BOROUGH OF REIGATE AND BANSTEAD

TOWN & COUNTRY PLANNING ACT 1990
APPEAL UNDER SECTION 78
BY AMTROSE LTD

SITE AT: 17 THE CLOSE, HORLEY, SURREY RH6 9EB

TOWN AND COUNTRY PLANNING
(INQUIRIES PROCEDURE) RULES 2000
RULE 6 STATEMENT OF CASE

PINS Ref: APP/L3625/W/15/3141260
LPA Ref: P/14/01075/OUT
1.0 **INTRODUCTION**


1.2 It comprises the statement of case in respect of an appeal against the refusal by Reigate and Banstead Borough Council of planning application reference P/14/01075/OUT for: *Proposed Development of 46 Units with associated access and public open land.*

2.0 **SITE DESCRIPTION**

2.1 The site comprises a relatively flat, open area of grassland, used recently for grazing with relatively open boundaries, interspersed by various trees. The site sits at the end of The Close, which is a private cul de sac consisting of low density residential housing on its north-eastern side with open grazing land opposite giving it a rural character.

2.2 The site is designated within the Rural Surrounds of Horley and also as part of the Gatwick Airport Setting. It is partly within the Environment Agency flood zone 3.

2.3 The site is surrounded mostly by other fields but with occasional residential properties adjacent and a commercial yard to the north-east. Gatwick Airport is located to the south and Horley Town Centre located to the north.

3.0 **REASONS FOR REFUSAL**

3.1 The application was refused on 3 July 2015 under delegated authority. Planning permission was refused for the following reasons:-

1. **The proposed development, within the Rural Surrounds of Horley and Gatwick Airport Open Setting designations, would have a serious**
and harmful impact on the openness of this area and contribute towards the coalescence of Horley with Gatwick Airport. This would be contrary to policies Hr36 and Hr37 of the Reigate and Banstead Borough Local Plan 2005 and, given the Council is able to demonstrate a 5-year housing supply, this harm would not be outweighed by the benefits of the proposal such that it would also be contrary to Policies CS6 and CS13 of the Reigate and Banstead Local Plan: Core Strategy 2014.

2. The proposed development, by virtue of its narrow access point into the site and the approach into the development at the existing terminus of The Close, around the mini-roundabout, would appear a cramped and contrived form of development that fails to reinforce local distinctiveness and would be harmful to the character of the area, contrary to Policy Ho9 of the Reigate and Banstead Borough Local Plan 2005 and Policy CS10 of the Reigate and Banstead Local Plan: Core Strategy 2014 and the Reigate and Banstead Local Distinctiveness Design Guide 2004.

3. The proposed development, by virtue of the vehicular movements introduced at the narrow access between 15 and 17 The Close, and the increased movements in close proximity to 18 and 19 The Close, towards where vehicles are directed by the mini-roundabout, would cause harmful disturbance and general loss of residential amenity contrary to Policy Ho9 of the Reigate and Banstead Borough Local Plan 2005.

4.0 POLICY CONTEXT

The Development Plan

4.1 The history of the Development Plan will be described. Reference will be made to strategic and local policies in the Development Plan.
4.2 For the purposes of Section 54A of the Town and Country Planning Act 1990, the Development Plan comprises the Reigate and Banstead Borough Local Plan (adopted 7 April 2005) and the Reigate and Banstead Local Plan: Core Strategy (adopted 3 July 2014).

4.3 On 21 September 2007, the Secretary of State for Communities and Local Government issued a direction to paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 that 139 policies contained within the Reigate and Banstead Local Plan shall be saved and used in determining planning applications. The policies are relevant until the new Development Management Plan (DMP) is adopted. This is expected to take place by early 2018. All Local Plan policies listed in the reasons for refusal have been saved.

4.4 Reference will be made to the following policies in the Adopted Borough Local Plan 2005:

- Policy Hr36 - The Rural Surrounds of Horley
- Policy Hr37 - Gatwick Airport Open Setting
- Policy Ho2 - Affordable housing
- Policy Ho9 - Design and layout

4.5 Reference may also be made to the following policies of the adopted Core Strategy:

- Policy CS6 - Allocation of land for development
- Policy CS10 - Sustainable development
- Policy CS13 - Housing delivery
- Policy CS15 - Affordable housing
Other Material Considerations

4.6 The National Planning Policy Framework (NPPF) 2012 is national guidance and reference shall therefore be made to the NPPF within the appeal proceedings.

4.7 The following documents may also be referred to within proceedings:

- 2015 Housing Delivery Monitor
- 2016 Housing Delivery Monitor (yet to be published)
- Strategic Housing Land Availability Assessment
- Affordable Housing SPD
- Reigate and Banstead Local Distinctiveness Design Guide SPG 2004

5.0 STATEMENT OF CASE

RURAL SURROUNDS OF HORLEY AND GATWICK AIRPORT OPEN SETTING

5.1 The site is within the Rural Surrounds of Horley, an area designation within which development is resisted in order to maintain openness unless it is essential to the needs of agriculture, forestry, outdoor sports and recreation under Policy Hr36 of the 2005 Borough Local Plan.

5.2 The site is also within the designated Gatwick Open Setting and as such Policy Hr37 of the Borough Local Plan is relevant. This is an important distinction from proposals elsewhere in the Rural Surrounds of Horley as this designation affords particular recognition of, and protection to, the strategic role which this particular part of the Rural Surrounds of Horley plays in maintaining an open landscape break and preventing the coalescence of surrounding settlements with Gatwick Airport.

5.3 The appellants’ statement makes clear that they dispute the Council’s 5 year housing supply and they consider there will be no serious harm to the
countryside and open setting designations that is not outweighed by the need for housing in the Borough. No information has been submitted in support of these statements other than reference to a 2013 appeal decision at Inholms Farm (within the Rural Surrounds of Horley but outside the Gatwick Airport Open Setting) and a Council Executive Report considering a joint venture proposal for development of a business park on the appeal site and wider area.

5.4 The Council considers the latest five year land supply for housing, contained within the 2015 Housing Delivery Monitor, is robust and consistent with the NPPF and other practice guidance, as well as being based upon credible evidence of deliverability. The published position demonstrates that the Council is able to identify a deliverable supply equivalent to 5.84 years (including the NPPF requirement for a 5% buffer). It is also made against the background of strong historic housing delivery across the Borough and the fact that a significant urban extension (the North West Sector) has now progressed significantly since the Inholms appeal, when no outline permission was in place, to now where construction has commenced on site and the Core Strategy has been adopted. Therefore whilst it is accepted that the Inholms appeal decision is a material consideration, it will be demonstrated that the situation is significantly different now, with the adoption of the Core Strategy, publication of more recent Housing Delivery Monitors and the commencement of development such as the North West Sector development.

5.5 In view of the existence of a five year supply, it will be argued that there is no need for the site to be released in order to meet short term housing needs. The positive weight which can be afforded to the fact that the scheme provides additional housing is significantly diminished and, as a result, is insufficient to outweigh the harm arising from inappropriate development within - and the adverse impact on the openness of - the Rural Surrounds of Horley and Gatwick Airport Open Setting, the conflict with adopted Borough Local Plan Policies Hr36 and Hr37 and conflict with Policies CS6 and CS13 of the Core Strategy.
CHARACTER OF THE AREA

5.6 It will be argued that the proposed development would be cramped, failing to reinforce local distinctiveness and harming the character of the area. This would be a result of its poor access, in a narrow gap between 15 and 17 The Close and the likely cramped layout that would result from the proposed density. The density of the surrounding area is approximately 20 dwellings per hectare whereas the proposed density would be greater, at around 29 dwellings per hectare when considering the developable area of the site. The proposal would be an extension to The Close and as such should reflect its character and read as such, rather than being tacked on to its existing terminus, squeezed between existing buildings and built to a higher density. It will therefore be argued that the proposal would be contrary to Policy Ho9 of the Reigate and Banstead Borough Local Plan 2005 and Policy CS10 of the Reigate and Banstead Local Plan: Core Strategy 2014 as well as the Reigate and Banstead Local Distinctiveness Design Guide 2004.

RESIDENTIAL AMENITIES

5.7 It will be argued that the proposed development would cause significant harm to the amenities of neighbouring residential properties by virtue of the added noise and disturbance associated with vehicular movements in proximity to 15 and 17 The Close, by virtue of the narrow access point and 18 and 19 The Close where increased vehicle movements would occur, squeezed between the existing roundabout and the frontage of these properties. It will be argued that this would be contrary to Policy Ho9 of the Reigate and Banstead Borough Local Plan 2005.

AFFORDABLE HOUSING

5.7 The development would be required to provide affordable units and the applicants have indicated that they would be willing to offer 11 units for affordable housing, drafting a Section 106 legal agreement to this effect. It
will be necessary for the appellants to provide a completed legal agreement prior to the inquiry in order to secure this, or else the proposal would be contrary to Policy CS15 of the Reigate and Banstead Local Plan: Core Strategy 2014 and the Affordable Housing SPD 2014.
LIST OF DOCUMENTS TO WHICH THE LOCAL PLANNING AUTHORITY MAY REFER

1. Extracts from the Ordnance Survey showing the appeal site and its surroundings
2. Extracts from the Proposals Map of the Reigate & Banstead Borough Local Plan 2005
3. Photographs showing the appeal site
4. Details of all relevant planning applications relevant to the application
5. The Reigate and Banstead Borough Local Plan 2005
7. Core Strategy Inspector’s Report
8. National Planning Policy Framework
9. Relevant appeal decisions of the Planning Inspectorate
10. Reigate and Banstead Borough Supplementary Planning Guidance/Documents
11. 2015 and 2016 Housing Delivery Monitors
12. Strategic Housing Land Availability Assessments

NOTES:

1. The Council reserves the right to refer to any other cases and matters referred to in the Journal of Planning and Environmental Law and the Encyclopaedia of Planning Law and Practice, insofar as any of these are necessary to rebut any submission made on behalf of the Appellant during the course of Inquiry.
2. All the documents referred to in this Statement can be inspected during the hours of 9.00 a.m. and 4.45 p.m. (Monday to Friday) at the Town Hall in Reigate, by prior arrangement.
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APPENDIX 1 – EXTRACT FROM 2005 BOROUGH LOCAL PLAN PROPOSALS
MAP

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APPENDIX 2 – RELEVANT DEVELOPMENT PLAN POLICIES
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APPENDIX 3 – SUPPLEMENTARY PLANNING DOCUMENTS / GUIDANCE

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APPENDIX 4 – 2015 HOUSING DELIVERY MONITOR

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APPENDIX 5 - STRATEGIC HOUSING LAND AVAILABILITY ASSESSMENT

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APPENDIX 6 - SUGGESTED CONDITIONS SHOULD THE APPEAL BE ALLOWED

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1. Approval of details of the layout, scale, appearance and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced and carried out as approved. Plans and particulars of the reserved matters referred to above, shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

**Reason:** To comply with Article 5 of the Town and Country Planning (General Development Procedure) (England) Order 2015 (or any order revoking and re-enacting that Order) and Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51(2) of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans.

   Location Plan - J001432PL00 – Received 29 May 2014

   **Reason:** To define the permission and ensure the development is carried out in accord with the approved plans and in accordance with National Planning Practice Guidance.

3. The development hereby approved shall not be commenced unless and until the proposed footway along the southern side of The Close has been constructed in general accordance with the scheme shown on drawing no. TSP/AMT/P2529/13 Rev A, and thereafter shall be permanently maintained.

   **Reason:** The above condition is required to meet the objectives of the NPPF (2012), and to satisfy policy Mo5 of the Reigate and Banstead Borough Local Plan (2005) and policy CS17 of the Reigate & Banstead Local Plan: Core Strategy (2014).
4. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate surface water run-off generated up to and including the 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To reduce the impact of the development on flood risk elsewhere and improve water quality, with regard to Reigate and Banstead Borough Local Plan 2005 policy Ut4.

5. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Version No. 8 dated December 2014 and Drainage Strategy Version No. 6 dated 12/12/2014 compiled by Stilwell Limited and the following mitigation measures detailed within the FRA:

1. Finished floor levels are 300mm above the maximum flood level within the site (57.51m AOD).

2. Excavation of a flood storage area adjacent to the Haroldslea Stream as shown on Drawing No: TSP/AMT/P2529/05 Rev D dated 12/12/2014.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To reduce the impact of the development on flood risk elsewhere and improve water quality, with regard to Reigate and Banstead Borough Local Plan 2005 policy Ut4.
6. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site covers an area in which it is considered necessary to preserve for future reference any archaeological information before it is destroyed by the development with regard to Reigate and Banstead Borough Local Plan 2005 policy Pc8.

7. No development shall commence including groundworks or access preparation until a detailed, scaled Tree Protection Plan (TPP) and the related Arboricultural Method Statement (AMS) is submitted to and approved in writing by the Local Planning Authority (LPA). These shall include details of the specification and location of exclusion fencing, ground protection and any construction activity that may take place within the Root Protection Areas of trees (RPA) shown to scale on the TPP, including the installation of underground service routings. The AMS shall also include a pre-commencement meeting with the LPA, supervisory regime for their implementation & monitoring with an agreed reporting process to the LPA. All works shall be carried out in strict accordance with these details when approved.

Reason: To ensure good arboricultural practice in the interests of the maintenance of the character and appearance of the area and to comply with British Standard 5837:2012 ‘Trees in Relation to Design, demolition and Construction – Recommendations’ and policies Pc4 and Ho9 of the Reigate and Banstead Borough Local Plan.

8. No development shall take place until the applicant has secured the Authority's written approval of details of both existing and proposed ground levels and the proposed finished ground floor levels of the buildings, and the development shall be carried out in accordance with the approved levels.
**Reason:** To ensure the Local Planning Authority are satisfied with the details of the proposal and its relationship with adjoining development and to safeguard the visual amenities of the locality with regard to Reigate and Banstead Borough Local Plan 2005 policy Ho9.