



Appeal Decision

Site visit made on 23 August 2019

by Roy Curnow MA BSC(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2020

Appeal Ref: APP/L3625/W/19/3230718

Land at Oaklands Park Estate, Oaklands Drive, Redhill RH1 6RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Amin Lakhani against the decision of Reigate & Banstead Borough Council.
 - The application Ref 18/02111/OUT, dated 4 October 2018, was refused by notice dated 14 December 2018.
 - The development proposed is the erection of up to 12 new extra care dwellings together with associated access, parking, and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal was submitted in outline form with all matters reserved and I have dealt with it on that basis. The plans that were submitted with the application were marked as 'Indicative' and I have considered them accordingly.
3. Revised plans were submitted with the appeal showing an indicative layout of 10 dwellings and making a minor alteration to the boundary of the site enabling a connection to the existing road network. As the changes fall within the original description of development and the Council has had an opportunity to comment on them, I have taken them into account in reaching my decision. Doing so would not prejudice any party.
4. In September 2019, the Council adopted the Reigate & Banstead Local Plan Development Management Plan, 2019, (DMP). This replaced the Reigate and Banstead Local Plan (2005) and its Policies Pc4, Pc6 and Ho9, which were referred to in the Council's decision, have played no part in my decision. Policies DES1, NHE3 and NHE5 from the DMP are relevant to my decision.
5. The Council submitted copies of these DMP policies and the appellant was given an opportunity to comment on them but did not do so. The emerging DMP was well advanced at the time that the appeal was lodged and the appellant was aware that it might be adopted during the appeal process. As such, he put forward a case based on the reasons for refusal and another based on the adoption of the emerging DMP's policies. I have taken the relevant elements of these into account in my decision.

Main Issues

6. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the Framework) and any relevant development plan policies;
- The effect on the openness of the Green Belt;
- The effect of the proposal on the character and appearance of the area, including on trees on the site; and
- Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

7. A result of the adoption of the DMP is that the site is now included within the Green Belt. Paragraph 145 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a list of specific exceptions. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
8. The proposal would involve the erection of up to 12 new buildings, along with the extension of the access road and introduction of additional hard surfacing in order to facilitate the movement and parking of vehicles on the site. There is no suggestion that the development would take place on previously developed land or would meet any of the other exceptions set out in paragraph 145.
9. Consequently, I conclude that the scheme would be inappropriate development in the Green Belt and thus harmful to it. This is a matter to which the Framework requires me to attach substantial weight.

Green Belt Openness and Purposes

10. A fundamental aim of Green Belt policy, as set out in paragraph 133 of the Framework, is to keep land permanently open. The appeal site, which runs to some three-quarters of a hectare, consists of a well-maintained landscaped area at the edge of existing residential development, Oaklands Park Estate (the estate). It abuts single-storey dwellings and a cul-de-sac within the estate. There are a number of trees on the site that, save for two paths and some benches, is undeveloped and open.
11. Both indicative layouts that have been submitted would result in low-density development, with substantial spaces between the proposed dwellings and the provision of roads and other associated infrastructure would be kept to a minimum. It is a thoughtful scheme. Notwithstanding this, the erection of up to 12 dwellings would inevitably result in a loss of openness in the Green Belt. I find that this would be a moderate loss.
12. I therefore find that the proposal would fail to preserve Green Belt openness and would impact on the purpose of safeguarding the countryside from

encroachment. This would be contrary to local and national policy to protect the openness of the Green Belt.

Character and appearance

13. The estate, which lies at the edge of Redhill, is a retirement community that includes over 100 homes and a care home. Built development at the edge of the settlement in the vicinity of the site, which includes the Earlswood Junior School and parts of the estate, is punctuated by green spaces projecting into it providing a transition between the countryside and the town. These spaces play a considerable role in giving a soft edge to the settlement, which is an important part of its character and appearance. The manner in which the appeal site lies between projecting parts of the estate is reflective of the area's character and appearance, to which it makes a significant contribution.
14. The site lies above a large field and is glimpsed in views across it, from a footpath that runs along a river to the south. The 'landscaped' appearance of the site contrasts with the agricultural nature of the field when seen from here. Notwithstanding this difference, the manner in which countryside integrates with the estate, giving the soft edge to the town, is readily appreciated from here.
15. Although public vantage points of the site from within the estate are limited, it provides a valuable open space. It is an area that is well-used by residents for walking, and where benches provide an opportunity to sit and enjoy views out to the adjoining countryside. Its undeveloped form adds greatly to the spacious character of the estate.
16. The erection of up to 12 dwellings on the land would create a hard edge to the estate when seen from the footpath. This would be the case, albeit that they would be built at a low-density with a certain amount of green space retained, and designed to assimilate with others on the estate. The erosion of the green space that would result would be to the detriment of the area's character and appearance.
17. There are a number of trees on the site, including several that are mature, that add greatly to its qualities and their contribution in this regard is appreciated from the footpath to the south. A survey¹ shows that the majority of these trees are either of High or Moderate quality. It is submitted, as set out in an arboricultural report², that whilst seven trees would be lost to development, they would be replaced by 18 new trees and that the remaining trees would be protected whilst the development is undertaken. However, the loss of the 7 trees would have an adverse effect on the quality of the existing green space. Notwithstanding that the proposed replacement planting might compensate for the loss of trees, neither this alone, nor taken together with the retention of the other trees on the site, would mitigate the harm that would arise from the development.
18. I therefore find that the proposed development would be harmful to the character and appearance of the area. It would therefore conflict with DMP Policy DES1, which expects new development to be of a high-quality design that makes a positive contribution to the character and appearance of its surroundings and Policy NHE3, which requires that important trees should be

¹ Tree Aware UK Ltd – June 2018

² dpa Arboricultural Consultants – June 2019

retained as an integral part of the design of development except where their long-term survival would be compromised by their age or physical condition or there are overriding benefits of their removal.

Other considerations

19. The importance of providing specialist accommodation for older people, and the benefits that arise from this, are well-established and are acknowledged by the Council. The Framework states that the needs of groups with specific housing requirements should be addressed and the Planning Practice Guidance³ describes the need to provide housing for older people as being critical. To ensure the provision of this extra care housing, a unilateral undertaking has been submitted to limit the use of the units to class C2, to ensure that 1.5 hours of personal care would be provided and that the units would be restricted to people over 55.
20. Notwithstanding the above, there is a disagreement between the parties in respect of the level of need. The appellant estimated a need in 2018 of 277 units⁴ across the Borough, with a forecast that this would grow in future years as the population ages. The Needs Assessment does, however, acknowledge that it is impossible to ascertain this need accurately as this is a relatively new market. The Council's position is that the DMP makes provision for this need.
21. Neither party has given me a specific policy in this respect from either the DMP or the Council's Core Strategy (CS), which provides a strategic policy framework. The appellant acknowledges that the DMP makes provision for housing for the elderly generally but contends that it does not specifically propose extra care facilities. As the Council has not countered this, I take it to be the case. Notwithstanding this, the site allocations within the DMP would have been subject to scrutiny at the examination into the plan, to assess its compliance with national policy. As this plan has been very recently adopted, I have no reason to find that it would not be compliant with the Framework's requirements to provide housing for groups with specific needs.
22. Given the above, at this time, while the provision of a small number of extra care houses would be a benefit of the scheme, it carries only moderate weight in my assessment. In reaching this position, I have taken account of the synergetic benefits of providing further extra care housing on the estate where facilities related to this care are already provided. Such weight might increase in time if, as is suggested by the appellant, the Council's approach does not deliver extra care housing in sufficient numbers.
23. Although I have not been given full details of the schemes involved, I have been mindful of the various appeal decisions that have been brought to my attention. In the Tonbridge and Malling Council case, the Inspector concluded that the current and emerging plan did not make adequate provision for the need for extra care housing. I have not made the same finding here. I note that the Inspector in the Cheshire West and West Cheshire Council case gave the provision of extra care housing significant weight. However, it was evident that there was a significantly higher need for this form of housing than is the case here and the large scheme proposed would have had a significant effect on lowering that need. An Inspector again afforded significant weight to the

³ Paragraph: 001 Reference ID: 63-001-20190626 - Revision date: 26 June 2019

⁴ Needs Assessment – Healthcare Property Consultants, June 2018

need that was present for this form of housing in the Tunbridge Wells case. However, his conclusion, on a scheme that was not in the Green Belt, was that this was not sufficient to outweigh the harm that would have arisen.

24. It is likely that older people moving to the extra care homes would be leaving larger houses, that are suited to families to live in. In addition, there would be health and well-being benefits for the future occupants of the dwellings who would benefit from the care available at the estate. However, given that the scheme relates to a small number of dwellings, these benefits would be limited.
25. As this is a scheme would only provide a small number of units, the social and economic benefits that would arise from the savings to local and NHS care providers would also be limited. The site's location adjacent to the estate and the facilities available there might well reinforce the latter's continuing viability and is a factor that weighs in favour of the scheme. However, I have not been given definitive evidence in this regard and, as such, I afford this very limited weight.

Green Belt Balance

26. I have concluded that the proposal would be inappropriate development and would cause harm to the openness of the Green Belt. These are matters that carry substantial weight.
27. There is an established need for providing specialist care for older people. Therefore, providing for this is a factor in the scheme's favour. Nevertheless, from the information before me, the collective benefits that such provision would bring when delivered on this site are moderate.
28. However, these moderate benefits do not clearly outweigh the harm that I have found would arise by reason of inappropriateness and loss of openness. The very special circumstances required to justify the proposal do not, therefore, exist.

Planning Balance

29. Whilst the proposal is for extra care homes, these would nonetheless count towards the delivery of housing. From the evidence before me, I find that the Council is unable to demonstrate a 5-year supply of deliverable housing land. Therefore paragraph 11(d) of the Framework is engaged.
30. Paragraph 11(d) states that in these circumstances permission should be granted unless the application of policies in this Framework that protect areas of particular importance provide a clear reason for refusing the development proposal. Footnote 6 to Paragraph 11(d)(i) provides a specific list of such areas, one of which is the Green Belt. As I have already concluded that the very special circumstances required to justify the proposal do not exist, it follows that there is a clear reason for finding the appeal proposal unacceptable. The presumption in favour of sustainable development therefore does not apply in this case.

Conclusion

31. I therefore conclude that the proposal would conflict with the development plan when read as a whole and there are no other considerations, including the advice of the Framework, that outweigh that conflict.

32. For this reason the appeal is dismissed.

Roy Curnow

INSPECTOR

Richborough Estates