



ODPM/SE/08/01

3 August 2005

PLANNING PERMISSION REFUSED FOR St PIERS LANE, SURREY

Deputy Prime Minister John Prescott has refused planning permission for land at St Piers Lane, Lingfield, **Surrey**, RH7 6PW. Full details of this decision are contained in the decision letter issued by the Office of the Deputy Prime Minister, on the 2 August 2005 (see notes to editors).

Issued on behalf of the ODPM by Government News Network South East.

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Notes to editors

TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 78) APPEALS BY THE NATIONAL CENTRE FOR YOUNG PEOPLE WITH EPILEPSY. APPLICATION NOs: TA/2003/1267 & TA/2004/425

1. I am directed by the First Secretary of State to say that consideration has been given to the report of the Inspector, D J Mumford, BA, MRTPI, who held a public inquiry, which closed on 3 March, 2005 into your client's appeals under Section 78 of the Town and Country Planning Act 1990 against:-

- a) the decision of Tandridge District Council to refuse planning permission for new educational, social and healthcare accommodation, the realignment and improvement of St Piers Lane and enabling residential development – ref TA/2003/1267.
- b) the decision of the same Council to refuse planning permission for new educational, social and healthcare accommodation, the realignment and improvement of St Piers Lane and enabling residential development – ref TA/2004/425.

on land at St Piers Lane, Lingfield, Surrey, RH7 6PW.

2. The Inspector, whose conclusions are reproduced in the annex to this letter, recommended that the appeals be dismissed and planning permission refused. A copy of his report is enclosed. For the reasons given below, the Secretary of State agrees with the Inspector's recommendations. All paragraph references, unless otherwise stated, refer to the Inspector's report.

Procedural Matters

3. At the inquiry the planning applications were amended as set out in paragraph 1 of the Inspector's report. The Secretary of State has determined the appeals on this basis.

4. In reaching his decision the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Secretary of State is content that the Environmental Statement complies with the above regulations and that sufficient information has been provided for him to assess the environmental impact of the proposed development.

Policy Considerations

5. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises Regional Planning Guidance for the South East (RPG 9) (which is also now the Regional Spatial Strategy (RSS)), the Surrey Structure Plan 2004 and the Tandridge District Local Plan 2001. The Secretary of State notes that the Inspector has not directly referred to RSS 9 as a development plan document. However, he is satisfied that its relevance has been considered at the inquiry as it is referred to as guidance in paragraph 7 of the Inspector's report. The emerging South East Plan is also a material consideration but as it is at an early stage in its progress it can only be given limited weight. The Secretary of State considers that the key policies in the development plan with relevance to the proposals are those set out by the Inspector at paragraphs 5-6.

6. Material considerations taken into account by the Secretary of State include Planning Policy Statement (PPS) 1 "*Delivering Sustainable Development*"; Planning Policy Guidance (PPG) Note 2 "*Green Belts*"; PPG3 "*Housing*"; PPS7 "*Sustainable Development in Rural Areas*"; PPG9 "*Nature Conservation*"; PPG13 "*Transport*"; PPG15 "*Planning and the Historic Environment*"; PPG16 "*Archaeology and Planning*"; PPG17 "*Planning for Open Space, Sport and Recreation*"; PPG24 "*Planning and Noise*"; and, PPG25 "*Development and Flood Risk*".

7. The Secretary of State has also paid special attention to the desirability of preserving listed buildings and their settings, as required under the provisions of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issues

8. The Secretary of State agrees with the Inspector that the main issues in this case are as set out at paragraph 224 of the Inspector's conclusions.

Whether the proposals amount to inappropriate development in the Green Belt and what impact they would have on the Green Belt

9. For the reasons given in paragraphs 225-231, the Secretary of State agrees with the Inspector that both appeals are inappropriate development in the Green Belt, and by definition harmful, and that this element of harm carries substantial weight (IR225). He also agrees that the increases in footprint or floor area of the proposed buildings would have a significant impact on the openness of the overall site (IR229), and that the proposals would conflict with the Green Belt purposes of checking the

unrestricted sprawl of large built-up areas and assisting in safeguarding the countryside from encroachment (IR230).

The impact of the proposals on the landscape

10. For the reasons given in paragraphs 232-239, the Secretary of State agrees with the Inspector that the visual impact of the reconfigured NCYPE campus would be broadly neutral (IR235) and that the removal of buildings in the north-eastern area would provide a positive benefit in landscape and visual terms (IR236). However, he also agrees that the landscape and visual impacts of the proposals in the area south of the (realigned) St Piers Lane would be highly adverse and that this would greatly outweigh the benefits arising from the removal of buildings in the north-eastern corner (IR238). The Secretary of State further agrees that in relation to the listed buildings on the site, and on the basis that the appellant amends the indicative layout to provide a satisfactory design, the proposals would not harm their setting (IR239).

The housing land supply position in the District and whether this justifies the proposals in the face of any other objections, and whether (in the second appeal) the mix of housing size is acceptable

11. The Secretary of State agrees with the Inspector that the housing land supply position in the district does not require the council to allocate further land at present (IR 240). Similarly, he agrees with the Inspector that it would be inconsistent with the "plan, monitor, manage" approach of PPG 3 to conclude that an over-supply of 10% could not constitute an objection to development in principle (IR 241).

12. However, with respect to housing supply in the area, an essential feature of the plan, monitor and manage approach is that housing requirements, and the way that they are met, should be kept under regular review. In this respect, the council acknowledge that allocated sites and windfall sites have, over recent years, led to an excess supply of housing. The Secretary of State considers that the plan, monitor and manage approach, with regular reviews as recommended by PPG3, would enable the reasons for the over-supply of housing to be addressed. On the evidence available, the Secretary of State does not consider that he can necessarily conclude that the council has adopted a robust plan, monitor and manage approach to housing delivery, and given this, concludes that, in the particular circumstances of this case, the over-supply of housing should not weigh against the proposal

The provision for affordable housing

13. For the reasons given in paragraphs 245-249, the Secretary of State agrees with the Inspector that there is an acute need for affordable housing in Tandridge District and that up-to-date development plan policies support significant affordable provision in housing developments (IR246). He also agrees that the proposals should contribute their ordinary and proper share of affordable housing within the enabling development and that as they do not do so, there is conflict with the relevant development plan policies (249).

Whether the site is in an unsustainable location likely to generate movements by car

14. The Secretary of State agrees with the Inspector that, notwithstanding the range of services available in the village of Lingfield, some travel to nearby towns is inevitable. In this respect, he is particularly mindful of the fact that there is currently no public bus service serving the site and that footpath links to the village are poor.

He has considered the Travel Plan submitted by the appellants but, for the reasons given by the Inspector in paragraphs 251 to 255, he is not persuaded that the Travel Plan would reduce car trips by residents by as much as one third, or those by staff by 25%. The Secretary of State agrees with the Inspector that the locational disadvantages of the site would not be outweighed by the Travel Plan and that there is therefore conflict with policy LO1 in the Structure Plan and MO1 in the Local Plan (IR255).

The physical capacity of the local highways and junctions to cater for the traffic generated the impact of the proposals on infrastructure and local facilities

15. The Secretary of State agrees with the Inspector's reasoning and conclusions on the physical capacity of the local highways and junctions to cater for the traffic generated, as set out in paragraphs 256-262. He shares the Inspector's concerns that safety issues would arise near St Piers cottage if the appeals were allowed, because of the substantial extra traffic that would result and the potential for collisions on this particularly narrow stretch of road (257). He agrees with the Inspector that pedestrian usage could increase along St Piers Lane as a result of the proposed residential development and that in those circumstances a new footway should be provided (258). He also agrees that increased waiting times at the junction of St Piers Lane and Racecourse Road would not be sufficiently serious to warrant dismissing the appeal on such grounds. Overall, he agrees with the Inspector that the proposal would provide some conflict with policies DN2 and MO13 in relation to the increased use of St Piers Lane.

The impact of the proposals on infrastructure and local facilities

16. The Secretary of State agrees with the Inspector's reasoning and conclusions on the impact of the proposals on infrastructure and local facilities, as set out in paragraphs 263- 267. He agrees that there is no evidence that school places could not be provided for children arising from the proposed enabling development, and has taken into account the fact that appropriate payments would be made by the appellant to the County Council and are included in the planning obligations (263). Similarly, he agrees with the Inspector that it is the responsibility of the local Primary Care Trust to ensure that proper healthcare provision is made, and has taken into account the fact that they have reached agreement with the appellant about a financial contribution, which is included in the planning obligations (264). The Secretary of State also agrees that there would be no conflict with Structure Plan policy DN1 or Local plan policy HO6.

Whether there are very special circumstances/material considerations to justify the proposals in the face of any harm to the Green Belt and any other harm.

17. The Secretary of State agrees with the policy context set out by the Inspector in paragraph 268.

18. For the reasons given in paragraphs 269-270 the Secretary of State agrees with the Inspector that the proposals amount to inappropriate development in the Green Belt and would harm the openness of the Green Belt, and that the visual impact of the proposals would be significantly adverse. For these reasons he agrees that there would be conflict with development plan policies LO4, RE2, SE8, RE18 and BE3.

19. For the reasons given by the Inspector in paragraph 271, the Secretary of State agrees that there would be conflict with development plan policy LO6. Similarly, he agrees with the Inspector's conclusions on the dwelling mix and density of appeal B and that there would be conflict with development plan policy DN10, HO7 and PPG3.

20. For the reasons given in paragraph 272, the Secretary of State agrees with the Inspector that there would be conflict with development plan policies DN11 and HO9 on affordable housing.

21. The Secretary of State agrees with the Inspector that the locational disadvantages of the site would not be outweighed by the Travel Plan and that there would therefore be a conflict with policy LO1 in the Structure Plan and MO1 in the Local Plan. He also agrees that the proposals would provide some conflict with policies DN2 and MO13 in relation to the increased use of St Piers Lane.

22. For the reasons given in paragraph 274 the Secretary of State agrees with the Inspector that a balance has to be struck between the harm identified and the needs of the NCYPE, and whether these are sufficiently very special to justify the development.

23. The Secretary of State agrees with the Inspector's assessment of the current state and potential future changes to the NCYPE estate, as set out in paragraphs 275-283. He recognises the support and admiration for the current work of the NCYPE and, agrees that it is understandable and right that they have undertaken a comprehensive look at their estate (276). The Secretary of State shares the Inspector's view that there is no reason to take a different view towards the costs and valuations put forward by the NCYPE in association with the Masterplan proposal (278). He also notes the appellant's view that the two alternative models cannot be funded and that it is not practicable or financially viable to move completely to another site (279). However, with respect to potential alternative schemes of improvement over and above the three original financial models put forward, the Secretary of State agrees with the Inspector that the appellants do not appear to have considered other possible alternative development and funding combinations. He agrees that it is possible that there are other development and funding combinations which, whilst they might not deliver the ideal solution, could have enabled improvement works to take place. In this respect, the Secretary of State notes that there was no evidence to show that the Centre was in danger of imminent or early closure if the ideal solution was not found.

Overall Conclusions

24. The Secretary of State agrees with the Inspector's summary of the proposals as set out in paragraph 284. The Secretary of State considers that the proposals would amount to inappropriate development in the Green Belt and would harm the openness of the Green Belt and that very special circumstances have not been demonstrated that would clearly outweigh that harm. In addition, the Secretary of State concludes that the proposals would have a detrimental visual effect on the

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locality, result in the provision of housing in an unsustainable location, fail to provide a proper mix of housing, fail to provide an appropriate level of affordable housing, and create traffic growth which would have an undesirable impact on St Piers Lane. In addition, appeal B would not make efficient use of land in terms of the density of the development. Although the NCYPE does very valuable work, and some redevelopment of the campus is needed, other parts of the proposals are less urgent and it has been shown that potential alternatives to those put forward had not previously been considered by the appellant. Having considered all the evidence, the Secretary of State has concluded that the proposals are contrary to the development plan and that no material considerations exist which are sufficient to outweigh the conflicts with the development plan.

Formal Decision

25. Accordingly, for the reasons given above, the Secretary of State accepts the Inspector's recommendation. He hereby dismisses your clients appeals (as amended) and refuses planning permission for new educational, social and healthcare accommodation, the realignment and improvement of St Piers Lane and enabling residential development – refs TA/2003/1267 and TA/2004/425, on land at St Piers Lane, Lingfield, Surrey, RH7 6PW.

Right to challenge the decision

26. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

27. A copy of this letter has been sent to those who appeared at the inquiry.

- ENDS -

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