



Appeal Decision

Hearing held on 10 July 2024

Site visit made on 10 July 2024

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2024

Appeal Ref: APP/L3625/W/24/3339057

Land at Hooley Lane, Redhill RH1 6DG

Former Gas Holders, Hooley Lane, Redhill, Surrey RH1 6DG

- 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 Michael Birch [Bellway Homes (South London) Limited] against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 23/01119/F.
 - The development proposed is the erection of 70 dwellings with access from Hooley Lane, with associated landscaping and infrastructure.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Prior to the Hearing the appellant submitted a document entitled 'Hooley Lane Housing Mix Note' (HMN) as late evidence. It aimed to address the Council's concerns that no evidence had been presented to demonstrate that the required mix of homes would not be viable, technically feasible or that there would be no market demand for larger homes as required by Policy DES4 of the Reigate and Banstead Local Plan; Development Management Plan (DMP) 2019. Given that the scheme's compliance with this policy is a matter in dispute, the evidence was accepted. In reaching my decision, I have taken into account the Council's response.
3. The appellant also submitted a draft agreement containing provisions for planning obligations under Section 106 of the Town and Country Planning Act 1990 prior to the Hearing. A completed and signed S106 agreement securing affordable housing and a car club facility was provided shortly after the Hearing as agreed with the parties. I will come back to this matter later in my decision.
4. The Council confirmed that it does not seek to defend the appeal on the basis of the proposal being contrary to Policy DES5 of the DMP as set out in its decision notice¹. Based on all that I have seen and heard, I have no reason to take a different view. The appeal has been dealt with accordingly.
5. On the 30 July 2024 after the Hearing closed, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework), including draft text for consultation, as well as other

¹ Paragraph 6.4 of the Council's Statement of Case and paragraph 5.3 of the Statement of Common Ground June 2024.

proposed changes to the planning system. The Secretary of State also made a written ministerial statement (WMS) entitled, 'Building the homes we need.'

6. Neither the consultation nor the draft Framework constitute Government policy or guidance. However, the WMS is an expression of Government policy. I have had appropriate regard to these documents as material considerations in determining this appeal, as well the views of the parties on this matter.

Main Issues

7. The parties have confirmed that there are no concerns in respect of the proposed dwellings to the south of the appeal site². I see no reason to take a different view. In light of all that I have read and the discussions at the Hearing, the main issues in relation to this appeal are;
- The effect of the proposed flatted development upon the character and appearance of the area; and
 - Whether the proposal would provide an appropriate mix of housing, having regard to the development plan.

Reasons

Character and Appearance

8. The appeal site comprises a now vacant plot of land occupying a prominent position alongside Hooley Lane, a well-trafficked east/west route to the south of Redhill town centre. Truncated by railway lines to both the east and west, the appeal site forms part of a distinct character area formed by residential development to the north and south.
9. The pattern of development is such that domestically scaled detached, semi-detached and terraced Edwardian housing with narrow plot widths, under dual pitched roofs with occasional front facing gables, characterises the area to the south of the appeal site. Houses are either 2 or 2.5 storey with partial above ground basements or occasional dormer windows. Variations of house types are evident along with fenestration and other minor alterations, but they do not undermine the overall cohesiveness of the modestly scaled built form.
10. More recent housing exists to the west and north of the appeal site where 2 and 3 storey dwellings are juxtaposed with larger 3-storey blocks of flats located around the perimeter of the development. A mixture of pitched, hipped and pyramidal roofs, projecting gables and bays and cantilevered canopies provide consistent architectural detailing, supplemented by a limited material palette. The appeal site is separated from this estate by a band of semi-mature trees which form an attractive, verdant feature visible from Hooley Lane.
11. At the Hearing I heard that the proposed scheme provides a transition in development from 2-2.5 storey dwellings fronting Hooley Lane through to 4 storey blocks of flats to the middle and rear of the appeal site. Whilst domestically scaled dwellings with narrow plot widths are proposed to the east of the appeal site, that would not be the case to the west. Here a large flatted 4-storey block of flats (Block 1) would be readily visible across a relatively small landscaped area and car park. The footprint, scale and height of Block 1 would be such that it would have a vast, domineering presence in comparison

² As set out in the statement of common ground dated June 2024.

to the dwellings at plots 1-3, despite the stepping down of the southern-most section to 3-storeys adjacent Hooley Lane.

12. Although views would be relatively localised, Block 1 would nonetheless be clearly visible slightly uphill from within the northern extent of Victoria Road and from within Hooley Lane. The intense change in form and scale between the existing dwellings and the proposed flats would be emphasised, particularly in views from the east and south. The computer generated images provided in figures 4 and 8 of appendix 3 of the Design Hearing Statement (DHS) fail to demonstrate how the scale of the development would be perceived in more immediate views, sufficient to allay my concerns regarding the incongruity of the size of this proposed block.
13. No other 3-storey buildings are found within this part of Hooley Lane including opposite the appeal site. There is a block of flats containing a 3-storey section at the junction of Hooley Lane and Tylehurst Drive further to the west, beyond the band of trees that immediately adjoin and visually separate the appeal site. However, this building nestles into the rising topography where it meets the railway line and has been designed to address a corner, such that it is not unduly prominent. Indeed, the 3-storey section is very limited in size and the remainder of the building reduces to 2-storeys, rather than rising to 4-storey's as would be the case with the proposed scheme. There are other 3-storey blocks on the Kingsfield Way development, but they do not seem to me to be consistent with the modest scale of buildings that I saw across and adjacent to the appeal site on Hooley Lane.
14. The stepping down in height and articulation of Block 1, provided by the various bays, variety of materials and use of balconies, along with the limited set back behind a landscaped area, would be ineffective at integrating the sheer bulk and scale of the proposed block into the modestly scaled street scene³. Indeed, there is so much articulation proposed through projecting and recessed elements, changes in materials and projecting balconies in an attempt to reduce the building's scale that this in itself, would be contrary to the relatively simple facades found locally. Moreover, the scale of Block 1 would all but block the views of the adjacent tree belt from within Hooley Lane, a feature which contributes positively to the aesthetics of the area.
15. Blocks 1 and 2 would have flat roofs whilst the upper storey of Block 3 would appear as a mansard roof. The roofscape within the surrounding area to both the north and south is overwhelmingly that of pitched gable and hipped roofs. Even if I could accept the appellant's suggestion that a slightly recessed 4th storey or the use of a mansard roof of contrasting materials would result in the blocks of flats appearing as 3 rather than 4 storeys, they would still have a roof form which is not characteristic of the surrounding area. Neither would the design features at the 4th floor address the horizontal scale and size of the buildings overall.
16. Designing layouts for new housing developments is a balancing exercise to ensure that there is appropriate vehicular access and car parking as well as sufficient landscaped and amenity areas. I find that the proposed car parking has been pepper-potted throughout the site in a mixture of on-street, courtyards and undercroft spaces. However, the initial impression when entering the development would be dominated by parked cars due to the

³ As indicated in street scene 01 drawing 022114-BEL-SL-SS01.

amount of spaces to the east of the access road and spaces on both sides of the road further along to the north.

17. The Council and interested parties have raised concerns regarding the density of the proposed development. The appellant's evidence indicates that density of the proposed scheme would be higher than either of the existing developments to the north or south⁴. A high density of development would not automatically be problematic in an urban location. However, it is the way in which the density is achieved in 3-dimensional built form and how it subsequently relates to its surroundings that is important.
18. The proposed flatted blocks would be sited very close to the access roads or pavements. Coupled with minimal landscaping to their frontages the height and scale of the flatted blocks would create a dense and therefore unduly dominant built form within the development. With the current configuration, the proposed landscaping would have little beneficial effect in the integration of the development into its surroundings, including softening the scale of the large blocks.
19. Blocks 2 and 3 appear to be absent from the street scene drawings presented, but it seems to me that despite its set back from Hooley Lane, Block 3 would be visible across the access into the appeal site. Notwithstanding the position of the block to address a vista, its height and deep plan form would result in a building again of a substantial scale and mass. Its scale in comparison to the proposed dwellings would be significant and overwhelming⁵.
20. The Kingsfield Way development to the north is located at a higher land level such that the changing topography does offer some mitigation to accommodate taller development towards the rear of the appeal site. However, Block 2 would have an excessively horizontal and deeper plan form such that it would have a pronounced change in scale from the existing dwellings (as evidenced in the site section drawings provided⁶). In this regard I find that the proposal would not be of a generally similar massing to the surrounding development as suggested by the appellant⁷. I am not satisfied from the evidence presented that blocks 2 and 3 would have heights comparative to the frontage dwellings, or that their scale would not be jarring or oppressive when viewed in proximity from the footpath to the east.
21. The large scale of the proposed flatted blocks would appear discordant and incongruous, visually competing with the existing built form as viewed from Hooley Lane and Victoria Road to the south⁸. A dense, urban character would be presented within the appeal site that would be more typically found in city centre locations, that is not the prevalent context here⁹. It would not be possible to mitigate the impacts of the bulk and height of the proposed flatted blocks through the imposition of conditions, including the addition of more meaningful areas of landscaping, without amending the layout of the proposed scheme.

⁴ As shown on drawing number 022114-BEL-SL-WCDP Rev A provided at appendix 5 of the appellant's appeal statement.

⁵ Noting that the proposed dwellings are excluded from the site section drawing 022114-BEL-SL-SEC01 Rev A.

⁶ Drawing numbers 022114-BEL-SL-SEC01 Rev A and 022114-BEL-SL-SEC02 Rev A.

⁷ Paragraph 9.6 of the design hearing statement and as discussed at the Hearing.

⁸ Noting that Blocks 2 and 3 are absent from the street scene drawings indicated on drawing number 022114-BEL-SL-SS01.

⁹ As shown in drawing number 022114-BEL-SL-PER02 Rev B.

22. I acknowledge that there is an existing 4 storey building at the junction of Brook Road and Hooley Lane and that further flatted blocks have been permitted on the opposite side of the road to it¹⁰. However, I observed that there is a clear change in the character of the area as you emerge from under the railway bridge. This structure acts as a physical and visual barrier, segregating the appeal site and its surroundings from the more varied and larger building typologies that exist around Brighton Road. This chimes with the views of the Council and interested parties that were shared at the Hearing. Other permissions referred to by the appellant for flatted blocks do not provide justification for large scale flatted blocks in any location¹¹.

Conclusion - Character and Appearance

23. The Framework supports development that makes an efficient use of land. The Hearing discussions revealed that the DMP does not contain any policies that seek to establish minimum or maximum densities for new housing development. Nonetheless, the Framework is clear that the aim is to achieve appropriate densities, including taking into account the desirability of maintaining an area's prevailing character and setting, and securing well-designed and beautiful, attractive and healthy places.
24. New schemes for development do not have to slavishly follow what has gone before to respect the character of an area. However, I find that the proposal, specifically the very large blocks of flatted development, would fail to make a complete and appropriate transition between the existing development on the edges of the appeal site or the proposed dwellings. Simultaneously, the dominance of car parking at the entrance to the development, along with limited landscaping and proximity of building footprints to hardstandings, would exacerbate the uncharacteristically dense built form. These factors in combination would prevent the proposed development from assimilating and sitting comfortably within its established context. In light of this I disagree with the ratings provided in the appellants Building for Healthy Life Assessment¹².
25. In conclusion, the proposed flatted development would have a substantially harmful impact on the character and appearance of the area. The proposal would therefore be contrary to Policy DES1 of the DMP. This policy seeks amongst other things, to promote and reinforce local distinctiveness and respect the character of the surrounding area, including positive physical characteristics of local neighbourhoods and the visual appearance of the immediate street scene. It would also be contrary to the Framework which affirms that creating high quality places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Housing Mix

26. Paragraph 60 of the Framework states that the overall aim in relation to housing supply should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community. It goes on to suggest that within the context of establishing need,

¹⁰ Planning application reference 21/01458/F for 68 apartments on land at Hockley Industrial Centre, Hooley Lane.

¹¹ As set out on pages 3-6 of the Hooley Lane Housing Mix Note June 2024.

¹² As contained within the Design Hearing Statement.

- the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies¹³.
27. Policy DES4 of the DMP requires all new residential developments to provide homes of an appropriate type, size and tenure to meet the needs of the local community. The policy specifies that at least 30% of market housing should be larger (3+ bedroom) homes on sites outside of town and local centres, such as the appeal site. It is clear to me that this is a policy requirement and is not a guideline or notional housing mix as suggested by the appellant¹⁴.
28. Whilst the Council's officer report suggested that the shortfall in the provision of larger 3+ bedroomed homes was slight, I consider the provision of just 18% of the required 30% minimum to be significant. Either way, the proposed scheme does not comply with criterion 2ii of Policy DES4. However, the policy does allow for divergence from this requirement, if it can be demonstrated that it is not financially viable or technically feasible, that there would be no need or market demand for a particular size of homes, or that doing so would have an adverse impact on the character of the surrounding area.
29. Taking into account qualitative and quantitative factors with regard to future housing provision, the Council's 2019 Housing Needs Assessment (HNA) recommends that the majority of market housing be delivered as larger 3+ bedrooms (circa 70%)¹⁵. However, the Council's 2 most recent Housing Delivery Monitor's (HDM), which provide information on the general housing market and the current amount, type and location of housing commitments and completions in the borough, indicate that within the respective preceding 12-month period, the majority of completions were smaller 1 and 2 bedroomed dwellings. In 2023 this equated to 62.5% of all completions and 73.1% in 2024, both significantly above the 30% recommended by the HMA.
30. In terms of permissions granted in 2023, 66.7% were for smaller 1 or 2 bedroomed homes while the figure was 54.7% in 2024. Section 5.5 of the 2024 HDM also advises that Redhill had the highest proportion of flat developments at 86.1%.
31. It seems to me that neither housing completions nor permissions are delivering the larger 3+ bedroomed dwellings advocated by the HMA, particularly in Redhill. Indeed Table 9 of the 2024 HDM shows that only 14.4% of 3-bedroomed homes and 12.5% of 4+ bedroomed homes have been delivered, compared with the respective HMA recommendations of 40% and 30%. These figures have further decreased from those reported in the 2023 HDM.
32. Accepting that there are locational differences in the housing market in the borough, it would nonetheless appear from the evidence that there has been an overprovision of flats and smaller homes in the Redhill area already. The proposed scheme's failure to deliver the number of 3+ bedroomed market homes required by Policy DES4 would further worsen and exacerbate this situation, whether or not it equates to a shortfall of 6 homes.

¹³ Paragraph 63 of the Framework.

¹⁴ Paragraph 23 of the appellant's Hooley Lane Housing Mix Note.

¹⁵ Paragraph 6.28 of the HNA.

33. The Council accepts that there is unlikely to be significant demand for 3+ bedroomed flats as set out within the appellant's HMN¹⁶ and I have no reason to take a different view. However, no substantive evidence has been presented to demonstrate that the proximity of the site to Redhill town centre with its services, facilities and a choice of transport modes would preclude demand for 3+ bedroomed homes in this location. To the contrary, the appeal site sits alongside an area of extensive traditional housing which shares similar accessibility credentials. Furthermore, the provision of some dwellings of this size within the proposed scheme also indicates that there is likely to be a demand for such properties, otherwise the appellant would not propose them¹⁷.
34. The appellant suggests that the proximity to services and public transport warrants a less rigid application of Policy DES4. Given that the policy already makes a distinction between locations within and outside of town centre locations I do not find this approach to be credible.
35. No case has been made that a policy compliant scheme including a greater provision of larger dwellings would not be technically feasible, nor that such a scheme would not be financially viable. Furthermore, as discussed above, the established character of the area surrounding the appeal site includes a large proportion of domestically scaled dwellings, such that the provision of larger dwellings would be likely to have a positive, rather than an adverse impact on the identified character.
36. Whilst the HDM's indicate a trend towards the provision of smaller homes, that does not marry with the identified need for different types of housing set out in the HNA. I heard from the Council that these figures for housing delivery have been impacted by permissions and sites delivered through the prior approval regime, where housing mix cannot be enforced by the Council. Given that housing is in high demand, it is likely that future occupants are limited by the choice of stock available.
37. The appellant contends that the proposed market mix should not be seen in isolation, pointing to the proposed scheme delivering a policy compliant affordable housing scheme inclusive of 3, 3-bedroomed affordable houses¹⁸. Be that as it may, the requirement for affordable housing provision on sites of 11+ homes is set out within Policy DES6 of the DMP. Affordable housing provision is therefore in addition to the mix of market homes required by Policy DES4. Likewise, it cannot be the case, that the Council should anticipate larger homes being catered for by the Sustainable Urban Extensions as allocated within the DMP when there is no guarantee if or when, they will be released.
38. Reference is made to a number of planning permissions said to have been granted by the Council without compliance with the housing mix set out in Policy DES4¹⁹. Undisputed by the appellant, the Council advised that those schemes were permitted under particular circumstances prior to the adoption of the DMP. These include that the decisions were granted via the prior approval process where Policy DES4 would not apply, an extant permission provided a fallback position, or the scheme was policy compliant due to the

¹⁶ As demonstrated at paragraph 13 of the Housing Mix Note where 3 of 473 apartments consented were 3 bedroomed.

¹⁷ Paragraph 4.51 of the appellant's appeal statement.

¹⁸ Paragraph 4.56 of the appellant's appeal statement.

¹⁹ Schedule of local developments permitted as set out within the appellant's Hooley Lane Housing Mix Note June 2024.

overall housing mix or the amount of development proposed. These circumstances have not been disputed by the appellant. The referenced permissions do not justify a relaxation in the application of Policy DES4 which the Council confirmed at the Hearing, is to be applied where planning permission is sought for housing development within the borough on allocated or windfall sites.

39. For the reasons given above, the proposal would fail to provide a choice of housing to reflect the local market housing needs. It would therefore fail to provide an appropriate mix of housing, contrary to Policy DES4 of the DMP, as well as paragraph 60 of the Framework, as set out above.

Other Matters

40. The scheme would deliver a number of benefits to which the appellant suggests substantial weight be afforded in the decision-making process, including the use of brownfield land within settlements for homes as set out within paragraph 124c) of the Framework. 70 adaptable and accessible homes would be delivered and built to high environmental standards.
41. The scheme would also deliver 30% affordable housing of an appropriate tenure and size on-site. The evidence before me, notably the CIL compliance statement (Jul 2023) indicates that the completed and signed S106 would be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development²⁰.
42. The provision of a cycle and pedestrian lane along Hooley Lane as well as access to a car club vehicle for the first 2 years would maximise opportunities for future occupants to benefit from the accessible location of the appeal site. I am satisfied that the S106 agreement would secure the car club as a benefit of the development in compliance with the tests for planning obligations.
43. Additionally, economic benefits during the construction phase would arise through the provision of employment and training. Afterwards there would be additional expenditure from residents into the local economy, together with revenues including but not limited to, the New Homes Bonus. There would be a net gain to biodiversity and the provision of a Local Area for Play.
44. In calibrating the benefits, many do not go significantly beyond any policy requirements and are to be expected of new development. Neither is there any compelling evidence before me to demonstrate that the suggested benefits are inherently reliant on the proposal. It is likely that an alternative scheme could be achieved that would overcome the harm identified, whilst simultaneously delivering the same, or very similar benefits including the segregated cycle and pedestrian route. These matters temper the weight to be attached to the benefits which cumulatively attract great weight in favour of the scheme.
45. The Council has confirmed that the housing land supply stands at 7.4 years, which is healthy²¹. The appellant has sought to question this by brief reference to a previous 2023 appeal decision relating to whether it was appropriate to

²⁰ As set out at paragraph: 002 Reference ID: 23b-002-20190901 of the Planning Practice Guidance and paragraph 57 of the Framework.

²¹ As set out at section 7.3 of the Council's HDM 2024.

release that site as a sustainable urban extension²². The appellant has not provided any detailed analysis or alternative housing land supply figure. In these circumstances, there is no robust evidence to suggest that the Council does not have a 5-year housing land supply. Local housing need is therefore being met by the current land supply position.

46. Even if I was to accept the appellant's position that the proposed changes to the standard method of calculation would result in a significant uplift in the future annual requirement for housing provision within the borough, the WMS does not override the development plan, or advocate housing development at any cost.
47. The draft Framework attracts limited weight, given that it is subject to consultation and the final version may differ. However, it continues to advocate that housing supply should provide an appropriate mix of housing types to meet identified local need and that homes are well-designed, as set out in the Framework. The efficient use of land advocated within the Framework and draft consultation text is qualified, requiring the desirability of maintaining an area's prevailing character and setting to be taken into account to ensure the delivery of well-designed places²³. As set out above, the proposed development would not achieve this and substantial harm would be exerted.
48. I note that the proposed scheme was the subject of pre-application advice²⁴ and that it went through various amendments to produce the current iteration, recommended for approval by the planning officer. Nonetheless, the Planning Practice Guidance is clear that pre-application advice cannot pre-empt the democratic decision-making process, or a particular outcome in respect of a formal planning application²⁵. Whilst noting that there is some support for the proposed development, it does not equate to a lack of harm and there are also objections to the scheme.
49. At the Hearing, interested parties raised concerns relating to matters including traffic generation and car parking, harm to the living conditions of existing occupants with regard to privacy, outlook, noise and disturbance and the loss of wildlife. As I am dismissing the appeal in relation to the main issues, I am not required to consider these matters further. I do however note, given the brownfield status of the appeal site and its location within the settlement of Redhill, it is likely that a scheme for housing will come forward in the future.

Planning Balance and Conclusion

50. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permissions be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making.
51. Matters are balanced but taking everything into consideration, the great weight I attach to the benefits in favour of the proposal is insufficient to outweigh the substantial harm identified in respect of the effect of the proposal on the character and appearance of the area, and the failure to provide an appropriate

²² Appeal reference APP/L3625/W/23/3317013.

²³ Paragraphs 128d) and 126d) in the respective 2023 and draft 2024 versions of the Framework.

²⁴ As laid out in section 4-7 of the appellant's design hearing statement dated April 2024,

²⁵ Paragraph: 011 Reference ID: 20-011-20140306.

mix of housing. The proposal conflicts with the development plan and there are no material considerations including the Framework, that indicate a decision should be taken otherwise than in accordance with it. Accordingly, the appeal is dismissed.

M Clowes

INSPECTOR

Richborough

APPEARANCES

FOR THE APPELLANT:

Andrew Byass	Barrister, Landmark Chambers
Robert Steele	Planning Consultant, Savills
Kieran Wheeler	Planning Consultant, Savills
Niamh Hession	Design Practitioner, Turley
Julian Goodban	Regional Planning Director, Bellway Homes

FOR THE LOCAL PLANNING AUTHORITY:

Michael Parker	Principal Planning Officer, Reigate and Banstead Council
Cllr Paul Chandler	Former Member of Planning Committee and Ward member for South Park and Woodhatch

INTERESTED PARTIES:

Cllr Ruth Ritter	Ward Member for Earlswood and Whitebushes
Lilia Paterson	Local Resident