



Appeal Decision

Site visit made on 19 June 2024

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 July 2024

Appeal Ref: APP/R3650/W/23/3331188

Finns Cottage Blackheath Lane, Blackheath, Guildford GU5 0RF

- 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 Mrs J Vlachos against the decision of Waverley Borough Council.
 - The application Ref is WA/2022/02978.
 - The development proposed is change of use/conversion of former pavilion building together with alterations to independent self-contained dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The main parties have agreed that the proposal would not represent inappropriate development in the Green Belt as defined by the National Planning Policy Framework (2023) (Framework), Policy RE2 of the Waverley Borough Local Plan Part 1 (2018) (LPP1) and Policy DM14 of the Waverley Borough Local Plan Part 2 (2023) (LPP2). I am not provided with detailed evidence that would lead me to conclude otherwise.

Main Issue

3. The main issue is whether the site is suitable for the proposed development, having regard to its accessibility to services and facilities.

Reasons

4. The appeal site is 1.3km from the centre of Wonerish which provides services such as a shop, pub and community centre. It is located off Blackheath Lane which, in this location, is a narrow rural road with limited passing spaces and steep sides. There is no footpath and the road is not lit. There are public rights of way close to the site, however these are unlit, but also unpaved. Blackheath Lane connects to Chilworth Railway station which is 1.1 miles away and Shalford Railway Station 1.9 miles away via the wider highway network. There is a bus stop close to the site. Services are once per day on 3-4 days per week and there is also a hoppla dial-a-ride service. Other bus services are available in Wonerish and Bramley, accessed via the routes described above.
5. Opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, given the narrow road, lack of lighting, footpath or any space to separate cars and pedestrians, this part of Blackheath Lane would be a dangerous walking route. The public rights of way, although separate from cars, would not provide a safe and suitable route particularly for

those who are less able, children and after dark. Whilst recreational cycling occurs in this area, given the steep sided, narrow road and lack of lighting, this would not be an attractive route for day to day trips for the majority of cyclists whether on a pedal or electric bike. Provision could be made on site for electric cars. Albeit, provision for users of low and ultra low emission vehicles is a requirement of policy and as such this does not weigh strongly in favour of the development.

6. Furthermore, the infrequency of the scheduled bus service would mean that this would be unlikely to be convenient for the majority of trips. This would be supplemented by the Hoppa service. However, I am provided with limited detail as to how this would operate and therefore I am not satisfied that it would provide a regular and convenient method of public transport. As such future occupants would be heavily reliant on the private car with limited suitable sustainable transport options. Consequently, occupiers of the proposed dwelling would not enhance or maintain the viability of this rural community. Therefore, there would be significant harm in this regard.
7. In its use as a cricket pavilion the building served the residents of Barnett Hill. However, that recreational use does not indicate that it was accessible to facilities required for day to day living for occupants of a house.
8. The parties agree that the dwelling is not isolated in the terms of paragraph 84 of the Framework and the Judgement in *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610* which establishes that this refers to dwellings which are 'far away from other places, buildings or people, remote.' However, in Paragraph 114, the Framework requires that opportunities to promote sustainable transport modes have been taken up. Policy DM15 of the LPP2 seeks that in rural areas development should not be isolated from everyday facilities. As such Policy DM15 is broadly in accordance with the Framework in this regard.
9. Therefore the site would not be suitable for the proposed development, having regard to its accessibility to services and facilities. Consequently, in this respect, it would be contrary to Policy ST1 of the LPP1 and Policy DM15 of the LPP2. Together, in addition to the aims set out above, these require that development is located where opportunities for sustainable transport modes can be maximised.
10. Policy SP2 of the LPP1 sets a high level spatial strategy for the borough. Therefore, the policies set out above are more relevant to the main issue of accessibility.

Other Matters

11. Following the submission of the Daytime Bat Potential Roost Assessment and Ecological Walkover Letter Report Ref: WEc_GU5 (Wychwood Environmental, February 2023) with this appeal, the Council have confirmed that they no longer seek to defend the reason for refusal relating to ecology. I do not have detailed evidence that would lead me to conclude otherwise.
12. The building was erected for Mr Frank Cook, the grandson of the renowned travel agent Thomas Cook as part of the Barnett Hill Estate in the early 20th Century. It provided a traditional sports facility within the wider estate, however the former cricket pitch is no longer associated with the building and

therefore the historical significance in this regard has been lost. Other properties within the estate are statutorily listed, including The Grade II listed Barnett Hill Lodge. However, due to the distance and intervening planting the building has a minimal relationship with the lodge and consequently the other, more distant properties in the Barnett Hill Estate. The appeal property is therefore not of historic significance in this regard. The Council do not identify the building as a non designated heritage asset and, for the reasons set out above, I agree with this.

13. The proposed development would provide a use for an interesting and disused building. However, the evidence regarding alternative uses for the site is limited and I am not satisfied that the proposed development is the only way that this building could be retained and maintained. This would therefore be only a minor benefit of the proposed development.
14. Limited changes are proposed to the building, along with fencing and amenity area. Whilst this would not result in harm to the character and appearance of the area The proposed residential use would not enhance the immediate setting. the lack of harm in this regard would be a neutral factor.

Planning Balance

15. The Council cannot demonstrate a 4 or 5 year housing land supply. It is stated that there is a 3.5 year supply of deliverable housing sites. Therefore paragraph 11(d) of the National Planning Policy Framework (2023) (Framework) is engaged which requires that planning permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies within the Framework taken as a whole. Therefore, the policies that are the most important for the determination of the application are deemed to be out of date and this does not conflict with the findings of the Inspector in the appeal at Land West of and Opposite Old Compton Lane¹. However, this does not mean they do not apply and overall, the proposal conflicts with the development plan as a whole.
16. The proposed development would reuse and maintain an existing building to provide a single new dwelling along with the social and economic benefits associated with this. This would support the government's target to significantly boost the supply of homes. Taking into account the scale of the development, these would be important but modest benefits.
17. On the other hand, the proposed development would result on reliance on the private car and would not enhance and maintain the vitality of this rural community. As such it would not promote sustainable transport modes, and this harm would be significant.
18. These significant adverse effects would therefore significantly and demonstrably outweigh the modest benefits set out above. Therefore, the presumption in favour of sustainable development would not apply in this case.

¹ APP/R3650/W/22/3311941

Conclusion

19. The proposal would not accord with the development plan and there are no other considerations including the Framework to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR