exchange or cabinet
 - b) Cabling and associated installations which enable easy access for future repair, replacement or upgrading.

The infrastructure shall thereafter be retained and maintained for its designated purpose.

17. The development hereby approved shall not be first occupied until the enhancement measures detailed within the Preliminary Ecological Appraisal have been implemented on site. The measures shall thereafter be retained as such.

18. Notwithstanding the approved plans, no external lighting shall be installed on the building hereby approved or within the site until an external lighting scheme, which shall include indication of the location, height, direction, angle and cowl of lights, and the strength of illumination, accompanied by a light coverage diagram, and details of how it meets guidance in relation to impact on bats, has been submitted to and agreed in writing by the local planning authority.

The external lighting shall be implemented in accordance with the approved scheme and shall thereafter be retained and maintained in accordance with the manufacturer's instructions.

19. The occupation of the residential dwellings hereby approved (excluding any on-site staff) shall be restricted at all times to persons 60 years old and above, apart from persons 55 years old and above who are a surviving spouse or partner of an occupant 60 years old and above.