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## Appeal Decision

Site visit made on 18 July 2016

by **Tim Wood BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 July 2016

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**Appeal Ref: APP/C3620/W/16/3147491**  
**Farthings, Randalls Road, Leatherhead, Surrey KT22 0AA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Beechcroft Developments Ltd, Bewley Homes and Pothaven Care against the decision of Mole Valley District Council.
  - The application Ref MO/2015/1601/PLAMAJ, dated 1 October 2015, was refused by notice dated 19 February 2016.
  - The development proposed is a 64 bed care home, 35 assisted living units, 30 family houses and 20 affordable dwellings together with access, parking and landscaping; the proposal includes the demolition of Farthings.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

### Main Issues

3. The main issues in this appeal are;
  - The effects of the proposal in relation to affordable housing, highways works and local play-space, in the absence of any mechanism to ensure provision/contribution
  - The effects of the proposal on the character and appearance of the area
  - Whether sufficient open recreation space is provided
  - Whether the provisions for vehicle servicing are acceptable

### Reason

***The effects of the proposal in relation to affordable housing, highways works and local play-space, in the absence of any mechanism to ensure provision/contribution***

4. In the submitted statements the appellants acknowledge and accept that the proposal should include the provision for affordable housing, highways/transport contributions and open space contributions/management.

However, they have not submitted any means by which these matters can be ensured. In relation to affordable housing, so that the proposal complies with Policy CS4 of the Core Strategy the on-site provision should be retained as affordable housing and an off-site provision contribution is justified in relation to the assisted living units. The absence of a mechanism to ensure this means that the proposal is contrary to Policy CS4.

5. On the basis of the uncontested evidence submitted with the documents, I am satisfied that the Highways and transport improvements are required as a result of the proposed development. In this context, the absence of the means to ensure them leads me to conclude that the proposal would have unacceptable effects in relation to highways and transport, contrary to Policies CS16 and CS18 of the Core Strategy and Policy MOV2 of the Council's Local Plan (LP).
6. In relation to equipped playspace, the appeal site contains provision for an open area with only very limited facilities and the appellants anticipated that a contribution to improved facilities locally would satisfy the Council's concerns; indeed, this was addressed in the Council's Committee report wherein the improvement of the Redhouse Grounds was suggested by Officers as an appropriate means of mitigation. Firstly, I shall address the on-site provision in a later section of this decision; secondly, I have assessed the proximity and accessibility of the 2 areas of recreation space referred to by the Council and the appellants. At my site visit I drove and walked to the Redhouse Grounds and Kingston Road Recreation Ground from the appeal site. It is my view that neither of these other areas is within a close and easy walk for future residents and the distance and busy roads would put many people off visiting these sites, including children. Therefore, in this context, I do not consider that the contribution referred to would have meant that playspace would have been provided that would have met the needs of residents of the site and so the absence of a means of ensuring such a contribution in this particular instance, does not count against the proposal, in my judgement. However, I have additional comments to make later.

***The effects of the proposal on the character and appearance of the area***

7. The appeal site is formed mainly by an open field which sits at the edge of the town of Leatherhead, plus a handful of individual detached houses. The site is bounded on 3 sides by land within the Green Belt. Outline planning permission exists for the development of the site for 70 houses, granted in 2014. There is some discussion in relation to the principle of the proposal but from my reading of the Council's case, they do not seek to resist the proposal as a matter of principle.
8. The site has a long frontage (its southern boundary) to Randalls Road which contains a strong line of vegetation and trees; this frontage is punctuated by a 5 individual detached houses, all but one of which would remain. The western boundary also contains some planting and abuts a field beyond. The northern boundary is open, marked by open wire fencing and abuts open land apparently put to recreational uses associated with the business uses set some distance away. The irregular eastern boundary abuts the County Council St Faith's Family Centre and the Cleeve Road frontage. I have noted the wider area and the buildings further up Cleeve Road, including residential and business buildings. In my judgement, the strong impression created here is

one of the edge of a town where built development gives way to open countryside.

9. The proposal would result in a central road with access from Cleeve Road, adjacent to the St Faith's Centre and the development of blocks on either side. An area of open space is included close to some of the proposed houses. Within the northern section of the site 4 buildings are proposed, being 3 blocks (B, C and D) of assisted living units and a care home (Block A). Blocks A and B in particular are large buildings, much larger than the individual residential units, and are sited very close to the northern boundary of the site. They both have considerable width and depth and contain accommodation over 3 floors, the top floor generally being within a large roof. Although of lesser size, Blocks C and D would also appear large in comparison to the individual houses.
10. The development of the southern section of the site would bring about the various housing elements, including an almost continuous frontage of housing along Randalls Road, although access would be from within the site. Even though the boundary planting could be retained here and possibly strengthened, I consider that the presence of the new houses would be readily apparent and would not reflect the semi-rural character here. Reference has been made to the proposed density of the development of the site and although the success or failure of the appeal does not rely on a measure of density alone, I accept the Council's portrayal as being more helpful and note its comparison with the density envisaged under Policy HSG6 of the LP and its Appendix 12.
11. Whilst I acknowledge that the Framework encourages local authorities to boost significantly the supply of houses, it also adds that local authorities should set their own approach to housing density to reflect local circumstances. In this respect, I see the context and character of the area as being strongly influenced by the open land bounding 3 of its sides. The Council has envisaged that the development of the site should acknowledge its edge-of-town location in the form and density of its development, representing a transition between the built up area and the open land beyond. I judge this to be a relevant consideration and one which affects the character and appearance of the area. For the reasons set out, I consider that the proposal would result in buildings and a layout that would have a harmful effect on the character and appearance of the site and the area. Therefore, the proposal is contrary to Policy CS14 of the Core Strategy and Policies ENV22, ENV23 and ENV24 of the LP.

***Whether sufficient open recreation space is provided***

12. The officers' conclusion contained within the Committee report was that the provision of the open space on site without any play equipment (or very little) would be sufficient if accompanied by a financial contribution for improvements to play facilities locally which would be of use to future residents of the appeal scheme.
13. It is set out by the Council that the proposed open space is small and the presence of play equipment would bring about activity which would unacceptably affect neighbouring residents; a view that I agree with. As set out above, I consider that the 2 play areas referred to in the locality would not provide an attractive and easily accessed alternative and so I would discount them as a matter of principle. Additionally and in any event, there is no mechanism to ensure the improvement of these other facilities, which the

appellant acknowledges to be necessary. Therefore, I conclude that the proposal does not make adequate provision for outdoor recreation space for the future residents of the proposal, contrary to Policy CS16 of the Core Strategy.

**Whether the provision for vehicle servicing are acceptable**

14. The Council are critical of the layout of the scheme in relation to its implications for refuse and recycling collections from the residential elements. The addendum to the Council's Committee report confirms that amendments were made to the scheme which, although requiring bins to be moved to collection points, it was confirmed that the waste contractor and the Council's Waste Officer consider the arrangement to be acceptable. Having considered the revisions to the scheme, it seems to me that the distances involved are not unacceptable for residents to move bins and for a collection vehicle to manoeuvre. In this respect, I find no conflict with the Councils Policy MOV2.

**Conclusions**

15. I have taken account of the previous (extant) permission for the development of this site, which is a relevant consideration for me to have in mind. I note that it was an outline scheme with all matters apart from access reserved. I have undertaken a comparison with the illustrative layout that was submitted at that time and, although the appellants' view differs, I find that the current appeal scheme would have a considerably greater negative effect on the character and appearance of the area. The form and spacing of the development differs considerably and the relationship with the boundaries with open land is different too. In this latter respect, I find that the close siting of the larger building within this appeal would be worse than the siting of the more modest buildings and road indicated on the previous illustrative scheme.
16. I have also taken account of the officers' recommendation that permission should be granted in this case. However, I have concluded that the proposal would result in an unacceptable effect in relation to the character of the area, the provision of recreation space and the absence of measures relating to affordable housing and highways/transport. I have balanced these matters against the benefits of the scheme which would provide a range of new homes and a care home. However, I find that these matters do not outweigh the harm that I envisage and the proposal does not amount to sustainable development taking account of its 3 dimensions. Therefore, the appeal is dismissed.

*S T Wood*

INSPECTOR