

Mole Valley District Council  
Pippbrook  
Dorking, Surrey  
RH4 1SJ  
Attn: Sherelle Munnis, Case officer

Our ref: SBH1/1LF/SG/CS

22 May 2026

By email only: [REDACTED]

Dear Council,

**Swan Centre and Bull Hill, Leatherhead**  
**Planning application reference: MO/2025/02695**

- 1 We are instructed by a local group of residents, “Save Bull Hill” (“SBH”). They wish to object to the application in relation to the Bull Hill (“BH”) element.
- 2 The BH site is approximately 3.2 ha in size (detailed area – 1.33 ha and outline area – 1.87 ha<sup>1</sup>). Two thirds of the site includes 312 surface level public car parking spaces at the Randalls Road and Station Road car parks, two office buildings (Park House and Fairmount House); 40% of it is public open space (park and children’s play area).
- 3 It is within 25m of Leatherhead Conservation Area and in proximity to three listed buildings: the Cottage, Wesley House, and the train station. The proposed development will radically alter the townscape in that area and remove the current sense of openness. SBH’s key points of objection are as follows.

### HYBRID APPLICATION

- 4 There is a structural difficulty with the application as hybrid, which was noted in the Scoping Opinion<sup>2</sup>. The application is detailed in some respects and outline in other respects (Phase 2 at BH). Both detail and outline must remain within the Local Plan<sup>3</sup> allocation DS45 and its Parameters – variously referred to in the suite of application documents as Parameters Plans, Master Plan and Maximum Parameter Scheme. Whilst the application does not have to replicate DS45 exactly, nonetheless it should be in accordance with it<sup>4</sup>.
- 5 Allocation DS45 gives an “indicative capacity” of 300 dwellings, plus commercial, business and service uses and public car parking. The proposals presented to the Council for the Scoping Opinion set out 550 residential units. The Scoping Opinion noted the discrepancy with the allocations (300 for BH and 150 for Swan Centre) and

<sup>1</sup> Planning Statement Oct 2025 Carter Jonas Section 2

<sup>2</sup> 23 May 2025

<sup>3</sup> Mole Valley District Council Local Plan adopted October 2024

<sup>4</sup> R (Swire) v Canterbury City Council [2022] EWHC 390 (Admin)

advised<sup>5</sup> the total maximum should be clarified “*in all elements of the EIA, ES and other information submitted with the application.*”

- 6 However, this figure has **not** been clarified. There is discrepancy in the application documents as to number of residential units: for example, while most documents and the application form and title refer to 276 units for BH (detailed Phase 1), the Transport Assessment<sup>6</sup> (see para 19 *et seq* below) gives 479 units (detailed Phase 1 and outline Phase 2).
- 7 Similarly, in terms of height, the maximum height at BH is 79.9m, with the more probably illustrative scheme showing 77.9m as the tallest. However, the ES Non-Technical Summary assumed a maximum height at BH of 79.9m. The Accommodation Schedule shows just under 10% of the units will be 3-beds, which conflicts with the 1% in the application form; Local Plan policy H2(3) requires “predominantly” 1/2 beds, yet this cannot be assessed adequately with varying figures. There should be no discrepancy or vagueness about the detail for Phase 1.
- 8 Our client acknowledges the pressure on the Council to achieve its Local Plan housing target,<sup>7</sup> currently 336 units/annum which is below perceived need for 456/annum<sup>8</sup>. However, the vagueness and discrepancy is a strong point of objection. If there is confusion, it is not possible to assess whether the proposals fit within the parameter plans/allocation policies. It is settled law that, as a matter of judgement, a planning authority may grant an outline planning permission which allows for flexibility in the subsequent details of the project approved under that consent, provided that that flexibility has been taken into account in the assessment carried out at the outline stage.<sup>9</sup>

## TOWNSCAPE VISUAL IMPACT (TVIA) and HERITAGE IMPACT



from AVR's TVIA, showing BH

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<sup>5</sup> Scoping Opinion para 2.5

<sup>6</sup> Mayer Brown TA Table 5.1

<sup>7</sup> Local Plan para 3.1 and elsewhere

<sup>8</sup> Note these targets may change when the Council becomes part of the larger east Surrey Council in 2027

<sup>9</sup> R v Rochdale Metropolitan Borough Council ex parte Milne (No.1) [2000] Env. L.R. 1; R v Rochdale Metropolitan Borough Council ex parte Milne (No.2) [2001] Env LR 22).

- 9 In assessing the impact of the proposed build, both the Tall Buildings Study (“TBS”) and Townscape & Visual Impact assessment<sup>10</sup> (“TVIA”) are key appraisals submitted by the applicant. In relation to tall buildings Local Plan policy S3 requires taller buildings to be justified by a TBS:

*“In the Mixed Use Development Opportunity Areas, the appropriateness of a taller building will be considered on a case-by-case basis.”<sup>11</sup>*

The BH allocation does not set out height maxima but requires, in addition to policy S3, the developer must:

*“Design and create a built form which is notable but which integrates well into the character and existing townscape of Leatherhead. Development that is proposed to be above the existing prevailing storey height will need to be justified by a taller buildings study. The detailing and materials should be high quality and incorporate elements of the surrounding Listed buildings.”*

- 10 Whilst we appreciate it will be a matter of planning judgement as to what mass/scale fits this policy, nonetheless there must be sufficient information upon which to base that judgement; information that is currently lacking, confused or contradictory (see paras 3-7 above).
- 11 The ES Non Technical Summary<sup>12</sup> summarised the TBS as stating that taller buildings would have “*no significant adverse impacts*” and indeed were justified at BH as having the advantage of creating a buffer against the railway line. However, the BH Master Plan<sup>13</sup> shows a built dominance and significant decrease in public open space, from 40% of the site area to barely 15% if only the specific park area is included and minor land-scaping around buildings is excluded. In short, we would point out the site already has a natural buffer (trees, shrubs) with no need to provide a buffer from the railway as a built form. Using buildings to form a buffer, as the developer proposes, has not been properly justified, not least in any assessment of what it will purportedly protect.
- 12 The BH allocation also requires the developer to:

*“Maximise the retention and safeguarding of existing mature trees on the site and incorporate them into a well-integrated landscape strategy for the site”*

and

*“Provide or re-provide the open space at its current extent across the site. A landscape strategy will be needed to justify and ensure that a sizeable park is available for residents.”*

The detailed application on BH is accompanied by a Detailed Application Landscape Masterplan (see also below). This does not, however, set out the park and play space as required in the allocation, with the majority (including where most trees are located) left in the outline application. It is unclear what is proposed.

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<sup>10</sup> Montagu Evans

<sup>11</sup> Policy H2(4)

<sup>12</sup> para 6.13.2

<sup>13</sup> TBS Fig 7.9

13 The BH allocation requires the conserving of the setting of neighbouring listed buildings and the Leatherhead Conservation Area, and Local Plan Policy H2(7) (along with NPPF and statutory duties) requires particular consideration if adjacent to a conservation area. This is addressed in the Built Heritage chapter of the ES, which concludes there is no harmful impact from BH development.

14 SBH asked heritage consultants Levrant to review the TBS, TVIA and Built Heritage statement, and they came to a different conclusion, noting that sensitive landscapes to the south-east had been scoped out of the TVIA without justification and furthermore stating:

*“The optimal solution / masterplan contradicts with some of the findings of the model testing in the TBS, where buildings of less than 14 storeys were suggested as optimal for the areas close to the Grade II-listed Station”*

noting that the TBS comments on the positive contribution the openness and spaciousness of the BH site makes to the setting of the Grade II listed The Cottage. This same openness allows Grade II listed Wesley House to

*“retain a degree of visual primacy within its setting.”*

15 It is relevant to note here that the impact on heritage assets and a conservation area was the reason for refusal by Reigate & Bansted BC, recently dismissed on appeal<sup>14</sup>. Those proposals included two tall blocks with five towers up to 15 storeys high. In the case of BH, loss of open space and the height of buildings was a key concern in public pre-application consultation feedback<sup>15</sup>, including from Surrey County Council Heritage Officer, who noted<sup>16</sup> the towers would be “*stark and overbearing*” and stated:

*“The analysis provided in the Taller Buildings Study has inflated the potential scale of Blocks G and H by failing to recognise the impact this has on the prominence of the church tower over the settlement. Ultimately, this harms the conservation area.”*

And further:

*“At present, this scheme will overall result in a high degree of less than substantial harm to Leatherhead Conservation Area. This is from the scale of the proposed tower blocks which will have an overbearing and dominating impact on the Leatherhead Conservation Area. The alien presence of these blocks will form a stark and unwelcome contrast with the immediate high-quality townscape of the area and in the wider views from Norbury Park. It is a requirement for this impact to be justified both in terms of paragraph 213 of the NPPF and the Local Plan allocation. I do not consider the Taller Buildings Study provides this justification. I do not consider that this matter could be improved at reserved matters unless the parameters of the scheme are changed.”*

16 The application does not address these concerns.

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<sup>14</sup> APP/L3625/W/25/3364217 DL dated 19.1.26 enclosed herewith

<sup>15</sup> Planning Statement para 5.20

<sup>16</sup> Consultation response Chris Reynolds 6.3.2026

## FLOODING

- 17 The Environment Agency's flood map for planning shows that the Site lies within Flood Zone 1 but the applicant admits the northern part of the Site "has experienced surface water flooding"<sup>17</sup>. National policy<sup>18</sup> states:

*"Applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal."*

- 18 The ES assessed flood risk as "low"<sup>19</sup>, and indeed redevelopment might have a "minor positive effect" on flooding<sup>20</sup>. The SCC SuDS team commented strongly:

*"We object to the proposed development. The proposed surface water drainage scheme does not meet the requirements set out in the NPPF, its accompanying PPG and the National standards for sustainable drainage systems."<sup>21</sup>*

Local Plan Policy S3(4)(e) states developments should aim to reduce flood risk (assumedly from any source not just fluvial). In DS45 para there is the requirement to provide opportunities for "betterment" in relation to flooding. In relation to BH, it is not clear that this has been satisfied. Network Rail has also voiced concerns.

- 19 The Flood Risk Assessment ("FRA")<sup>22</sup> concludes the surface water flood risk at BH will not worsen, and residual flood risk for the wider catchment area is low. The FRA therefore does not show the required "betterment".

- 20 We also note Network Rail's objection<sup>23</sup>:

*"We object to this planning application due to current inconsistencies in the drainage drawings and lack of evidence to enable confidence that the development will not negatively impact Network Rail land/ infrastructure. The exceedance flows routes show water draining towards the railway along the SW of the site, this is a concern as this may increase flood risk on Network Rail land due to risk of unchecked flow from the development in the event of drainage defects impacting capacity."*

## TRANSPORT & PARKING

- 21 The Transport Assessment ("TA")<sup>24</sup> concludes the development will result in a reduction in overall network delay without clear explanation of how this will be achieved, beyond rather vague public transport/cycling plans to diversify travel.

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<sup>17</sup> Planning Statement para 2.16

<sup>18</sup> NPPF para 182

<sup>19</sup> Plowman & Craven September 2025 para 1.2.7

<sup>20</sup> ES Non Technical Summary para 6.5.3

<sup>21</sup> SuDs consultation response 17.12.25

<sup>22</sup> Curtins 2025

<sup>23</sup> Letter dated 26.2.26

<sup>24</sup> Mayer Brown Sept 2025 para 10

22 There will be a new MSCP for BH providing 284 spaces for the residents, 122 for the public and additional spaces for car club and commercial users. Parking for BH is below Surrey County Council's standards<sup>25</sup> but considered by the applicant to be allowable due to the provision of alternative transport measures. Critically, the parking for the residential units and current users of the existing parking relies on the MSCP which will not be built until a later stage of the development. The alternative transport measures are somewhat vague so it is impossible to assess whether a lower parking provision could in fact be justified.

23 Critically, Surrey County Council's consultation as Highway Authority unequivocally recommended refusal:

*"It has not been demonstrated to the satisfaction of the CHA that safe and suitable access for the development can be provided for use by pedestrians, cyclist and vehicles. This will lead to road safety concerns contrary to the National Planning Policy Framework (NPPF, 2025), the Surrey County Council Local Transport Plan 4 (LTP4, 2022), and the Mole Valley Local Plan (2020-2039)."*

## DAYLIGHT/SHADING

24 A Daylight & Sunlight report was produced by Eb7<sup>26</sup>. The Non Technical Summary summarised it concluding<sup>27</sup> that at BH

*"the vast majority of receptors for daylight would not experience significant effects".*

That is not accurate. The Eb7 report actually concludes<sup>28</sup>:

*"Overall, the results of our daylight illuminance assessments show that of the 705 habitable rooms within the detailed area of the scheme, 570 (81%) will meet or exceed the BRE recommendations for their respective room use."*

Not only does this highlight 19% will not fall within guidelines, but the report assessment is based on the illustrative Master Plan which used lower building heights and massing than is currently proposed in the current application.

## AIR QUALITY

25 We note the air quality impacts are assessed as "negligible"<sup>29</sup> during the operational phase because BH is urban. However, the Council will be aware of Local Plan Policies EN12 on pollution control and S3(4)(b) on the requirement for new development to improve air quality. Impact on air quality will likely be significant during the 10-year construction period (in multiple phases). The application does not address this, nor how it will be monitored through the construction phase.

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<sup>25</sup> Ibid para 5.17

<sup>26</sup> 28 October 2025

<sup>27</sup> Non-Technical Summary para 6.8.3

<sup>28</sup> para 7.1.10

<sup>29</sup> ES Non Technical Summary para 6.3.5

## BNG and ECOLOGY

- 26 It is stated<sup>30</sup> that there will need to be 20% BNG. The absence of detail on how this will be provided from the BH site is surprising given it will suffer loss of open space. It is unclear how the BNG will be made up, whether on site (improvements to the current un-diverse parkland grassland etc), off site or a combination of both. The BH allocation requires proposals to

*“Enhance biodiversity, possibly in the vicinity rather than on site”*

which is dismissed by the applicant describing the site as of *“negligible ecological importance”* with the development providing no direct/indirect adverse impact, with the exception of locally-important birds.

- 27 The detailed part of the application on BH is accompanied by a Detailed Application Landscape Masterplan. This does not, however, set out the park and play space as required in the allocation, with the majority left in the outline application. It is unclear what is proposed, particularly in relation to trees (whether retention / replacement / removal).
- 28 There will be a net loss of 44% in habitat units and 100% loss in hedgerows<sup>31</sup>. Where mitigation and enhancements are to be carried out is a matter that should be considered at outline stage.

## CONCLUSION

- 29 Despite the temptation to fulfil housing delivery within the area the Council should resist this scheme as:
- it cannot be shown to meet the requirements of the allocation or Local Plan policy on surface water flooding, parking, air quality and amenity (daylight shading and open space);
  - It will dominate the townscape and adversely impact the setting of two listed buildings and the conservation area;
  - There is widespread confusion caused by gaps or contradictions in information
  - The SCC highways and heritage officer both recommend refusal;
  - Network Rail also objects.
- 30 Accordingly, the application in its current form cannot be safely approved, and should be refused.

Yours faithfully,



**RICHARD BUXTON SOLICITORS**

*Enc: Appeal DL*

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<sup>30</sup> Plowman Craven ES volume 14

<sup>31</sup> Appendix 14.12 Methodology and Results



## Appeal Decision

Inquiry held on 2 – 5 September 2025 and 24 – 28 November 2025

Site visit made on 26 November 2025

by **Joanna Gilbert MA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19<sup>th</sup> January 2026

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### Appeal Ref: APP/L3625/W/25/3364217

### Site A and Site B, Redhill Railway Station, Princess Way and Redstone Hill, Redhill RH1 1QA.

- 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 Solum Regeneration (Redhill) LLP against the decision of Reigate and Banstead Borough Council.
  - The application Ref is 23/00572/F.
  - The development proposed is phased redevelopment of Site A comprising up to 255 residential dwellings (Class C3 use) in two buildings ranging from 10-15 storeys and 7-14 storeys, associated car parking; cycle parking; flexible Class E uses at ground floor, partial demolition, refurbishment and extension to the existing Site A station entrance building with concourse. Demolition of vacant buildings associated with station on Site B. Replacement surface station car and cycle parking and taxi drop off on Site B with a refurbished and extended Site B station entrance. Together with new public realm, hard and soft landscaping improvements, new access and servicing arrangements, plant, substation and associated works across Site A and Site B.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The description of development is taken from the appeal form as it was altered to reflect reduced building heights and the number of residential units.
3. Due to changes to Building Regulations, further amendments were made for fire safety after the appeal's submission. Most of the amendments are to internal layout. Having regard to the amended plans would not unfairly disadvantage anyone. The appeal has been determined on the basis of the amended plans.
4. Planning application 13/00848/F was approved on Site A for a supermarket, 150 homes, and 111 residential and 193 retail car parking spaces in January 2014. This also involved an improved station entrance and booking hall/ticket office with a public space, landscaping and street furniture, and a widened footway on Princess Way. As it lapsed in January 2017, there is no realistic prospect of the 2014 permission coming forward and it should not be treated as a fallback position. However, I have referred to the 2014 permission as a material consideration where relevant.
5. Redhill Residents Action Group were awarded Rule 6 status early in the appeal process and took an active role at the Inquiry (hereafter referred to as RRAG).
6. During the Inquiry, all parties provided legal submissions on the Public Sector Equality Duty (PSED). I have dealt with the PSED in reaching my decision.

7. In addition to my site visit on 26 November 2025, I undertook multiple familiarisation visits to the station and the surrounding area, including Reigate Hill, before and during the Inquiry in September and November 2025.
8. A completed and signed legal agreement under Section 106 of the Town and Country Planning Act 1990 was submitted on 22 December 2025 after the Inquiry had closed. This is assessed in my decision.
9. After the Inquiry closed, a consultation on reforms to the National Planning Policy Framework (NPPF) was launched. The main parties were given the opportunity to comment on the draft NPPF. I have taken these comments into account in reaching my decision. Given that the draft NPPF is currently being consulted on and it is not known what future changes might occur prior to publication, I afford the draft NPPF limited weight as a material consideration. Although the appellant acknowledges the limited weight to be afforded to the draft NPPF, they suggest that the weight to particular matters such as the vitality and viability of the town centre should be increased, when compared to the appellant's weighting in their evidence to the Inquiry. However, for the reasons given above, I have not altered the weighting afforded to any benefit or harm due to the draft NPPF.

### **Main Issues**

10. The appeal was made following the Council's refusal of the planning application due to the effect of the proposal on the character and appearance of the area, including the Redhill Town Centre and Redstone Hill Conservation Areas. Notwithstanding the Council's reason for refusal, RRAG raised concerns about the character and appearance of the area, further designated and non-designated heritage assets, highway and pedestrian safety, and living conditions.
11. In their statement of case, RRAG's concerns about living conditions related to neighbouring occupiers at Quadrant House and the proposal's future occupiers. However, in evidence, RRAG only covered concerns about neighbouring occupiers' living conditions at Quadrant House. Mr Cartmell's proof of evidence and an updated Internal Daylight and Sunlight Report (July 2025 Update) addressed this matter for the appellant. Notwithstanding this, both RRAG and the appellant dealt only with matters pertaining to Quadrant House in evidence to the Inquiry. I have amended main issue d) accordingly.
12. Therefore, the main issues in this appeal are:
  - a) the effect of the proposal on the character and appearance of the area;
  - b) the effect of the proposal on the significance of the designated heritage assets of Gatton, Linkfield Street, Redstone Hill, Redhill, and Warwick Road Conservation Areas, the Grade II listed buildings at the Baptist Chapel, Station Road, and Gatton Hall, the Grade II listed Lower Gatton Park Registered Park and Garden, and the non-designated heritage asset of the Central Platform, Redhill Station;
  - c) the effect of the proposal on highway and pedestrian safety, including parking;
  - d) the effect of the proposal on the living conditions of neighbouring occupiers at Quadrant House, with particular regard to daylight and sunlight;

- e) whether any harm identified, including conflict with the development plan, would be outweighed by other considerations.

## Reasons

### a) **Character and appearance**

#### *The existing site context*

13. Redhill Station lies close to Redhill's main shopping area and offers connections to Reading, Guildford, London, and Gatwick, amongst other places. To the west, Redhill's bus station is adjacent to a Sainsbury's supermarket and Quadrant House. The railway station is on the A23 Princess Way. The Stations Roundabout (the roundabout) outside the railway station serves Princess Way, the bus station, Station Road, Marketfield Way, and the A25.
14. Separated by the railway bridge and embankments, Site A consists of the existing main railway station entrance and surface car park west of the railway, while Site B contains the station's secondary entrance, single-storey station buildings, and further surface car parking east of the railway.
15. The proposal would involve Site A's development for up to 255 residential dwellings in buildings of up to 15 storeys, car and cycle parking, flexible Class E uses at ground floor, and the partial demolition, refurbishment and extension of the main railway station entrance building. For Site B, it would comprise the demolition of station buildings and provision of surface car and cycle parking and taxi-drop off with a refurbished entrance to the railway station.
16. There was some dispute about whether there had been effective collaboration between the appellant and the Council. There was certainly lengthy engagement and Council officers recommended the proposal for approval. The proposal was refused at the Council's Planning Committee against officer recommendation. This is not unusual. Though it has been claimed that there was inertia on the part of the appellant, it is evident that the proposal's design has evolved since pre-application commenced in 2021.

#### *Policy context*

17. NPPF paragraph 131 confirms that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It highlights that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
18. In addition, NPPF paragraph 135 expects decisions to ensure that, amongst other things, developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
19. NPPF paragraph 139 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government design guidance, taking into account any local design guidance and supplementary planning documents. Conversely, it confirms that significant weight

- should be given to development which reflects such policies and guidance; and/or outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally, so long as they fit in with their surroundings' overall form and layout.
20. Requiring decisions to contribute to and enhance the local environment, NPPF paragraph 187 seeks to protect valued landscapes and recognises the intrinsic character and beauty of the countryside.
  21. Policy CS1 of the Reigate and Banstead Local Plan: Core Strategy (July 2014) (CS) states that the NPPF's presumption in favour of sustainable development will be applied in assessing and determining development proposals. CS Policy CS2 seeks to protect and enhance the borough's green fabric. It recognises the Surrey Hills Area of Outstanding Natural Beauty (National Landscape) as a landscape of national importance with the highest level of protection. This policy also protects the wider countryside outside the National Landscape. The National Landscape lies north of Redhill and includes Lower Gatton Park and Gatton village. CS Policy CS4 seeks to ensure that development respects, maintains and protects valued townscapes' character.
  22. Although the site is not specifically allocated for development, CS Policy CS8 identifies zones of the borough, including Area 2a for Redhill. The policy's supporting text recognises that Redhill is the borough's largest town and most accessible location and has excellent road and rail links. The policy's supporting text also notes that Council's townscape analysis shows that Redhill's centre has a relatively low sensitivity to growth and high capacity for change. The policy expects delivery of at least 1,330 homes within Area 2a by 2027.
  23. CS Policy CS10 addresses sustainable development. It requires development to be at an appropriate density, respecting the local area's character and levels of accessibility and services. It also seeks protection and enhancement of green fabric, including respecting and contributing to the green infrastructure network.
  24. Policy DES1 of the Reigate and Banstead Local Plan: Development Management Plan (September 2019) (DMP) expects high-quality design that contributes positively to character and appearance and respects context and local distinctiveness. Development proposals should have due regard to the area's layout, density, plot sizes, building siting, scale, massing, height, and roofscapes, the relationship to neighbouring buildings, and important views into and out of the site. It also requires, where applicable, an appropriate transition from the urban to the rural.
  25. DMP Policy NHE1 attaches great weight to the impact that proposals would have on the National Landscape's landscape and scenic beauty and confirms that proposals outside the National Landscape must have regard to protecting its setting. This policy also requires development proposals to respect the locality's landscape character and features.
  26. The Draft Redhill Town Centre Area Action Plan (AAP) was consulted on in January 2012. For Site A, the draft AAP proposes 100 plus residential units, 2,500m<sup>2</sup> convenience retail floorspace and an 80 bed hotel for the railway station and its car park (site RTC1-E). It recognises Site A's importance as a major opportunity area within the town centre and the site's poor condition.

27. The draft AAP confirms that there is an opportunity for a landmark building above the main station entrance on Site A. This location was identified as appropriate for taller buildings given its role as one of the town centre's arrival points. It confirms that the height of new development on the station car park should be lower than that of the proposed landmark building above the station entrance, and lower still adjacent to existing development beyond the northern edge of the existing car park. A transformed station is sought, with improved pedestrian links to the bus station and the town centre. Site B forms part of opportunity area site RTC1-J within the draft AAP for 100 plus residential units and 2,000m<sup>2</sup> office space.
28. The draft AAP confirms that the town centre is relatively low lying compared to the residential hinterland. This provides the opportunity for development of taller buildings without significantly impacting on views to or from the centre. The draft AAP defines tall buildings as "buildings that stand out, are significantly higher than the surrounding buildings, and that recognisably changes the skyline. Tall buildings can provide legibility, providing a visual reference to aid wayfinding and navigation". Tall buildings in this context are more than eight storeys.
29. The draft AAP represents the Council's aspirations for Sites A and B in 2012. Adopted in September 2019, the DMP carries forward most sites from the draft AAP, but did not allocate Sites A and B. When the DMP was submitted for examination in May 2018, the 2014 permission had been lapsed for over a year. There was scope for the Council to bring forward allocations on Sites A and B, should they have wished to. Although officers dealing with planning applications on other town centre sites referred to the draft AAP to justify those schemes, the draft AAP has not informed the DMP for Sites A and B. Furthermore, the draft AAP was never adopted and the Redhill Conservation Area was designated in 2014. Consequently, I afford the draft AAP very limited weight as a material consideration.
30. The A23 Great Street Design Code Supplementary Planning Document (June 2024) (A23 SPD) is focussed on delivering a co-ordinated response to the design of development along the A23 movement corridor from Gatton Park to Horley. A23 SPD Figure 7.6 refers to key nodes where high-quality distinctive design is expected. Additionally, a strategic crossing point is noted in the vicinity of the railway station. This includes the area around the railway station, but does not specify Sites A or B for development. Like the DMP, the A23 SPD post-dates the draft AAP's production. The A23 SPD represents a material consideration in decision-making and has moderate weight.
31. Site A had been included in the draft A23 SPD, despite a lack of engagement with the appellant during the A23 SPD's production. Due to potential legal action, all specific references to Site A were removed from the A23 SPD prior to adoption. The A23 SPD refers to Redhill Town Centre within Code S9. I take this as an indication of how the development along the A23 could be laid out in Redhill.
32. The Local Character and Distinctiveness Design Guide SPD (the Design Guide SPD) was adopted by the Council in June 2021. Case Study 7 considers High Density Urban Intensification and confirms that proposals for higher density schemes require special consideration in terms of their impact on location and siting, relationship to context, local character, views and composition. It also states that town centres, such as Redhill, have higher density flatted developments and that this trend is expected to continue, given the need for

homes and to make efficient use of land. The Design Guide SPD is also a material consideration in decision-making and has moderate weight.

33. Neither the A23 SPD nor the Design Guide SPD reflect the draft AAP's vision of a landmark or tall buildings for Site A. As such, there is no local development plan policy or guidance which carries forward the draft AAP's vision for the site.

#### *Height and Scale*

34. The appellant's Heritage, Townscape and Visual Impact Assessment (HTVIA) Addendum (February 2024) divides the area around Sites A and B into the town centre, residential, commercial and industrial, and nature reserve. The appellant defines sub-area A as an area of high-rise buildings of eight storeys or more. In contrast, the Council has broken the town centre up into smaller, finer grain character areas with areas of Victorian and Edwardian terraces in Station Road, office pavilions on London Road, rectilinear offices or residential development on Queensway, and large floorplate structures such as Sainsbury's. RRAG also sub-divides the character areas within the town centre.
35. Redhill has buildings of differing heights with much of the town centre made up of buildings of three to four storeys. Most of the town centre's taller buildings are recent additions to the local townscape and lie south of the roundabout. An eight storey office building at Kingsgate is the furthest south of the town centre. The nearby Kooky building on Marketfield Way is 10 and 13 storeys. On the opposite side of Marketfield Way, Marketfield Court<sup>1</sup> is approximately eight storeys, while the Picturehouse<sup>2</sup> is between eight and 11 storeys high and lies closest to the railway station. North of the roundabout, Quadrant House is also approximately seven storeys including a large, pitched roof, while the Sainsbury's supermarket and car park and Travelodge are similarly tall at their tallest point
36. The proposal would comprise five tall buildings on Site A in addition to alterations to the main railway station entrance. The five residential buildings would be in two groups and would run from north to south as seven, 14, and 11 storey buildings in the northern group and the southern group of 10 and 15 storey buildings.
37. There is a marked change in height of buildings from the south to the north of the roundabout. Though still of relative height in comparison to the generally three to four storey town centre, the buildings north of the roundabout are lower in scale than the buildings along Marketfield Way to the south. The existing cluster of tall buildings on Marketfield Way is not successful from all vantage points. For example, the Picturehouse and Marketfield Court read as a monolithic wall of buildings from views along Marketfield Way to the south and from Redstone Hill with the Kooky building.
38. The closest architectural reference point for the proposal would be the high-density residential typology of the Picturehouse, Marketfield Court, and the Kooky building. However, the proposal would be taller than any existing buildings within the town centre, would be considerably higher than the Picturehouse, and would be set apart from those buildings south of the roundabout. Furthermore, when travelling from the south to the north along Marketfield Way, one experiences the

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<sup>1</sup> Also known as the former Redhill Youth Association Hall, Marketfield Way, Redhill.

<sup>2</sup> Also known as former Liquid and Envy nightclub, Station Road, Redhill.

enclosed nature of the road which opens out at the roundabout and remains considerably more open beyond the roundabout than the southern approach.

39. As such, the proposal would not form part of a homogeneous group with the Marketfield Way cluster of large gridded brick buildings in the new London vernacular, but would instead bring about significant change to the townscape context by introducing a tall building north of the roundabout and greatly enclosing the street. This would neither reinforce nor respect the area's character and appearance. While the bus station and Royal Mail site to the east may yet be developed, it is not known what their scale and form would be.
40. The tallest building would sit adjacent to the station entrance, with the further buildings modulated in height. However, given the heights relative to the neighbouring suburban dwellings at Ladbroke Road and notwithstanding the reduction in building heights during the design's evolution, the transition between the urban and suburban would be stark and prominent, even with part of the existing surface car park retained.
41. The proposal would exceed the draft AAP's definition of tall by some margin. The 2014 permission was 11 storeys at its highest point. This would also have had an impact as a tall building, but the lower overall height of the 2014 permission would have helped reduce its impact on its surroundings. Notwithstanding the weight I afforded to the draft AAP and the status of the 2014 permission, this indicates that the draft AAP's vision could have potentially be realised with less harm to character and appearance than proposed here. While the main parties agree that Site A is an appropriate site for tall buildings, the question remains whether this is the right development for Site A.
42. The appellant seeks to justify the height and scale of the proposal on Site A in highlighting the railway station's location as a key gateway to the town centre. Site A is close to a convergence of roads and at a railway station, where it is a normal part of sustainable urbanism to locate development. However, in terms of wayfinding, not only does the proposal fail to highlight the railway station beyond the addition of the National Rail logo, but the proposal's bulk and scale is problematic in tandem with that height.
43. The appellant asserts that the proposal's height and scale has been guided by the principles of slenderness, proportionality and articulation through breaks in building form. However, I have significant concerns about whether any of these principles are met.
44. In terms of slenderness, the proposal would have substantial floorplates which would give a significant impression of bulk rather than slenderness. The proposal's width and depth on Site A, particularly the two taller blocks when seen with their adjacent lower blocks, would be disproportionately large. This would detrimentally affect how the proposal is viewed, increasing its prominence and dominance. This would not achieve a pleasing and well-balanced proportionality.
45. The breaks in the proposed buildings were introduced to articulate the development and reduce the perception of a continuous wall of development. However, from vantage points to the east, south and west, not only would there be a weak visual connection between the proposal and the Marketfield Way cluster, but one large wall of buildings would be viewed rather than a series of blocks of variable heights with a gap between the two groups of blocks on Site A.

Rather than being well-integrated, this would be incongruous within this townscape context. It provides another indicator that the proposal's quantum is simply too great.

46. The National Design Guide confirms that well-designed tall buildings play a positive urban design role. They act as landmarks, emphasising important places and contributing positively to views and the skyline. In addition to assisting wayfinding, landmark buildings can be architecturally significant and/or have historical, cultural or civic value. There is, however, no adopted policy requirement for a landmark building in this location.
47. In this instance, the proposal on Site A would comprise a series of tall residential blocks on upper floors with retail units at ground floor, a railway station entrance and limited public realm. Although the retail units' active frontages, the public realm and the station entrance would be enhanced in comparison to the existing station and surface car park, the quality of the starting point is very low.
48. While the proposal would be identifiable and memorable given its height and scale, it would not be remarkable. It would not be a grand architectural statement. Instead, it would be easily seen and recognised from different viewpoints in the town and beyond the town, serving a waymarking function. However, it would not represent high-quality, positive architecture on such an important town centre site. Although it would recognisably change the skyline, this would not be for the better. The proposal simply fails to perform the role of a landmark building and represents a missed opportunity for the site.
49. Overall, the height and scale of the proposal fail to make a positive contribution to the character and appearance of the area.

#### *Detailed design*

50. It is necessary to consider how local distinctiveness is addressed. Much of the appellant's approach appears to focus on the materiality of façades in the town centre. The Design Guide SPD confirms that brick is the dominant local building material. Autumnal brick tones of dark reds and browns were identified by the appellant. Additionally, brick detailing from the bridge and the embankment walls were considered, including borders, piers, projecting bricks, and arch details. Notwithstanding discussion about brick choices at pre-application and application stages, the use of brick does not embed the proposal successfully within its context.
51. Local distinctiveness is about far more than brick colour, brick type, and the brick bond used. Consideration of local distinctiveness can and should include the height, width and depth of buildings, the roof form and pitch and eaves details, fenestration and solid to void ratios, amongst other things.
52. The proposal looks to interpret key local historic elements, materials and details by picking up the detailing of the demolished Market Hall and the three existing late Victorian and early Edwardian buildings around the crossroads. These buildings include the former public house and current Lloyds Bank building, The Wheatsheaf public house building, and the former Nicols Store building. The proposal interprets these key elements as brick detailing to parapets, the introduction of the colonnade, decorative arches to windows, and turned corners. Unfortunately, these are clumsy devices which do not render the proposal in

keeping with its context. For example, though the lower floors of the proposed residential buildings would be gridded with a strong rectilinear emphasis like buildings on Marketfield Way, the uppermost floors of some of the buildings would have arched windows, which appear incongruous on a proposal of such height and scale.

53. Whether red or London stock brick were used and though the London stock brick for the taller blocks would be sensible to reduce their overall visibility, the height, width and depth of the proposal would remain highly visible in both long and short views and would not meaningfully accord with local distinctiveness.
54. Rather than wishing to see replication by pastiche, the fundamental problem here is the significant form of the proposal, with its external treatment merely accentuating its difference from the established character of the area, rather than mediating effectively between the established townscape and modernity.

#### *Townscape and landscape*

55. Heritage matters pertaining to designated and non-designated heritage assets will be covered in the next main issue, but it is relevant to cover wider landscape and townscape character matters here. The appellant's HTVIA (March 2023) and HTVIA Addendum assessed the proposal from locations in and around Redhill. With regard to viewpoints in the HTVIA and the HTVIA Addendum, I have focussed on where the parties' opinions differ.
56. Redhill is set at the lowest point in a basin of hills. The town has developed as a relatively low-density railway town in a generally rural landscape, including the National Landscape and the Metropolitan Green Belt. Outside Redhill, the northern hills are part of the National Landscape. The National Landscape is described as a chalk landscape of hills and beech-wooded combes with a steep scarp crest looking south to the Weald. Many footpaths and bridleways exist, including a route which traverses the hilltop north of Redhill, offering scope for views from Reigate Hill and Gatton, amongst other places.
57. No objection was raised with regard to the effect of the proposal on the National Landscape by the National Landscape's planning advisor. However, there would inevitably be intervisibility between the proposal and footpaths and bridleways within the wider National Landscape. Existing tall buildings within Redhill are already visible from the National Landscape as exemplified by several viewpoints put forward by RRAG. To my mind, the proposal would reinforce the incongruity of the existing tall buildings, yet at a greater height.
58. The appellant has argued that the site is not at an urban to rural transition as it is not functionally at the edge of a settlement, but a site being urban in nature does not prevent it from functioning as part of a transition between urban and rural. It is necessary to consider the urban to rural transition where relevant to particular viewpoints in this particular instance, given the proposal's height and scale and its location at the base of the bowl of the surrounding hills. Furthermore, it is not nonsensical to apply DMP Policy DES1 in this regard, as some tall buildings may not have the same effects as other tall buildings.
59. At HTVIA Addendum Viewpoint 1 looking down Station Road towards the station, the proposal would tower over the town centre and would draw the eye away from the buildings around the crossroads of Station Road, London Road and High

Street. It would dominate the town centre when viewed from this part of Station Road and would appear at odds with the town centre's scale, form and urban grain. However, it would not completely erode the connection of Redhill's town centre with its setting in the hills from this particular vantage point. RRAG's view G close to the roundabout highlights the absence of views of the existing taller buildings on Marketfield Way from this vantage point. This is also the case for Viewpoint 1.

60. From RRAG's View E on the bridge over the railway line between Ladbroke Road and St Anne's Drive looking south several large buildings would be introduced between Ladbroke Road and the Picturehouse. This would be dominant in this view, with a considerable transition between the lower density housing stock in the foreground to flatted blocks. This would be similar for RRAG view F, exemplified by the view from Ladbroke Grove adjacent to the station car park's northernmost corner.
61. East of the railway, HTVIA Addendum Viewpoint 2 shows the current and likely views from Redstone Hill close to the junctions with Fenton Road and Hillfield Road. The taller buildings along Marketfield Way can already be seen from this part of Redstone Hill. The proposal would be screened to some extent by trees, including the large oak tree, and the undulating nature of the road down Redstone Hill. The effect of the proposal in this location would be limited, particularly when the deciduous trees along Redstone Hill are in leaf.
62. HTVIA Addendum Viewpoint 3 is located at the junction of Crossland Road and Hillfield Road, looking down Crossland Road, with suburban houses in the foreground and the hills outside the town in the background. From around this viewpoint, the proposal would appear as two large buildings masked slightly by roofs and chimneys of houses on Crossland Road. The effect of the proposal in this location would be adverse given the altered relationship between suburban, urban and wider countryside context.
63. On Redstone Hill, HTVIA Addendum Viewpoint 4 looks down the hill towards the railway and the town centre, with the Lakers Hotel in the foreground and the hills in the background adjacent to Quadrant House. RRAG's view L is a slightly wider view showing the Picturehouse and Site A. At present, Quadrant House is seen clearly from both HTVIA Addendum Viewpoint 4 and RRAG Viewpoint L. Though bulky and unattractive in its own right, Quadrant House is of a lesser height than the proposal and the Sainsbury's and Travelodge building wraps around behind it. Quadrant House does not therefore break the skyline in the same way as the proposal would. The proposal would give rise to a dramatic change at this viewpoint, with a substantial wall of development blocking views of the wider setting of the town in the hills. This would be extremely jarring within the townscape when viewed from Redstone Hill and would have an adverse effect.
64. Additionally, at RRAG's Viewpoint M, Site B's verdant foreground would be partially replaced by new trees in a narrower belt. There would be greater intervisibility between Redstone Hill, the town centre and Site A. However, this would remain slightly masked by trees between the Picturehouse and the railway.
65. HTVIA Addendum Viewpoint 5 is located at Memorial Park. It is possible to see the nearby Sainsbury's and Travelodge building from Memorial Park and one would also see the proposal's taller buildings from the park. Unlike the

Sainsbury's building which is long and lower, the proposal would have a more defined vertical emphasis. Though it would be difficult to discern the difference in heights between the proposal's taller buildings from the park, they would appear taller than any other buildings in this view and would have an urbanising and adverse effect on the park.

66. Ladbroke Road is located off Princess Way and adjacent to the existing station car park at Site A. HTVIA Addendum Viewpoint 6 lies partway down Ladbroke Road. There is a considerable contrast between the suburban housing's low-rise residential nature along Ladbroke Road and the proposal, which would be bulky and highly visible from much of Ladbroke Road. It would have the effect of bringing the town centre closer to the suburban area. This would have a negative effect on townscape.
67. HTVIA Addendum Viewpoint 9 lies on Station Road between Redhill and Reigate, looking towards Redhill's town centre. This is similar to RRAG's Viewpoint N. At this point, one can see low-rise flatted blocks and St Matthew's Church's spire. A taller flatted development is visible, with a view through to the hills beyond the town. In this location, the connection between this part of Station Road and the wider countryside would be eroded as the proposal would infill a considerable proportion of the existing visible gap between buildings and give rise to the loss of view of the treed horizon. This would have an adverse effect.
68. RRAG's Viewpoint A is on Brighton Road close to HTVIA Viewpoint 14. This is from the south on higher ground, allowing views of the town centre, the Marketfield Way cluster, and the proposal. Although the proposal would be visible, it would not harm the urban to rural transition or have any adverse effect.
69. RRAG's Viewpoint C looks down Ridgeway Road to the north-east. The Kooky building is clearly visible in this view. It is likely that the proposal would fill in more of the gap between the Kooky building and the surrounding hills from this view. This would have a moderate adverse effect.
70. Outside Redhill, HTVIA Viewpoint 11 is located at the terrace south of Gatton Hall within the National Landscape. This is similar to RRAG's Viewpoint O. As one walks onto the terrace, it is possible to see the parkland opening out beneath the terrace with the lake in the middle ground and belts of trees beyond the lake. These trees serve to screen much of Redhill, providing a perceived countryside setting for Gatton Hall. However, there is presently intervisibility between low density housing on Redstone Hill and Gatton Hall and its grounds. Partially wooded hillsides are visible beyond the tree belt which forms the edge of Lower Gatton Park. Although not visible within the HTVIA Addendum, it was possible to see the Kooky building's upper floors beyond the trees in this view during the site visit. Although there are further trees within the line of sight of the proposal, the tallest parts of the proposal would be visible in this view, particularly when the trees were not in leaf. This would have an adverse effect.
71. In summary, the proposal would cause harm to townscape and landscape character in key views from different directions as outlined above. Furthermore, it would cause harm to the urban to rural transition where it would block or reduce the existing views of wooded hills outside Redhill. Such instances would be neither limited nor momentary. This would have an adverse effect on the setting of the National Landscape. The extent of change in creating a large group of tall

buildings which increase the urban character of the town and decrease the town's relationship with and understanding of its surroundings would be significant.

*Conclusion on character and appearance*

72. I conclude that the proposal would have a harmful effect on the character and appearance of the area. It would therefore be contrary to CS Policies CS2 and CS4, DMP Policies DES1 and NHE1, NPPF paragraphs 135 and 187, the A23 SPD and the Design Guide SPD as set out above.

**b) Heritage assets**

*Policy and legislative context*

73. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision-maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 (1) of the same Act which relates to conservation areas does not apply as neither site is in a conservation area. Several High Court and Court of Appeal judgments<sup>3</sup> have been referred to by the parties. I have had regard to these judgments in reaching my decision.
74. When considering a proposal's impact on a designated heritage asset's significance, NPPF paragraph 212 states that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
75. Furthermore, NPPF paragraph 213 outlines that any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. NPPF paragraph 215 confirms that where a proposal will lead to less than substantial harm to a designated heritage asset's significance, this harm should be weighed against the proposal's public benefits, including, where appropriate, securing its optimum viable use.
76. For non-designated heritage assets, NPPF paragraph 216 requires that the effect of an application on the significance of a non-designated heritage asset is taken into account. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
77. CS Policy CS4 requires development to be designed sensitively to respect, conserve, and enhance the historic environment, including heritage assets and their settings. This policy expects development to respect, maintain and protect the character of the borough's valued townscapes, showing consideration for any detailed design guidance. CS Policy CS10 seeks to deliver sustainable development. Amongst other things, it requires development to respect the borough's ecological and cultural heritage, including the historic environment. DMP Policy NHE9 deals with heritage assets and requires development to

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<sup>3</sup> Pagham Parish Council v Arun District Council [2019] EWHC 1721 (Admin); Jones v Mordue [2015] EWCA Civ 1243; Pugh v Secretary of State for Communities and Local Government and others [2015] EWHC 3 (Admin); Barnwell Manor Wind Energy Limited v East Northamptonshire District Council and others [2014] EWCA Civ 137; Safe Rottingdean Ltd v Brighton and Hove City Council and others [2019] EWHC 2632 (Admin).

protect, preserve and, wherever possible, enhance the borough's historic environment and heritage assets.

*Redhill Conservation Area*

78. Originally a hamlet, Redhill grew as a town set in the Surrey Hills following the London to Brighton railway line's construction and the building of the railway station in the early 1840s. Redhill Conservation Area covers part of Station Road within Redhill's town centre. The tightly drawn and small conservation area is located around the crossroads of the former London to Brighton turnpike dating from 1816 and the road to Redhill Station dating from 1842.
79. Following the railway's arrival, town centre plots were developed from the mid to late 19th century. Most buildings at the crossroads have survived. The Draft Redhill Conservation Area Appraisal (February 2015) (the RCA appraisal) highlights the importance of the crossroads' three 'Renaissance Freestyle' and 'Old English' buildings as well as the Grade II listed Baptist Chapel. These are considered by the RCA appraisal to be prominent buildings in the conservation area. Key views within the RCA appraisal are towards the crossroads in various directions and of stucco buildings and the listed chapel.
80. The conservation area's significance relates to the architectural interest and townscape value of its generally three to four-storey buildings as well as the town centre's historic development from the introduction of the railway. On walking through the conservation area towards the crossroads, one can see the railway embankment as a manmade feature beyond the 20th century Harlequin theatre building. However, existing 20th century buildings are relatively low-rise and low-key. They are generally neutral and do not detract from the historic buildings around the crossroads. Existing taller buildings on Marketfield Way and Princess Way outside the conservation area are not visible from most vantage points in the conservation area, until one reaches the roundabout at the edge of the conservation area. Given that Site A houses the railway station that has been key to the evolution of the town and the town centre, Site A makes an important contribution to the significance of the conservation area. However, the existing surface car park and station building are somewhat negative, given their fragmented and rather ad-hoc development.
81. Although not recognised as a key view within the RCA appraisal beyond the crossroads, I have considered the view down Station Road across the crossroads and towards the station which lies outside the conservation area. This is a primary route through the town centre and the conservation area and provides a vantage point similar to HTVIA Addendum Viewpoint 1 above. From this view along Station Road where one can see the railway line and the station, the proposal would have a dominant presence, distracting from the essential qualities of the conservation area and removing much of the link between the town and the railway by blocking views of the embankment. Furthermore, the position, height, scale and design of the proposal on Site A would be such that it would be impossible to avoid views of the proposal from Station Road, particularly during times of darkness or lower light when the buildings would be illuminated by interior lighting.

82. I recognise that visibility is not to be equated with harm<sup>4</sup>, as that must to some degree be dependent on the design quality of the proposal. In this instance, I have found that the design of the proposal would not be of a sufficiently high quality to mitigate any effects caused by its visibility.
83. Accordingly, and in terms of indirect effects via setting, the proposal would result in a moderate level of less than substantial harm to the significance of the Redhill Conservation Area.

*Grade II Listed Baptist Chapel*

84. The oldest surviving building in the Redhill Conservation Area, the Grade II listed Baptist Chapel dates from 1858. Adjoined by 19th century, three-storey stucco fronted buildings with ground floor retail units to the east, the London stock brick Baptist Chapel with red brick details stands back slightly from Station Road. Its significance and special interest is informed by its little altered and simple classical nature with the rare survival of a complete chapel interior. Its setting is of a retail centre formed in large part by the growth of the town following the arrival of the railway in Redhill. Site A contributes to the wider setting of the listed building looking along Station Road.
85. As the proposal's tallest elements would be sited to the east of the Baptist Chapel and would be visible in views down Station Road with the listed building, this would diminish the setting of the Baptist Chapel. However, as the proposal would be seen in the context of a mixture of 19th century and 20th century development, including the Belfry Shopping Centre and the Harlequin building, there would be a very limited level of less than substantial harm to the significance of the listed Baptist Chapel through development within its setting. This would indicate that the listed building's special interest and setting would not be preserved in line with Section 66(1) of the aforementioned Act.

*Redstone Hill Conservation Area*

86. The Redstone Hill Conservation Area lies east of the railway, close to the town centre. Despite its relatively central location, the conservation area is separated from the town centre, both physically by the railway and architecturally due to its suburban Arts and Crafts character. The Draft Redstone Hill Conservation Area Appraisal (December 2013) confirms that the conservation area's significance derives from the cohesive grouping of Arts and Crafts housing on Redstone Hill and Cavendish, Crossland, and Hillfield Roads in generous and leafy plots.
87. Dominant materials within the conservation area are timber framing, tile hanging, roughcast render and red brick. The housing, designed by Albert Venner and built out by 1913, is complimented by prominent buildings such as the locally listed Lakers Hotel. The conservation area has a rising topography from near the railway, which allows longer views across the town centre to the countryside beyond. Key views include those up and down Redstone Hill, particularly of the Lakers Hotel, an impressive stone building dating from the 1840s.
88. Overall, the conservation area has something of a garden suburb character and is markedly different from the hustle and bustle of the nearby town centre. Yet it would not have been built, had it not been for the arrival of the railway and the

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<sup>4</sup> APP/H5390/V/21/3277137, decision issued 4 July 2022.

need for homes to house the burgeoning middle class residents of Redhill. Fundamentally, the proximity of the town centre and the railway station to the conservation area and the change in land levels means that the town centre and Sites A and B form part of the setting for the conservation area.

89. As noted on site, existing buildings such as the Kooky building and the Picturehouse already have a deleterious effect on the setting of the conservation area. If standing next to the Lakers Hotel or on Hillfield Road, views of existing buildings would be obscured, but the proposal would be readily apparent, blocking intervisibility with the town centre and appearing as a single, long wall of buildings. This would be very negative. Additionally, existing trees would be removed from Site B. Although these would be replaced in a lesser number, this would reduce screening of the proposal from the conservation area.
90. Consequently, and in terms of indirect effects via setting, the proposal would result in a moderate level of less than substantial harm to the significance of the Redstone Hill Conservation Area.

*Lower Gatton Park Registered Park and Garden, Grade II Listed Gatton Hall, and the Gatton Conservation Area*

91. The Grade II listed Gatton Hall dates from the 1830s and was gutted by fire in 1934 and rebuilt in a neo-Georgian style. Only its large 1890s Corinthian portico and part of the servants' wing survived from the earlier building. Nevertheless, the building's architecture and historical evolution contributes to its special interest and significance.
92. Lower Gatton Park is a Grade II Registered Park and Garden and pre-dates the current hall. It saw improvements in the 1760s and 1770s by Lancelot (Capability) Brown, with 19th century and 20th century remodelling by others. Despite alteration, its significance is informed by the integrity and cohesiveness of the designed landscape, which retains connections with the wider area through the device of connecting wooded parkland with borrowed views of wooded hills.
93. Gatton Conservation Area has been designated very recently and there is no character appraisal available. The conservation area is drawn around the village, including Gatton Hall and its gardens, the Church of St Andrew (Grade I), Gatton Town Hall (Grade II\*), the estate yard, the kitchen gardens and the estate village. These areas have a shared character and history. These various components make an important contribution to the conservation area's significance.
94. The conservation area and the registered park and garden form an important part of the setting for Gatton Hall. The southern front of Gatton Hall has panoramic views out over the terraces and parkland which fall away down to the lake and the wooded areas beyond the lake. While it is possible to see parts of Redhill from the park, the conservation area and the hall and vice versa in the present day, the planting and topography of Lower Gatton Park screens much of the town from view, including Sites A and B. Even today, one can only see low density housing on Redstone Hill and the topmost parts of the Kooky building and the tower at the Rivers Estate with the ridgelines of hills beyond. Away from Redhill, it is also possible to see the landfill site on a neighbouring hillside, though this is to close within the next few years.

95. The proposal would be visible from Gatton Hall, the conservation area, and the registered park and garden, and would draw the eye in a key view across Redhill. Even though the proposal would not break the ridgeline of the hills beyond Redhill, it would appear over the tree belt between Gatton and Redhill, particularly when the trees were not in leaf. This more than glimpsed view of the proposal would further erode the historic screening of Redhill from Gatton and cause additional urban intrusion to Capability Brown's landscape and views from the listed building, conservation area, and registered park and garden.
96. Consequently, in terms of indirect impacts via setting, the proposal would result in a moderate level of less than substantial harm to the significance of the Grade II listed Gatton Hall, a moderate level of less than substantial harm to the significance of Gatton Conservation Area, and a moderate level of less than substantial harm to the significance of Lower Gatton Park Registered Park and Garden. With regard to the listed building, this indicates that its special interest and setting would not be preserved.

#### *Linkfield Street Conservation Area*

97. Dropping down towards the town centre, the Linkfield Street Conservation Area is situated on a south-western ridge adjoining Redhill Common. This is one of the oldest parts of Redhill which pre-dates the railway's construction, with the oldest surviving building at the White Lion public house dating from around 1600. The Draft Linkfield Street Conservation Area Appraisal (February 2015) confirms that the conservation area's significance stems from its historic core fronting common land and from later Victorian development. There is a mix of building styles and ages, including older vernacular and Arts and Crafts buildings, Georgian villas and Victorian townhouses.
98. From the upper part of the conservation area, there is intervisibility between the conservation area, the town centre, and the wider hills beyond Redhill. This influences its setting and contributes to its significance. This is a relatively open aspect with existing taller structures within the town centre already visible. The introduction of further tall buildings would have two negative effects of attracting attention away from the wider hilly landscape and would strengthen the harm caused by existing taller buildings in the town centre.
99. For this reason, with regard to indirect effects via setting, the proposal would give rise to a limited level of less than substantial harm to the significance of Linkfield Street Conservation Area.

#### *Warwick Road Conservation Area*

100. West of Sites A and B, the Warwick Road Conservation Area includes parts of Warwick Road, Park Road and Station Road which formed the area known as Warwick Town. The conservation area's character and appearance is of prosperous villas and public buildings and its significance stems from this. Though there are several locally listed buildings in the conservation area, including St Matthew's Church and school, Park Road housing and the waterworks office on Warwick Road, there are also several larger, modern buildings of between three to seven storeys adjoining the conservation area. As for other conservation areas in Redhill itself, there is intervisibility between the conservation area, the town centre, and the wider countryside. This informs its setting and contributes to its significance.

101. Looking down Station Road towards Sites A and B as exemplified by RRAG's Viewpoint N, it is presently possible to see a long distance view of a hill outside the town. The existing taller buildings along Marketfield Way are not visible in this view as they are obscured by other modern, large grain development in the foreground. Although the proposal on Site A would not be highly visible from much of the conservation area, it would be visible as a tall building in views down Station Road from St Matthew's Church. This would not only draw the eye of the observer away from the conservation area in the foreground, but would remove some of the remaining intervisibility of this part of the conservation area with its setting, including the countryside surrounding Redhill.
102. As a result, in terms of indirect effects via setting, the proposal would give rise to a limited level of less than substantial harm to the significance of the Warwick Road Conservation Area.

*Central Platform, Redhill Station*

103. The central platform at Redhill Station is a non-designated heritage asset. It does not lie within a conservation area. The Victorian central platform structure's importance stems from its original purpose as the platform awning and ornate cast iron posts for that awning. Its setting is presently of surrounding railway infrastructure with the town centre beyond. This setting contributes to its significance as part of the railway which formed the town. Although the tall buildings along Marketfield Way are visible, they are some distance away.
104. Though hidden from view from outside the station due to the wall and staircase structure serving a neighbouring platform, its setting would see change from a low density railway setting to a setting enclosed by high rise buildings on one side, separating the central platform structure yet further from its wider setting of the town centre. Indirectly, this would cause moderate harm to the significance of the non-designated heritage asset through change within its setting.

*Conclusion on heritage assets*

105. The proposal would cause less than substantial harm to the significance of the designated heritage assets of Gatton, Linkfield Street, Redstone Hill, Redhill Town Centre, and Warwick Road Conservation Areas, the Grade II listed buildings at the Baptist Chapel, Station Road, and Gatton Hall, the Grade II listed Lower Gatton Park Registered Park and Garden, and the non-designated heritage asset of the Central Platform, Redhill Station. This harm varies from limited to moderate on the spectrum of less than substantial harm for the relevant designated heritage assets. Therefore, there would be conflict with CS Policies CS4 and CS10 and DMP NHE9 as set out above.
106. However, both DMP Policy NHE9 and NPPF paragraph 215 require harm to be weighed against public benefits, where less than substantial harm to a designated heritage asset would occur. The heritage balance and any relevant conclusions on policy compliance will be carried out later in this decision.

**c) Highway and pedestrian safety**

*Policy context*

107. NPPF paragraph 96 states that decisions should aim to achieve healthy, inclusive and safe places which promote social interaction through, amongst other things,

street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages. Additionally, it encourages places that are safe and accessible, through the use of well-designed, clear and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

108. According to NPPF paragraph 116, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
109. NPPF paragraph 117, amongst other things, requires applications for development to give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second, so far as possible, to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use. It also requires development to address the needs of people with disabilities and reduced mobility for all modes of transport, and to create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.
110. Local Transport Note 1/20 on Cycle Infrastructure Design (July 2020) (LTN 1/20) represents best practice guidance. Surrey County Council's Local Transport Plan 4 confirms that national design standards for cycle infrastructure are set out in the LTN1/20, which promotes segregation between pedestrians and cyclists on urban streets, along with coherent, direct and safe cycle routes that do not reduce the level of service for pedestrians.
111. CS Policy CS8 includes infrastructure and transport elements to support the Redhill's regeneration. It refers to a balanced network scheme including conversion of the one-way system to two-way working, supporting Redhill town centre as a transport hub, improving pedestrian/cycle links, and accommodating planned development. Focussed on sustainable development, CS Policy CS10 addresses sustainable transport and seeks to minimise the need to travel, whilst increasing opportunities to walk, cycle or use public transport.
112. CS Policy CS17 deals with travel options and accessibility. The policy aims to manage demand and reduce the need to travel, improve the efficiency of the transport network, and facilitate sustainable transport choices. CS Policy CS17 is directed at the Council working with the County Council, National Highways, rail and bus operators, neighbouring local authorities and developers.
113. DMP Policy DES1 expects new development to be accessible and inclusive for all users, including disabled people. The Council has referred to DMP Policy DES7, but this deals with specialist accommodation and does not appear to be directly relevant. DMP Policy TAP1 deals with access, parking and servicing and requires adequate access for all road users, including cyclists and pedestrians.

*Existing context and proposal*

114. Site A presently contains a large surface car park, the ticket office and main entrance to Redhill Station and two retail units within the station building. External

cycle parking is near the ticket office mainly in open two-tier metal racks. Cycle storage is not fully utilised, but this may be due to its quality and security.

115. The existing station building has several shortcomings, including indirect access for step-free access to the station's platforms, and a cluttered, and poorly laid out concourse with cramped ticket barriers and badly located information screens. The station building's main entrance has a stepped access, with a relatively narrow ramp adjoining the retail units' frontage. This necessitates one retail unit to have its entrance in the station building. The ramp does not meet current access standards. A customer lift is located within the railway station beyond the ticket barriers along with a flight of stairs to reach the under-track subway which leads to the platforms. A taxi rank is situated close to the railway station's main entrance and runs in front of existing advertising hoardings.
116. Off Redstone Hill, Site B provides the secondary access to Redhill Station. Whilst there is a ticket machine, there is no ticket office on Site B. In addition to a building used by station staff, Site B contains a further surface car park with eight cycle parking spaces. Site B is linked to Marketfield Way via a pedestrian underpass with a stepped access. Pedestrian access to Site B is from Redstone Hill either via a long and steep stepped access or via the steeply sloping footpath, vehicular access and across the car park.
117. The proposal would involve relocating the taxi rank, most of the station car parking, and cycle parking for non-standard cycles from Site A to Site B, and pedestrianising the area outside the main station entrance on Site A. Limited residential car and cycle parking would be provided on Site A along with enclosed cycle parking for the station at the station building's northern end. Some car parking would be retained near Ladbroke Road, though this may form a later phase of development. Car drop off for the railway station would be diverted under the railway bridge to Site B.

#### *Transport Assessment*

118. The appellant's baseline assessment dates from 2013. My understanding is that the 2014 permission involved modelling work and would have moved car parking from Site A to Site B to accommodate retail and residential use of Site A. Given the modelling work undertaken for the 2014 permission, Surrey County Council did not require further modelling of car traffic or for bus and cycle parking for the proposal as there is less traffic on the network now than prior to the Covid-19 pandemic. Furthermore, transport work for the 2014 permission included a simulation model with the balanced network proposals included. The proposal was not objected to by Surrey County Council, the Council, or by Active Travel England in respect of highway and pedestrian safety.

#### *Princess Way pedestrian and cycle route provision*

119. The proposed route provision for pedestrians and cyclists would be in three main parts. The first part relates to Princess Way to the west of Site A. There would also be a bus stop provided here. The second part is in respect of Station Road between Sites A and B, and the third part is regarding Redstone Hill close to Site B.
120. Princess Way is a busy road within the town centre. Although the typical flow of traffic entering and exiting the station car park on Princess Way on a weekday is

1,860 vehicles, Princess Way is a main road which serves far more than the railway station. The proposal would include a shared footway on Princess Way which would run from Ladbrooke Road, behind the proposed bus stop, and to the roundabout.

121. Given its central location and proximity to an existing Toucan pedestrian crossing of Princess Way and both the bus station and railway station, the shared footway would be likely to have high pedestrian and cycle flows at peak hours given the Office of Rail Regulation's entry and exit data for Redhill railway station. Activity is focussed at and near the pedestrian crossing.
122. LTN 1/20 sets out recommended minimum widths for shared use routes carrying up to 300 pedestrians per hour or over 300 pedestrians per hour. These are 3m or 4.5m respectively. LTN 1/20 also confirms at paragraph 6.5.6 that shared use may be appropriate in some situations, if well-designed and implemented. This includes alongside interurban and arterial roads where there are few pedestrians. Paragraph 6.5.7 of LTN 1/20 states that, wherever possible, and where pedestrian flows are higher, greater widths should be used to reduce conflict. Furthermore, the Department for Transport's (DfT) Gear Change document discourages shared use routes in streets with high pedestrian or cyclist flows.
123. Along Princess Way close to the bus and railway stations and on the pedestrian crossing, there would be higher pedestrian flows due to the desire lines of people moving from the town centre and bus station to the railway station and vice versa. There are already high pedestrian flows at peak hours along the southern end of Princess Way close to the railway station. I am concerned therefore that this would promote conflict between pedestrians and cyclists, particularly near the pedestrian crossing.
124. However, there would be enhancements in making the proposed plaza outside the main railway station entrance step-free and in removing the existing barriers and level changes across the site in this location. This would be positive for all station users. Furthermore, the proposed shared footway and cycleway would not prevent the borough's Local Cycling and Walking Improvement Plan from coming forward.

#### *Bus stop provision*

125. On Princess Way, there is an existing bus stop and four bus stops at the bus station. No services use the existing bus stop on Princess Way. This bus stop would provide additional capacity for up to two buses and to support the bus station's future redevelopment.
126. RRAG describe the proposed bus stop as a floating bus stop and have highlighted ongoing discussion about the safety of floating bus stops. The Bus Services Act 2025 was enacted on 27 October 2025. The relevant Secretary of State has three months from 27 December 2025 in which to produce guidance on the provision and design of floating bus stops as required by Section 31(1) of the Act.
127. The proposed bus stop would have only a small area within which to wait for or alight from the bus. This may be appropriate for a skilled manual wheelchair user, this would be unlikely to suffice for people with pushchairs or wheelchairs if there were several people using the bus stop at the same time. RRAG also raised concerns about the risk of a blind or partially sighted person disembarking from

the bus and stepping into a cyclist's path. Although the appellant considers this unlikely given the space available and points to enhancement of signage and surface treatment through road safety audit processes, it would depend on where a driver stopped their bus and how many people were at the stop. This would potentially place both cyclists and pedestrians at risk, particularly more vulnerable pedestrians. In addition, it may disincentivise public transport use.

128. Furthermore, anyone wishing to use the bus station, the railway station and the proposed bus stop as an interchange between bus or train journeys would need to use the shared footway along Princess Way, with the inherent need to be aware of cyclists. Positively, however, the stop would be close to the existing bus station.
129. Concern was also raised about the potential for informal use of the layby on Princess Way for drop off and pick up for the railway station. This could be controlled under section 278 of the Highways Act 1980.

#### *Station Road improvements*

130. The proposed measures for Station Road and under the railway bridge comprise a 1.5m wide advisory cycle lane on the southern side of the road, with the footway on the northern side remaining a shared use path. Some works would be undertaken to clean up the underpass environment, but this would represent a one-off improvement and would not enhance the underpass for the long-term.
131. Parking restrictions exist around the roundabout due to previous issues with parking. Parking monitoring would take place as part of the legal agreement to ensure the effect of the proposal on nearby streets would be assessed and further parking restrictions could be introduced, if necessary.
132. This part of Station Road is an unpleasant and constrained environment. When using the underpass as a pedestrian, it is impossible not to be aware that the road narrows as it approaches the bridge and that the footway is adjacent to a busy road. When walking along the footway from Site A to Site B, the underpass is dark and unwelcoming. The footpath on the northern side is shared with cyclists and the footpath on the southern side is much narrower with barriers adjacent to the road.
133. The same advice in LTN1/20 as mentioned for Princess Way would be relevant here. There are likely to be a high number of pedestrian movements along the shared footway at peak hours between Redstone Hill, Noke Drive, the railway and bus stations and the town centre. This would likely exceed 300 pedestrians per hour in peak hours. This would be complicated further by the absence of provision on Site A for non-standard bicycles. If someone using a non-standard bicycle was travelling from the town centre, they would need to use the shared footway or road to access the pedestrian crossings at Noke Drive and Station Road/Redstone Hill, and there would be the same journey in reverse for disabled people parked at Site B but needing to access the ticket office on Site A.
134. With regard to the advisory cycle lane, Figure 4.1 of LTN 1/20 discusses appropriate protection from motor traffic on highways. Princess Way, Station Road and Redstone Hill all have a 30mph speed limit. According to DfT data, both Princess Way and Redstone Hill have in excess of 6,000 transport movements per day. In such instances, Figure 4.1 advises that a mandatory or advisory cycle lane would not be suitable for all people and will exclude some potential users

and/or have safety concerns. There is nothing to prevent cars from driving in an advisory cycle lane.

135. This part of Station Road running into Redstone Hill is a complex environment. There are pedestrian crossings either side of the bridge and the road is heavily used in peak hours. Numerous lorries use the road, which is relatively narrow and does not allow vehicles to overtake cyclists safely due to the presence of oncoming traffic. Vehicles are frequently stopped, waiting between the pedestrian crossings. Even if one was a confident cyclist, use of this section of road would be challenging. The advisory cycle lane would not be likely to be heavily used due to the inherent risk perceived by cyclists of riding on such a busy road. I am also unconvinced that there would be sufficient road space to move the centre line to any meaningful extent.
136. Consequently, this would increase the likely use of the shared footway by cyclists, thereby increasing the risk of conflict with other cyclists and pedestrians, particularly when overtaking slower moving pedestrians. This would be exacerbated by existing signage on the shared footway, which may be removed as a result of further road safety audit work. However, given that the shared footway is already heavily used in peak hours by pupils walking and cycling to the nearby secondary school, any increase in cyclists displaced by the proposal at Site A to Site B would be likely to increase the risk of unhappy encounters between pedestrians and cyclists here.
137. Both the shared footway along this part of Station Road and the advisory cycle lane would give rise to risk of conflict between pedestrians and cyclists or cyclists and other road users. This would represent a worse situation than at present as the re-location of car and non-standard cycle parking and the taxi rank would likely increase use of this part of Station Road.

#### *Redstone Hill*

138. For Redstone Hill, the shared footway would also accommodate an existing bus stop. The appellant has acknowledged that signage may be needed to reduce conflict. Once at Site B, cars coming from the town centre would need to make a right turn across the path of oncoming traffic travelling down Redstone Hill and across the cycle and pedestrian access route into the Site B car park. There would be a blended Copenhagen crossing which would give pedestrians and cyclists priority over other vehicles entering and leaving Site B. However, I recognise RRAG's and interested parties' concerns that many car drivers would still think that they have priority over more vulnerable cyclists and pedestrians. While Site B's access and layout is constrained, altering the focus and usage of Site B as part of the proposal would serve to highlight existing difficulties in turning in and out of the car park and would compound the existing challenges of walking or cycling safely across the access and through the car park.

#### *Cycle parking quantum and design*

139. Concerns about cycle parking quantum and design include residential and commercial cycle parking on Site A and rail user cycle parking on Sites A and B. I shall address them in turn.
140. With regard to residential cycle parking on Site A, three cycle parking areas are proposed within the ground floor. The three areas are located either on the

proposal's northern end or at the rear of the southern part of the proposal adjacent to the car parking area.

141. The two northernmost areas of cycle parking would comprise entirely or mainly two-tier racks, with the smaller cycle store accommodating a couple of Sheffield stands. The southernmost cycle parking would consist predominantly of two-tier racks, with six Sheffield stands. The aisle width between the two-tier racks would be narrow, meaning that the aisle would be blocked if the upper racks were extended at the same time. This disposition of two-tier racks for bicycles would indicate that anyone with a non-standard bicycle, trailer, cargo bicycle or tricycle would need to use Sheffield stands. In the absence of a suitable number of Sheffield stands in the northern residential cycle storage areas, this would result in residents needing to use the southernmost cycle storage area or, if this was not available to them, parking at the short-stay Sheffield stands proposed adjacent to the roundabout.
142. Additionally, the smaller northern cycle store would be located with its entrance at the rear of the proposal adjacent to the car park. Not only could this be blocked by inconsiderate car parking, but the access would be likely to feel unsafe, thereby increasing demand on other areas of cycle parking.
143. The proposed station cycle storage on Site A would accommodate 104 bicycles in two-tier racks within the station building. This would represent an improvement in the security of cycle parking, consistent with LTN 1/20. However, it would be accessed via the only ramped and step-free access to the main station entrance. Not only would the proposed cycle storage be cramped and narrow, which would be likely to lead to cyclists queuing to leave and collect bicycles at peak times, but this would also have a knock-on effect on the quality and safety of pedestrian access to the station, particularly for disabled people or those using a pushchair. This would result from necessary turning movements by station users with bicycles on entry to and exit from the proposed cycle storage being in conflict with people using the step-free access. This would also be likely to detrimentally affect the free flow of commuters in and out of the station at busy times.
144. Furthermore, the proposed station cycle storage area's aisle would be narrow. This would increase the likelihood of conflict between users of such a high-flow environment when using the upper racks in the morning or evening travel peaks. This could have the consequential effect of making some cycle parking spaces unusable at peak times. This could render the increase in cycle parking for the station moot as users would be deterred from using the storage facility.
145. Apart from the 12 short-stay cycle parking spaces on Sheffield stands close to the proposed station entrance and the roundabout, there is no provision at Site A for non-standard bicycles. If referring to good practice guidance<sup>5</sup>, there should be at least 10 spaces for non-standard bicycles on Site A. Given that non-standard bicycles are often longer than standard bicycles, the Sheffield stands next to the roundabout would not meet these requirements as they would be likely to encourage conflict with pedestrians using the adjacent footpath.
146. The proposed cycle parking on Site B would be accessed from Redstone Hill and via the car park. 18 cycle parking spaces on Sheffield stands would be located

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<sup>5</sup> The Bicycle Association's Standards for Public Cycle Parking June 2021 produced for the Cycle Rail Working Group and Wheels for Wellbeing's Guide to Inclusive Cycle Parking 2025-02.

close to Site B's station entrance. The majority of cycle parking on Site B would be in two-tier racks in the car park, with six further spaces on Sheffield stands adjacent. Given their location, these proposed cycle parking spaces would not be secure and would be further from the Site B station entrance than the nearest car parking spaces (excluding disabled car parking). This is not in keeping with best practice.

147. There would be a 23% uplift in the quantum of cycle parking for station users on Sites A and B. However, not only is this not in keeping with the Government's stated aim to double the level of cycling in towns and cities which would likely result in a need for some 400 spaces, but the provision for larger, non-standard bicycles would be limited to Site B and only some of this provision would be located close to Site B's station entrance. Providing for non-standard bicycles only at Site B would mean that cyclists needing to use those spaces and travelling from the west would need to negotiate the shared cycle path or road, one or more pedestrian crossings, and the slope of Redstone Hill and the car park to reach Site B. This would deter use of the cycle parking on Site B.

#### *Accessibility of the proposal*

148. During the Inquiry, concerns were raised by RRAG and interested parties regarding the PSED set out in section 149 (1) of the Equality Act 2010. In determining the appeal, it is necessary for me to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; advance quality of opportunity between persons who share a relevant protected characteristics and persons who do not share it; and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Relevant protected characteristics defined in section 149 (7) of the same Act include age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The parties' legal submissions on the PSED include legal judgments<sup>6</sup> to which I have had regard.
149. The Government aspires to modal shift from cars to other sustainable modes of transport. While the aim of reducing car parking to encourage that modal shift is laudable, the proposal's approach to sustainable travel is inadequate in several ways. Overall, I have a strong sense that the existing multi-modal nature of Site A would be diluted and fragmented as the arrival and departure experience would be divided between pedestrians and bus users using Site A, with those with non-standard cycles or needing disabled car parking, the taxi rank, car drop off, or car parking focussed on Site B. This would be less legible than the existing situation. While this would replicate the 2014 permission to some extent, that permission has lapsed.
150. The works to the railway station would expand the ticket hall and clad it in brickwork. There would be more seating and a colonnade would be provided on the front of the station building. Site B would have entrance and ticket machine enhancements, but most alterations would be focussed on car and cycle parking.

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<sup>6</sup> R(Buckley) v. Bath & North East Somerset Council [2018] EWHC 1551 (Admin); R(Baker) v. SSCLG [2008] EWCA Civ 141; R (Isaacs) v SSCLG [2009] EWHC 557 (Admin); R(Harris) v. Haringey LBC [2011] PTSR 931; R(Friends of the Earth) v. Secretary of State for Transport [2021] PTSR 190; (Bridges) v Chief Constable of South Wales Police [2020] 1 WLR 5037; R (Bracking) v SSWPY [2014] Eq LR 60; Hotak v Southwark London Borough Council [2015] UKSC 30; R (Sheakh) v Lambeth LBC [2022] EWCA 457; R (Hurley & Moore) v SSBIS [2012] EWHC 201 (Admin).

151. The taxi rank would move up to Site B. This would require those arriving at or leaving the station to use the secondary station entrance for taxis. If they were unfamiliar with the station or station signage was poor, they would potentially emerge onto Site A. If trying to reach a taxi, this would necessitate re-entering the station and using lifts or stairs, or walking under the underpass and up Redstone Hill, or walking to the other taxi rank in the town centre near Sainsbury's. This may not be tenable for all station users, particularly the elderly and/or disabled. Additionally, the taxi rank at Sainsbury's is smaller than the station taxi rank and was not consistently in use by taxis during my time in Redhill.
152. I have already noted my concerns about users of non-standard bicycles having to travel to Site B as there would be no proper storage facility for non-standard bicycles on Site A. This would require those using non-standard bicycles to travel a convoluted route uphill from the town centre to reach bicycle storage. This would be likely to affect disabled people and people with young children more than other cyclists as they would be more likely to use non-standard bicycles.
153. Although there would be ticket machines at Site B, the main ticket office would remain on Site A. This would require customers using the disabled parking at Site B to travel to Site A if they wished to use the ticket office or simply could not use the ticket machines at Site B. Although Site B's entrance is likely to be staffed at times and staff can be called, some disabled customers would be likely to make their way down Redstone Hill, using the pedestrian crossings and the shared route under the bridge to reach Site A. The same journey would be made in reverse if looking for a taxi at Site B as the only other taxi rank is at Sainsbury's away from the railway station. It is also possible that rail replacement buses would need to use Site B. This would potentially increase barriers for disabled people, particularly as the steps close to the proposed station building at Site B are steep, numerous, and hidden from wider view by high brick walls. Redstone Hill is also steep. Both the stepped access and the footway are not straightforward for the elderly or disabled people to use.
154. Reference has been made to potential for conflict between users of the station cycle parking and disabled customers using the ramp at Site A to access the station, and to an increased number of pedestrians and cyclists using the shared route under the bridge. Both would be likely to affect the elderly, disabled people, and people with young children disproportionately as they may not be able to move out of the way of cyclists or other pedestrians quickly and easily.
155. The proposal has been subject to Network Rail's design review process and assessment by the Built Environment Access Panel (BEAP). This is a nationally operated forum within Network Rail, which reviews station proposals to ensure accessibility standards are met. BEAP includes expert designers, consultants, and users with diverse access needs, providing critical feedback to ensure inclusive design. I am also aware that a Diversity Impact Assessment will have been presented to BEAP and reviewed by Network Rail. This is all helpful information, but does not satisfactorily resolve the concerns outlined above.
156. The aforementioned concerns would not be possible to mitigate by planning condition or obligation. Instead, they require re-consideration of the proposal's overall layout, which cannot reasonably form part of the appeal process.

### *Conclusion on highway and pedestrian safety*

157. In conclusion, the proposal would have a harmful effect on highway and pedestrian safety, including parking. This would conflict with CS Policy CS10 and DMP Policies DES1 and TAP1 and NPPF paragraph 117 as set out above. Given the content of CS Policies CS8 and CS17, I consider that the proposal would not be in conflict with this policy.
158. I have had regard to the PSED and the positive and negative aspects of the proposal in terms of highway and pedestrian safety, including parking. I find that the proposal would not advance equality of opportunity between those who share a protected characteristic and those who do not share it.

### **d) Living conditions**

#### *Policy and guidance context*

159. NPPF paragraph 129 supports development that makes efficient use of land, but also highlights the importance of securing well-designed, attractive and healthy places. NPPF paragraph 130 c) confirms that applications should be refused which fail to make efficient use of land. When considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards). However, the opening text to NPPF paragraph 130 also states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of a site.
160. NPPF paragraph 135 f) states that developments should create safe, inclusive and accessible places which promote health and well-being, with a high standard of amenity for existing and future users, while NPPF paragraph 139 confirms that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
161. The Planning Practice Guidance<sup>7</sup>(PPG) states that all developments should maintain acceptable living standards. It also confirms that assessing appropriate levels of sunlight and daylight will depend on the development's context as well as its detailed design. Within areas of high-density historic buildings, or city centre locations where tall modern buildings predominate, lower daylight and sunlight levels at some windows may be unavoidable if new developments are to be in keeping with their surroundings. In such situations, good design will be necessary to help make the best use of the site and maintain acceptable living standards.
162. Regional Planning Policy - Surrey Design (2002) asserts that the rigid application of minimum planning standards relating to housing layouts has been justified by a desire to protect amenity, but the effect has rarely been to enhance design quality. A more flexible approach is desirable to issues such as privacy, garden size, daylight and sunlight.

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<sup>7</sup> Paragraph 66-007-20190722: What are the wider planning considerations in assessing appropriate levels of sunlight and daylight?

163. CS Policy CS10 on sustainable development outlines that development will encourage renewable energy/fuel production whilst ensuring that adverse impacts are addressed, including on amenity. As this relates to schemes for renewable energy/fuel production, this is not relevant in respect of living conditions.
164. DMP Policy DES1 on the design of new development expects the provision of an appropriate environment for future occupants whilst not adversely impacting on the amenity of occupants of existing nearby buildings. DMP Policy DES2 is not relevant as it pertains to the development of residential garden land. DMP Policy DES5 requires all new residential development to provide good living conditions for future occupants and that primary habitable rooms have an acceptable outlook and where possible receive direct sunlight.
165. The Building Research Establishment's Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (Third Edition, BR 209 2022) (the BRE Guidelines) is industry standard guidance. The BRE Guidelines offer advice on generally acceptable standards of daylight and sunlight, but warn that numerical target values may be varied to meet the needs of development and its location. The BRE Guidelines set out Vertical Sky Component (VSC), No-Sky Line (NSL), and Annual Probable Sunlight Hours (APSH) tests for consideration of daylight impacts on neighbouring properties from development.
166. The BRE Guidelines confirm that if the VSC with the new development in place would be both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. At over 27% VSC, a window of standard dimensions would typically supply enough daylight to a standard room. A lesser figure would render a room gloomier and likely to require electric lighting more frequently. The appellant's target figure is 17 – 18% VSC for their assessment purposes as Redhill is considered to be slightly less urban than London where 15% VSC can be considered acceptable.
167. With regard to the appellant's adapted VSC measurement, RRAG argues that there are significant differences between London and Redhill, while the appellant highlights that the site lies within the Central Urban Area in Figure 2.5 of the A23 SPD. The town centre is urban rather than suburban in nature. However, it has a limited number of tall buildings, which have been discussed earlier in this decision, and the general height of buildings within the town centre is low. Redhill is not presently comparable with parts of Tower Hamlets or central London with lower light conditions.
168. The BRE Guidelines suggest that a room should enjoy good levels of daylight distribution if 80% of the working plane is in front of the NSL. However, for urban areas, this is often not achieved. It is the appellant's view that for urban or built-up areas a target of 50% is more appropriate. This seems low particularly if the units are studio units. If a room is lit from one side only and is greater than 5m deep, then greater movement of the NSL may be unavoidable. In areas of a room where direct daylight is not received, the space may be dark and gloomy and require electric lighting.
169. APSH is the long-term average of the total number of hours during a year in which direct sunlight reaches the unobstructed ground when clouds are factored in. If the reduction of APSH between the existing and proposed circumstances is less than 0.8 times its former value for either the total annual APSH or in the winter

months of 21 September to 21 March, and the overall annual loss is greater than 4% of APSH, then the relevant occupiers are likely to notice the reduction in sunlight. The BRE Guidelines suggest that the affected room would appear colder or less cheerful and pleasant.

170. The BRE Guidelines find that if a room can receive more than 25% APSH with at least 5% APSH in Winter months, then it should still receive enough sunlight. The appellant generally considers that a total APSH above 17% is good for an urban environment, with anything above 3% good for Winter sunlight in this context. Again, this reduced APSH would be of particular concern for studio units. The BRE Guidelines also state that balconies and overhangs above existing windows tend to block sunlight, especially in Summer above south-facing windows. Even a modest obstruction may result in a large relative impact on sunlight received.

*Assessment of living conditions*

171. West of Site A, Quadrant House is a former office building which has been converted into 125 studio flats. Using Quadrant House's floor plans, the appellant has assessed 34 windows serving 21 units most likely to be affected by the proposal. Some windows at Quadrant House are beneath overhangs.
172. During cross-examination, Mr Cartmell for the appellant confirmed that any change of VSC, NSL or APSH of greater than 40% could be considered to represent a major adverse effect, if one was using the parlance of an Environmental Statement.
173. The 34 windows serve 21 individual studio flats. Of those 34 flats, 11 flats fail the VSC test, 10 flats fail the NSL test, and 4 flats fail the APSH test as indicated in Table 1 of the appellant's Daylight, Sunlight and Overshadowing Report (January 2024). Of those flats, units 20, 52 and 76 fail all three tests and would be the most significantly affected of all the flats in Quadrant House, with effects at a major adverse level. These flats are stacked directly above one another.
174. Unit 20 is served by a single window which is located beneath an overhang. It has been suggested that the VSC value of 15.8% is only marginally below the value that the appellant espouses. It is also noted that the removal of the overhang would see an improvement in the VSC. However, there is no evidence before me to indicate that this would be possible. Furthermore, as unit 20 is approximately 6.2m deep and lit from a single window, its failure of the NSL at 57% loss would be more noticeable. In terms of APSH, there would be a significant and negative difference between existing and proposed annual and Winter figures for this flat.
175. Though the figures fluctuate slightly for units 52 and 76 on higher floors than unit 20 and not subject to the overhang, all three tests for units 52 and 76 would see significant loss against the BRE Guidelines. Neighbouring units including Nos 19, 41, 50, and 100 would also fail at least one of the VSC, NSL or APSH tests. As all of the units in Quadrant House are studio flats and the worst affected units 20, 52, and 76 have only one window each, the light available to those units is of particular importance. These impacts would be adverse and significant.
176. The 2014 permission would also have failed the VSC and NSL tests for units 20, 52, and 76. Therefore, some flexibility would have been applied to the BRE Guidelines in respect of the 2014 permission. Furthermore, the introduction of other built development of anything above five to six storeys on what is currently

an open car park would be likely to cause some adverse effect on the sunlight and daylight afforded to occupiers of Quadrant House. Additionally, between 43 and 50 other flats in Quadrant House already experience lower quality living conditions in terms of Winter sunlight due to their layout and position within the building. However, I am required to deal with the proposal before me.

*Conclusion on living conditions*

177. In conclusion, the proposal would have a harmful effect on the living conditions of neighbouring occupiers of Quadrant House, with particular regard to daylight and sunlight. Consequently, the proposal would be contrary to DMP Policies DES1 and DES5 and NPPF paragraphs 129, 130 c) and 135 f) as set out above.

**e) Other considerations**

*Housing land supply*

178. NPPF paragraph 34 states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Reviews should be completed no later than five years from adoption, and should take into account changing local circumstances or changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.
179. NPPF paragraph 78 confirms that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. Footnote 39 to NPPF paragraph 78 confirms that this is the case, unless these strategic policies have been reviewed and found not to require updating.
180. NPPF paragraph 232 confirms that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this NPPF. It states that due weight should be given to them, according to their degree of consistency with this NPPF. Where a local planning authority can demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in NPPF paragraph 78) and where the Housing Delivery Test indicates that the delivery of housing is more than 75% of the housing requirement over the previous three years, policies should not be regarded as out-of-date on the basis that the most up to date local housing need figure (calculated using the standard method in the PPG) is greater than the housing requirement in adopted strategic policies, for five years from the plan's adoption.
181. The Council and the appellant agree that the five year supply base date is 1 April 2025, and the five-year period runs to 31 March 2030. It is agreed that the 5% buffer is applicable. Both the Council and the appellant agree that deliverable supply at 1 April 2025 excluding the windfall allowance is 1,180 dwellings. RRAG did not participate in housing land supply matters.

182. There are two areas of dispute. The first relates to the five year supply requirement figure, while the second pertains to the allowance of 375 dwellings over the five year period for unknown windfall sites in addition to known windfall sites with planning permission.
183. Adopted on 3 July 2014, CS Policy CS13 plans for delivery of at least 6,900 homes between 2012 and 2027, equating to an annual average provision of 460 homes. There is no stepped requirement identified in CS Policy CS13. The Council seeks to apply the adopted housing requirement of 460 homes per year beyond the plan period and in the latter three years of the current five year supply period. This would have a 5% buffer added (483 homes per year) and past oversupply of 1,026 dwellings is also factored into the Council's five year housing land supply figure.
184. The Council has reviewed the CS twice under Regulation 10A (a) of The Town and Country Planning (Local Planning) (England) Regulations 2012 in July 2019 and March 2024. Approved by the Council in September 2024, the most recent review concluded that CS Policy CS13 did not require updating as there had not been a significant change in local housing need. The Council's March 2024 review was undertaken in the context of the 2023 NPPF and the previous standard method for calculating local housing need, which resulted in a capped figure of 644. This 2024 review was not subject to legal challenge.
185. However, the PPG's revised standard method published on 12 December 2024 results in a local housing need of 1,295 homes per year for Reigate and Banstead. With a 5% buffer, this would be 1,360 dwellings per year. This is not the housing requirement figure, but if a Local Plan were being developed, such figures can inform the housing requirement figure as per NPPF paragraph 62.
186. With regard to windfall, the appellant seeks to include an allowance of only 170 dwellings in the five year supply, by excluding the 735 dwellings on known windfall sites from the Council's windfall delivery allowance of 905 dwellings over a five year period. The Council considers their additional allowance of 375 homes on unknown sites over the five year period to be appropriate as it was considered robust and justified by the Inspector examining the DMP.
187. The agreed Statement of Common Ground re: Housing Land Supply between the appellant and the Council confirms that the Council's most recent assessment of its housing land supply is set out in the Housing Delivery Monitor Including 5 Year Housing Land Supply Position at 31 March 2025. The Council contends that it has a housing land supply of 5.6 years with the 5% buffer included, while the appellant considers the housing land supply to be 1.14 years with the 5% buffer if the windfall allowance of 375 dwellings is included and 0.99 years with the 5% buffer but with the appellant's adjustments to the windfall allowance.
188. The Council has predicted that in April 2026 the housing land supply will fall to 4.51 years. This would trigger DMP Policy MLS1 which requires the release of sustainable urban extensions (SUE) to maintain a supply in accordance with the NPPF. While this could allow for the delivery of 1,200 homes, this assumes that there are no barriers to delivery of those SUE. Furthermore, by July 2026, a 20% buffer would apply, with a resulting effect on housing supply.

189. The Council and the appellant have also drawn my attention to two legal judgments<sup>8</sup>. The first relates to the weight to attach to a figure which does not account for acknowledged constraints, such as Green Belt or National Landscape. The second deals with treating the drop in housing numbers in the standard method from a Core Strategy figure as being a “significant change.” The appellant has referred to the PPG<sup>9</sup> on plan review at least once every five years from their adoption date. The PPG highlights that there will be occasions where there are significant changes in circumstances which may mean it is necessary to review relevant strategic policies earlier than the statutory minimum of five years.
190. This appeal is not a plan-making process where a housing requirement would be set. I have not reached a definitive view on the extent of the five year supply of housing land. For the purposes of considering the planning balance and the application of NPPF paragraph 11, I have based my assessment on the appellant’s position with the relevant standard method figure, the 5% buffer, and with a reduced windfall allowance, given that it represents the worst case scenario of a supply of 0.99 years. I must stress that this should not be seen as my endorsement of that position.

*Adverse effects*

191. The proposal would have detrimental effects on the character and appearance of the area and would conflict with CS Policies CS2 and CS4, DMP Policies DES1 and NHE1, and NPPF paragraphs 135 and 187. I afford very substantial weight to the adverse effects on the character and appearance of the area and the policy conflict.
192. With regard to the effect of the proposal on heritage assets, there would be less than substantial harm to the significance of eight designated heritage assets, ranging from very limited to moderate levels. Great weight should be given to the conservation of designated heritage assets, irrespective of the level of harm. There would also be a moderate indirect adverse effect on the significance of the non-designated heritage asset at the railway station’s Central Platform. This would have moderate weight.
193. In addition, the proposal would have a harmful effect on highway and pedestrian safety, including parking. This would include my concerns about the PSED. There would be conflict with CS Policy CS10, DMP Policies DES1 and TAP1, and NPPF paragraph 117. I give significant weight to the harm and to the policy conflict.
194. There would also be a harmful effect on the living conditions of neighbouring occupiers at Quadrant House, with particular regard to daylight and sunlight. There would be conflict with DMP Policies DES1 and DES5 and NPPF paragraphs 129, 130 c) and 135 f). I afford moderate weight to the harm in respect of living conditions and conflict with the aforementioned policies as the significant negative effects would be limited to a small number of units.
195. RRAG has identified the absence of affordable housing as a harm to be weighed and the appellant infers that if affordable housing had been provided, councillors may well have approved the proposal. No new affordable homes were completed in the borough in 2024 – 25. Affordable housing is clearly an important issue for

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<sup>8</sup> Hunston Properties Ltd v St Albans DC [2013] EWCA Civ 1610 and Wainhomes v SSCLG [2020] EWHC 2294 (Admin).

<sup>9</sup> Paragraph 61-062-20190315: How often should a plan or policies be reviewed?

- councillors and local residents. However, it is not possible to know whether the proposal would have been approved with affordable housing provided.
196. In addition, Councillor McKenna raised concerns about development viability, including U.L.L.'s Financial Viability Assessment Report – Addendum (July 2025) (the U.L.L. Addendum) and making station improvements over affordable housing provision. He considered that the proposal could be viable with modest changes.
  197. U.L.L. carried out viability assessment in 2023. Aspinall Verdi were appointed by the Council to undertake independent viability assessment. U.L.L. provided an updated appraisal in May 2024. Aspinall Verdi concluded in June 2024 that even a nil affordable housing scheme would be in deficit. After June 2024, design changes were made in respect of station works and due to Building Regulations on fire safety. Furthermore, construction costs and development revenues were reassessed. This resulted in the U.L.L. Addendum.
  198. The Council does not now and did not at the time of refusing the planning application consider the proposal to be viable or in breach of any development plan policy on viability. The unviable nature of the proposal is a matter of agreement between the main parties.
  199. The supporting text to CS Policy CS14 confirms that the Council aims to secure affordable housing from residential development at a rate which is viable, while DMP Policy DES4 refers to the Affordable Housing Supplementary Planning Document and DMP Policy DES6 confirms that financial viability will be taken into account in decision-making. None of these policies are in the Council's sole reason for refusal. The Council was asked whether they considered it necessary for Aspinall Verdi to undertake assessment of the U.L.L. Addendum. The Council did not wish to do so. This is in keeping with the agreed Statement of Common Ground between the Council and the appellant.
  200. In any event, the appellant has committed to early and late stage viability review mechanisms through the legal agreement to ensure that if the viability of the proposal improves, a sum equivalent to no more than 30% of the dwellings as affordable housing units will be secured.
  201. I see no reason to find that providing station improvements over affordable housing would not be appropriate given the proposal's specific circumstances, particularly as there remains opportunity for monies towards affordable housing, if viability improves. Whether those station improvements would address highway and pedestrian safety adequately is addressed above. However, the absence of affordable housing is not a harm in this instance and the provision of policy-compliant affordable housing is not a benefit here.
  202. RRAG has questioned the mix of housing to be provided. DMP Policy DES4 deals with housing mix. It requires schemes in town centres to have at least 50% of all homes with one or two bedrooms. Where 20 or more homes would be provided, at least 10% of homes must have three or more bedrooms. The proposal would not comply with the 10% requirement. However, the same policy allows deviation from the housing mix due to viability, technical feasibility, market demand or effect on character. The proposal would provide 6% three-bedroom units and would have two-bedroom units capable of accommodating small families. Furthermore, it would be flatted development in a town centre and therefore generally of less appeal to families. This would not cause any harm in this instance.

203. Given all the adverse effects identified, it is necessary for me to consider the proposal's benefits.

*Benefits*

204. In the context of the appellant's worst case scenario on housing land supply, I afford substantial weight to the provision of 255 residential units and the need for housing. This would include a mix of studio, one, two and three-bedroom units. While there was some discussion about the proposal's delivery falling outside the five year housing land supply period, I have no detailed evidence which indicates that this would be the case. The site would not be straightforward to develop as it is an active railway station next to a bus station and main roads. Access to the stations would need to be retained throughout demolition and construction. However, the proposed phasing appears sensible and the project would be undertaken by an appellant experienced in delivering regeneration at and around stations. I see no reason to reduce the substantial weight I have afforded to the provision of housing.
205. Turning to brownfield land, NPPF paragraph 125 c) confirms that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. NPPF paragraph 125 d) also seeks to promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. It gives the example of building on or above service yards, car parks, lock-ups and railway infrastructure.
206. The draft NPPF at L2 also affords substantial weight to the benefits of making effective use of previously developed land. However, unlike NPPF paragraph 125 c), it does not caveat this weight with reference to substantial harm. For the avoidance of doubt, I have dealt with this appeal on the basis of NPPF paragraph 125 c).
207. The site is undoubtedly in one of the most sustainable locations within the borough. There is no dispute that this is the case. Furthermore, it would re-use under-utilised brownfield land around a major transport node. Additionally, Redhill is recognised as the highest priority location for growth and regeneration within CS Policies CS6 and CS13. When seen through the prism of a borough which contains approximately 70% Green Belt land, the importance of re-using brownfield land in a sustainable location within a town centre is highlighted. As I have taken the appellant's worst case scenario on housing need, it follows that the proposal would help meet identified housing needs.
208. The appellant has argued that the proposal's contribution towards easing the pressure on Green Belt land ought to be given significant weight as a benefit. The borough is tightly constrained by Green Belt and this has been a significant restriction on supporting a higher housing requirement. The Council clearly recognises this within their Overview and Scrutiny Committee Report from July 2025 on the 2024 NPPF, which refers to a clear expectation at NPPF paragraph 146 to meet housing needs in full, including a specific requirement to undertake a Green Belt review if sufficient sites cannot be found within the urban area. The

Council claims to have made a ‘no stone unturned’ approach to identifying housing in the urban area to minimise the need to release Green Belt land. It also states that the urban area will not yield the 20,000 new homes required over the next 15 years and that a Green Belt review has been commissioned. This matter of easing the pressure on Green Belt appears to cross over between housing supply, to which I have already afforded substantial weight, and re-use of brownfield land. To my mind, it is not therefore a benefit in and of itself.

209. Given that I have found very substantial harm with regard to the effect of the proposal on the character and appearance of the area, it follows that I cannot give the benefit of re-using brownfield land substantial weight in this instance, having regard to NPPF 125 c). However, the use of brownfield land in this location still carries moderate weight.
210. With regard to the enhanced vitality of Redhill town centre, NPPF paragraph 90 highlights that decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. The proposal would include flexible Class E units at Site A. These would replace the existing barber’s shop and coffee shop. While vacancy rates decreased in 2023 – 24, there remain vacancies in the town centre. There would be more local residents living in the proposal. Not only would they be close to the proposed retail units, but they would also be within walking distance of the town centre’s retail offer. This would potentially support the vitality of the town centre, although they may also choose to travel elsewhere for work, shopping and leisure. I afford moderate weight to the benefits in respect of the enhanced vitality of Redhill town centre.
211. The proposal would introduce improvements to and around the railway station. One element of this would be the removal of cars from the frontage of Site A which would support the delivery of a level step-free route between the railway and bus stations. The proposal would also provide a new bus stop and shelter on Princess Way.
212. Site A’s existing ramped access to the railway station is narrow and poorly located. A new ramp would be provided for the railway station. However, this new ramp’s quality would be impinged and its positive effects reduced by its co-location with the proposed station cycle storage.
213. Although cycle storage would be increased for the railway station, in addition to cycle parking for future residents, the security, type and location of the proposed cycle parking gives rise to concern that modal shift would not be incentivised. The overall quality of the proposed cycle storage provision is of considerable concern.
214. While there is real time information within the main railway station concourse and at the bus station, the proposal would provide improved real time information and wayfinding between the railway and bus stations. A car club would be provided, in addition to travel planning for both residential and employment uses. This would support the multimodal nature of the railway station and assist in reducing car ownership. These are secured as part of the legal agreement or by condition. The travel planning would be supported by a package of promotional financial measures for passengers sent to 10,000 households.
215. Within Site A, there would be a 50% increase in the footprint of the station concourse to improve the customer experience. The station’s existing rotunda

would be retained. Not only would this have a lesser carbon impact than wholesale demolition, but it would allow the rotunda to be refurbished. This refurbishment and extension would allow for further seating and space for ticket purchasing. For the residential development on Site A, parking would be limited to encourage sustainable travel and reflect the site's location.

216. Within Site B, improvements would introduce accessible information windows and ticket machines, improved flooring, and wide aisle ticket gates. Additionally, the taxi rank would be located on Site B, as would blue badge parking. The appellant considers that the railway station would be compliant with the DfT's design standards for accessible stations and Building Regulations. Surely, however, this is a minimum expectation for a busy, mainline railway station.
217. For Site B, there would also be reductions to the width of the vehicular access and egress onto Redstone Hill and improved cycling and walking routes across the car park. Circulation space would be increased by the removal of existing buildings and trees. Station car parking would be reduced by 10% across the two sites, but Site B would have charging for electric vehicles.
218. Given my previously expressed concerns about the quality of these proposed works, I afford the station and other transport improvements limited weight.
219. Economic benefits would include the short-term employment and economic benefits of the proposal during construction, the creation of longer-term jobs through provision of flexible Class units, and future residents' spending. During construction, the proposal would deliver 300 construction jobs and 15 apprenticeships each year and would make a £73 million investment in construction over a 3 – 4 year period. Additionally, those working on the proposal's construction would be expected to spend up to £0.5 million locally per year. Once built out, the proposal would provide an additional ten full-time jobs.
220. The proposal is expected to have over 400 residents, many of whom would be economically active. It is expected that this would contribute over £5.5 million in household spending annually. There would also be Council Tax, Business Rates, New Homes Bonus, and Gross Value Added contributions.
221. The Council has referred me to legal judgments<sup>10</sup> with regard to the scope for a less harmful alternative being capable of being a material consideration and a smaller development offering the same advantages. In this instance, the proposal is the only active scheme for Site A. The 2014 permission was approved nearly ten years ago. No party has been able to confirm that there is a realistic prospect of that 2014 permission coming forward under a further planning application in due course. The 2014 permission having offered similar benefits in terms of full-time jobs does not therefore temper the weight that should be given to the current appeal, which I have considered on its own merits.
222. NPPF paragraph 85 states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Within a borough with above regional and national average employment, I find that the wide range of economic benefits deserve significant weight.

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<sup>10</sup> First Secretary of State v. Sainsbury's Supermarkets [2007] EWCA Civ. 1083 and Hayden-Cook v SSCLG & Guildford Borough Council [2010] EWHC 2551 (Admin).

223. In relation to biodiversity net gain, the application was submitted prior to the national requirement for 10% biodiversity net gain being in place. Notwithstanding this, the appellant has confirmed that 7.15% biodiversity net gain would be achieved. This is consistent with DMP Policy NHE2 which seeks to achieve a net gain in biodiversity. Accordingly, I afford moderate weight to the provision of biodiversity net gain within the proposal.
224. Turning to landscaping and trees, the proposal would involve the removal of 12 individual trees and 10 groups of trees, while two individual trees and one tree group would be retained. The proposal would provide 61 extra heavy standard and semi-mature trees at ground level, with native shrub planting and trees proposed to improve the embankment's ecological value. A further 24 multi-stem trees would be planted at roof level and perennials, grasses and shrubs would be planted at ground and roof levels to ensure seasonal interest all year round. While the appellant affords the provision of landscaping and trees moderate weight, I afford landscaping and trees no additional weight over and above the moderate weight ascribed to biodiversity net gain.
225. Within Site A, public realm improvements would remove existing barriers and changes in levels across Site A between the main railway station entrance and the pedestrian crossing. Further to this, the public realm would represent an enhancement when compared to the current surface car parking and advertisement hoardings on Site A. Public realm would also be enhanced for Site B. In addition to creating new parking and routes across the car park, trees would be replaced, where possible.
226. Between Sites A and B, the proposal would also involve various works to be secured by condition. These comprise deep cleaning of the A25 underpass and Redstone Hill's retaining wall brickwork, re-decorating the station's connecting underpass and establishment of a Redhill civic zone, and the re-cladding of the side return wall to the station on Site A in matching brickwork.
227. I give limited weight to these public realm improvements over and above the station and other transport improvements.
228. With regard to accessible and adaptable homes, DMP Policy DES7 seeks to ensure that accessible and adaptable housing is provided, with at least 4% of homes on sites of 25 homes or more to be designed to be adaptable for wheelchair users in accordance with Building Regulation requirements. All of the proposed dwellings have been designed to meet M4(2) of the Building Regulations and 5% of the proposed dwellings would meet M4(3) of the Building Regulations. This would exceed DMP Policy DES7's requirements. I afford the provision of accessible and adaptable housing moderate weight.
229. Certain energy saving measures are required by CS Policy CS11 and DMP Policy CCF1 in respect of both the non-residential and residential elements of the proposal. The proposal would exceed DMP Policy CCF1's carbon reduction target of 19% for residential spaces against Part L of 2013 Building Regulations and the renewable generation target of 10% of expected energy usage for commercial spaces. This has moderate weight.
230. In terms of flooding, there was agreement between the main parties that improved surface water drainage and resilience of the main station building to flooding should attract limited weight. I have no reason to disagree.

### *Planning obligations*

231. The relevant parties have entered into a legal agreement under section 106 of the Town and Country Planning Act 1990, which includes obligations which would come into effect if planning permission were to be granted.
232. I have considered the obligations in light of the three statutory tests at Regulation 122 (2) of The Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and NPPF paragraph 58. These are that the obligations are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. The obligations are consistent with CS Policy CS12 and DMP Policy INF1 on infrastructure delivery.
233. In addition to the early and late viability review mechanisms for affordable housing, the legal agreement requires £9,000 toward real time passenger information at the bus station; £3,000 towards the auditing and review of an on street parking monitoring report and review of parking restrictions and on street parking; a car club scheme including a car club membership offer for future residents and a car club parking space; £4,600 towards monitoring compliance with the Employee Travel Plan; and payment of the Council's and the County Council's legal costs in preparing the agreement. These obligations are necessary and meet the aforementioned tests. I have had regard to them in reaching my decision.
234. RRAG has referred to the lack of infrastructure provision. However, it is clear that the Council has negotiated the contributions it considers appropriate and consistent with development plan policy within a constrained town centre site. I find no harms in relation to education, healthcare or public open space.

### **Heritage balance**

235. Having regard to NPPF paragraph 215 and DMP Policy NHE9, I must weigh the moderate, limited and very limited levels of less than substantial harm to the significance of the Gatton, Linkfield Street, Redstone Hill, Redhill, and Warwick Road Conservation Areas, the Grade II listed buildings at the Baptist Chapel, Station Road, and Gatton Hall, and the Grade II listed Lower Gatton Park Registered Park and Garden, against the public benefits. All the aforementioned benefits should be regarded as public benefits.
236. The benefits relating to housing delivery are substantial. These alone outweigh the harm to significance notwithstanding the considerable importance and weight I have given to that harm. While NPPF paragraph 212 indicates that great weight should be afforded to the assets' conservation, there is clear and convincing justification for the harm to these designated heritage assets as required by NPPF paragraph 213.
237. Accordingly, the proposal would have an acceptable effect on the setting and the significance of several designated heritage assets. Despite the identified conflict with CS Policies CS4 and CS10 and DMP Policy NHE9, the proposal would accord with NPPF paragraphs 212, 213 and 215.
238. Regarding the moderate indirect adverse effect on the significance of the Central Platform at Redhill Station as a non-designated heritage asset and the conflict

with CS Policies CS4 and CS10 and DMP Policy NHE9, this would be significantly outweighed by the benefits of the proposal.

239. Although the heritage balance has been passed, the harms to the aforementioned heritage assets are included in the overall planning balance below.

### **Planning balance**

240. The proposal would provide the benefit of 255 housing units that carries substantial weight. There would be other benefits to which I have afforded significant, moderate and limited weight. However, I have afforded very substantial weight to the adverse effects on the character and appearance of the area. There are moderate, limited and very limited levels of less than substantial harms to designated heritage assets and a moderate indirect adverse effect on a non-designated heritage asset. There would also be significant weight to the harm in respect of highway and pedestrian safety, including parking. Additionally, there would be moderate weight to the harm to living conditions for some occupiers of Quadrant House.

241. The lack of five-year housing land supply indicates that NPPF paragraph 11 (d) applies and the policies which are most important for determining the application are out-of-date. CS Policy CS1 sets out similar requirements. Where there are relevant development plan policies, but the most important for determining the application are out-of-date, planning permission should be granted unless either limb i. or limb ii. is satisfied. The application of each limb is essentially a matter of planning judgment for the decision-maker.

242. It is necessary to consider limb (i) of NPPF paragraph 11 (d) and footnote 7. For footnote 7 purposes in this appeal, the relevant NPPF policies are those pertaining to designated heritage assets. However, it will be seen from the heritage balance above that these policies do not provide a strong reason for refusal of the appeal. While the National Landscape is referred to, no party has argued that this represents a strong reason for refusal. I see no reason to disagree with this.

243. I must therefore consider NPPF paragraph 11 (d) ii. Having had regard to the harms and benefits outlined, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against NPPF policies taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

244. Accordingly, the proposal would be contrary to the development plan taken as a whole, and there are no material considerations that indicate that planning permission should otherwise be granted. With reference to the PSED, I consider that my decision to dismiss the appeal is proportionate and necessary.

### **Conclusion**

245. For the reasons set out above, the appeal is dismissed.

*Joanna Gilbert*

INSPECTOR

## **Appearances**

### **For the Appellant:**

Christopher Katkowski CBE KC, Kings Chambers

Millie Critchlow, Counsel, Kings Chambers

Both instructed by Daniel Watney LLP

They called:

Richard Ashdown	Managing Director, U.L.L. Property
Andrew Atkins	Development Director, Solum Regeneration
Andrew Cartmell MRICS	Senior Director, Point 2 Surveyors Ltd
Martin Pinnington BA (Hons) LLB (Hons)	Senior Associate, Eversheds Sutherland LLP
Ben Pycroft BA (Hons) Dip TP MRTPI	Director, Emery Planning Partnership
Charles Mills MRICS ARTPI	Partner, Daniel Watney LLP
Ian Mitchell BSc (Hons) MSc MCILT	Director, Mayer Brown Ltd
Craig Sheach BSc (Hons) BArch (Hons) ARB RIBA	Partner, PRP Architects
Nadia Shojaie MRTPI	Associate Partner, Daniel Watney LLP
David Taylor MRTPI	Partner, Montagu Evans LLP

### **For the Council:**

Dr Ashley Bowes, Counsel, Landmark Chambers

Instructed by James Hitchcock, Reigate and Banstead Borough Council

He called:

Jason Clemons BA(Hons) Dip.UD MA MSc MRTPI IHBC FRSA	Executive Director, Vitruvius Heritage Ltd
Michael Parker	Reigate and Banstead Borough Council
Colin Smith BA (Hons) MRTPI	Colin Smith Planning Limited

### **For the Rule 6 Party, Redhill Residents Action Group:**

Howard Leithead, Counsel, No5 Chambers

Instructed by Redhill Residents Action Group

He called:

Mark Strong	Transport Initiatives LLP
Jonathan Weekes	Director, Beta Town Planning Limited

**Interested Parties:**

William Ascough	Local resident
Iain Dewson	Local resident
Jonathan Essex	Ward Councillor, Reigate and Banstead Borough Council, and Divisional Councillor, Surrey County Council
Karl Grouse	Redhill Shopmobility
Stephen McKenna	Ward Councillor, Reigate and Banstead Borough Council
Philippa Martin	Chair of Reigate and Redhill Society
Helen Neve	Local resident and retired member of the Landscape Institute
Nikki Roberts	Chief Executive Officer, Surrey Coalition of Disabled People
Fiona Scott	Local resident and member of East Redhill Residents Association and Redhill Residents Action Group
Stephen Trigg	Policy Lead and Former Chair of Reigate, Redhill and District Rail User Association
Robin Whitwell	Local resident

**Documents provided during and after the Inquiry:**

ID01 Richard Ashdown's Note regarding Financial Viability dated 1 September 2025

ID02 Response to note by Councillor Essex prepared by Ian Keith Campbell Mitchell of Mayer Brown Ltd September 2025

ID03 Presentation by Craig Sheach dated September 2025

ID04 Appellant's Opening Submissions

ID05 Council's Opening Submissions

ID06 RRAG's Opening Submissions

ID07 Sunlight/Daylight Impact – RRAG Produced Document

ID08 Cycling Injury Risk in London: Impacts of Road Characteristics and Infrastructure

- ID09 Councillor Essex's abridged statement
- ID10 Redhill Town Centre Balanced Network Feasibility (Stage 2) - Final Report Reigate & Banstead Borough Council/Surrey County Council, November 2012
- ID11 Councillor McKenna's abridged statement
- ID12 Helen Neve's statement
- ID13 Fiona Scott's amended statement
- ID14 Stephen Trigg's statement
- ID15 Robin Whitwell's statement
- ID16 Surrey Coalition of Disabled People's statement
- ID17 Councillor Essex's email dated 4 September 2025.
- ID18 Philippa Martin's statement
- ID19 Active Travel England letter dated 27 August 2024
- ID20 Karl Grouse's Statement
- ID21 Council's Public Sector Equality Duty Submissions
- ID22 RRAG's Public Sector Equality Duty Legal Submissions
- ID23 RRAG's Public Sector Equality Duty Planning Note
- ID24 Appellant's Public Sector Equality Duty Response
- ID25 Schedule of amended conditions dated 10 November 2025
- ID26 Email from RRAG dated 11 November 2025 confirming all conditions are agreed, with exception of condition 6.
- ID27 Schedule of amended conditions dated 11 November 2025
- ID28 Final draft legal agreement received 20 November 2025
- ID29 Schedule of amended conditions dated 24 November 2025 and accompanying email from the Council regarding timing of deliveries dated 24 November 2025
- ID30 Title deeds
- ID31 Councillor McKenna's questions for Mr Mills
- ID32 Email from the Council dated 27 November 2025 confirming the County Council's position regarding deliveries and travel planning
- ID33 Email from the appellant dated 27 November 2025 regarding costs application
- ID34 Schedule of amended conditions dated 27 November 2025 (track changed version)
- ID35 Schedule of amended conditions dated 27 November 2025 (clean version)
- ID36 RRAG's Closing Submissions

- ID37 Section 31 of the Bus Services Act 2025
- ID38 Council's Closing Submissions
- ID39 Safe Rottingdean Ltd v Brighton and Hove City Council and others [2019] EWHC 2632 (Admin)
- ID40 Appellant's Closing Submissions
- ID41 Final draft legal agreement for engrossment dated 1 December 2025
- ID42 Final legal agreement dated 22 December 2025
- ID43 Council's comments on draft NPPF received 8 January 2026
- ID44 Appellant's comments on draft NPPF received 9 January 2026
- ID45 RRAG's comments on draft NPPF received 11 January 2026
- ID46 Appellant's comments on the Council's and RRAG's comments on draft NPPF received 14 January 2026