

Appeal Decisions

Hearing Held on 19 November and 29 November 2024

Site visit made on 19 November 2024

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2024

Appeal A Ref: APP/R3650/W/24/3347221

Land North of Cranleigh Road, Ewhurst, GU1 3JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant hybrid (full and outline) planning permission.
 - The appeal is made by Ewhurst Sunnybrook Ltd against the decision of Waverley Borough Council.
 - The application Ref WA/2024/00268 is dated 5 February 2024.
 - The development proposed is described as '*hybrid application - outline planning permission seeking the development of 5 self-build dwellings, associated landscaping and drainage infrastructure. Full planning permission for access road*'.
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Appeal B Ref: APP/R3650/W/24/3347223

Land North of Cranleigh Road, Ewhurst, GU1 3JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ewhurst Sunnybrook Ltd against the decision of Waverley Borough Council.
 - The application Ref WA/2023/01924 is dated 8 August 2023.
 - The development proposed is described as '*outline planning permission with all matters reserved other than access and access road for the erection of 6 self-build dwellings together with landscaping and new drainage infrastructure*'.
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Decisions

1. Appeal A is dismissed and Appeal B is dismissed.

Procedural Matters

2. As set out above there are two appeals on this site. They differ in substance only in terms of the quantum of development by a single dwelling. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
3. The planning application which led to Appeal A was a hybrid, with full planning permission sought for the access road, and the development otherwise in outline with all matters reserved. I assessed Appeal A as such, treating the plans on an illustrative basis, aside from where they relate to the access.
4. Similarly, the scheme subject to Appeal B was submitted in outline with all matters apart from the access reserved. I assessed Appeal B on that basis, treating the plans as illustrative aside from where they relate to the access.
5. During the hearing the appellant submitted two completed unliteral undertakings. The undertakings would secure the self-build status of each scheme.

Main Issues

6. The main issues are:

- whether or not the site would be suitable for the proposed developments, having regard to the development plan's spatial strategy for the supply of housing, with reference to the character and appearance of the area; and,
- the effect of the proposed developments on the setting of the Grade II listed building 'Combined Dining Hall and Kitchen at Sayers Croft' (the Dining Hall).

Reasons

Suitability of the site

7. The site is a field in the countryside at the southwest edge of Ewhurst. A public right of way (PROW) crosses the east side of the site, connecting Cranleigh Road to the south with the village centre to the northeast. The proposed access would take the route of the PROW, passing through a row of housing lining Cranleigh Road. Immediately to the north is the Sayers Croft Outdoor Learning Centre, offering children educational and recreational day trips and residentials.
8. Policy SP2 of the Local Plan Part 1 (adopted 2018) (the LPP1) sets out the spatial strategy for the delivery of growth in Waverley Borough. It states that limited growth can be allowed around villages such as Ewhurst, recognising that such villages that are not within the Surrey Hills Area of Outstanding Natural Beauty¹ (the AONB) or Green Belt offer more scope for growth. Policy ALH1 of the LPP1 goes on to allocate a minimum quantum for housing in each parish area, which if met does not place a cap on further housing growth.
9. Policy RE1 of the LPP1 sets out that within the countryside beyond the Green Belt, the intrinsic character and beauty of the countryside will be recognised and safeguarded in accordance with the National Planning Policy Framework (the Framework). The site is a simple field largely enclosed by housing and trees. The PROW takes one through Ewhurst and so has a suburban character along its length, and there is minimal perception of the site from Cranleigh Road. Given such, there is little intrinsic character or beauty within the site to warrant its protection from development under the terms of Policy RE1.
10. The local community made the Ewhurst and Ellens Green Neighbourhood Plan 2019-2032 (the NP) in 2022. Its Policy EEG1 states that, subject to the other policies of the NP plan, proposals for community-led housing projects including self-build and co-operative housing will be supported. At the hearing the interpretation of this policy wording was discussed. In my view, for this wording to have any real purpose, it can only logically be read to place a requirement that schemes for self-build housing are community led. As the proposals would not be community led, they would conflict with Policy EEG1.
11. However, in 2023 and subsequent to the making of the NP, the Council adopted its Local Plan Part 2 (LPP2). It contains Policy DP36 which is a bespoke policy for the delivery of self-build schemes across the plan area. For smaller schemes, it states that the Council will support self-build housing where those developments are appropriate to the scale, design and character of the local community. The use of the word 'community' led to discussion during the

¹ AONBs rebranded National Landscapes in 2023, but still referred to as AONBs for the purposes of planning policy.

hearing that it carries forward Policy EEG1's requirement for proposals to be community led. My interpretation, however, is that its requirements relate solely to the more typical spatial matters of scale, design and character.

12. Section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that if a policy in a development plan is at conflict with another, the conflict must be resolved in favour of the policy which is in the later document to be added to the plan. The Framework also states that once a neighbourhood plan has been made, its policies take precedence over existing non-strategic policies in a local plan where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently. As the making of the NP predates the adoption of the LPP2, Policy DM36 must take precedence here.
13. That position is justified by the now pressing need for self-build development in Waverley. The supply of self-build plots is not meeting demand, which currently stands at 97 on the Council's self-build register. The number on the register has not dipped below 90 since its creation and I understand that 40 plots have been permitted to date. This means that the Council has failed each year in its duties under the Act² to give enough permissions to meet demand. It follows that the schemes will accord with the spatial strategy of the development plan if they are appropriate with respect to scale, design and character.
14. The housing on Cranleigh Road and in the wider area comprises a mixture of types and styles, finished in a variety of materials, although brick walls and tile roofs are a unifying feature. This is a built environment which lends itself to the controlled individuality of detached self-build housing delivered through a series of reserved matters applications. The illustrative drawings submitted with the schemes show low density housing that would reflect the surrounding residential built form. In principle, therefore, the proposals could achieve development which respects the scale, design and character of this community.
15. I thus conclude on this issue that the site would be suitable for the proposed developments having regard to the development plan's spatial strategy for the supply of housing, with reference to the character and appearance of the area. In this respect, whilst there would be conflict with Policy EEG1 of the NP, the proposals would accord with the relevant objectives of Policies SP2, ALH1, RE1 and TD1 of the LPP1, and Policies DM1, DM4, DM15 and DM36 of the LPP2.

Dining Hall and Kitchen

16. The Dining Hall was completed in 1940 to the design of architect T.S Tait. It sits at the functional heart of Sayers Croft. The camp was part of a government scheme created before the outbreak of the Second World War to protect vulnerable civilians. The idea was that children be moved to camps purpose built around targeted cities. After the war it was intended for the camps to continue to be used to provide education in a rural setting for city children, as part of longer-term social strategy to deal with the effects of urban poverty. This is echoed by the current use; over 20,000 children visit the site annually.
17. In terms of the listed building itself, its significance derives from this narrative but also the multifunctionality of its innovative design and the pre-eminence of Tait as its designer. Of particular interest are two murals, on the opposite

² Self-build and Custom Housebuilding Act 2015

chimney breasts of the building, created and executed by the children in 1940 and showing activities at the camp in Summer and Winter respectively.

18. Beyond that, the significance of the Dining Hall primarily comes from its connection to the other camp buildings and structures at Sayers Croft. The camp was and is designed to be self-reliant and functional, and to an extent has an introverted feel. Nonetheless, given the *raison d'être* of the camp, it stands to reason that the significance of the Dining Hall also extends beyond the camp perimeter into the Dining Hall's wider rural setting. This is corroborated by the murals themselves. One only has to appreciate the activities they document, football and cricket for instance, to understand how the children would have made use of and taken fulfilment from the surrounding countryside.
19. Despite their proximity, the Dining Hall is separated from the site by a band of trees and a camp building. Whilst no functional link is documented between the site and the listed building, the PROW was extant as a footpath in 1940. The PROW does not enter the camp but is easily reachable. It would be, in my view, quite dubious to conclude that the footpath would not have been historically walked by users of the Dining Hall, and that users would not therefore have been aware of the appeal site as a component of the listed building's rural setting.
20. In any event, the footpath is accessible from near the entrance to the camp, at which point the appeal site is also experienced in filtered views in combination with the Dining Hall. Evidence before me indicates that this is the longstanding point of arrival to the camp, with the Dining Hall likely to have been the first and most prominent camp structure to greet guests. Given such, the site, due to its open and verdant appearance, and the separation it provides to the housing along Cranleigh Road, makes a modest but positive contribution to the rural setting and therefore the significance of the listed building.
21. The schemes would cause considerable loss of verdant character and openness, bringing the urban form of Ewhurst further into the Dining Hall's remaining undeveloped setting. Even with landscaping and open space employed, the profile of the dwellings would likely be appreciable on the point of arrival at Sayers Croft. Whilst the appeal site once had a number of what appear to have been agricultural structures in situ, they are not there now, nor where they were during the Dining Room's heyday through the Second World War.
22. Ultimately, creation of the Dining Hall was motivated by a long-term desire to swap children's experiences of urban poverty for something more akin to a rural idyll. The Dining Hall is a leading example of a rare building. Its current purpose maintains its educational ethos. An undeveloped, rural setting was important to the character and purpose of the Dining Hall then, and it is important to it now. The further, perceptible encroachment of urban form towards the Dining Hall, in the location and in the manner proposed, would result in a harmful change in the general character of the Dining Room's rural setting, prejudicing this aspect of its significance. The setting of the listed building would not be preserved.

Public Benefits Balance

23. The harm to the significance of the Dining Hall would be less than substantial in the parlance of the Framework. Given the hierarchy of the Dining Hall's setting, with the surrounding campsite the most important element, followed by the wider countryside, I acknowledge that this would be at the lower end of a sliding scale of less than substantial harm.

24. Even so, the Framework states that great weight should be given to the conservation of designated heritage assets. Paragraph 208 requires decision makers to weigh any less than substantial harm against the public benefits of a scheme. Here, that balancing exercise must take place in the context of s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which sets a strong presumption against a grant of permission for development that would cause harm to the setting of a listed building.
25. It is common ground that the Council cannot demonstrate a five-year supply of deliverable housing sites and that the current supply is 3.5 years at best. The LPP1 is older than five years and I understand that the new Waverley Local Plan is not scheduled for Regulation 18 stage until 2025. It seems to me therefore that a plan led solution to this issue is some way off. With changes to national policy also in the offing, and as the new plan will adopt the standard method, there is the potential for calculated need to increase further.
26. The planning system equally has a critical role to play in ensuring there is enough land to meet the demand for self-build. I am also mindful that Waverley's general housing supply is constrained by the extent of AONB and Green Belt within the area, and that the appeal site is unencumbered in these respects. The site is also not within the influence of a Special Protection Area.
27. Within this context, the provision five or six self-build plots in an adequately accessible location attracts significant weight in favour of each scheme. There would be modest economic benefits during construction, and after that through the increased use of local services and facilities. There would be an upgrade to a small section of the PROW, and biodiversity enhancements could be delivered through the planting of additional linear habitat.
28. However, the benefits of self-build would be limited to the first occupier, whereas the harm to the significance of the listed building, an irreplaceable resource, would be permanent. Whilst small windfall sites make a valuable contribution to housing supply, as outline permissions with individual plots, there is little guarantee that the proposed developments would be built out quickly. The overall public benefits of the schemes individually do not overcome the great weight I attribute to the harm that would arise to the Dining Hall.

Conclusion on Main Issue

29. Accordingly, I conclude that the proposed developments would have an unacceptable effect on the setting of the Dining Hall. They would conflict with the heritage aims of Policy HA1 of the LPP1, Policy DM20 of the LPP2, Policy EEG5 of the NP and the Framework.

Other Matters

30. I am mindful of the two previous appeal decisions at the appeal site. However, I have made my own assessment, based on the evidence before me and the specific developments proposed.

Planning Balance and Conclusion

31. Given the harm that would arise to the setting of the Dining Hall, the proposed developments would conflict with the development plan when read as a whole.

32. Paragraph 11 d) of the Framework states, amongst other things, that where a Council cannot demonstrate a five-year supply of deliverable housing sites, permission should be granted unless the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development proposed. In this case, the harm to the significance of the Dining Hall does that in respect to both appeals, and Paragraph 11 d) ii) is not engaged.
33. The other considerations before me, including the aforementioned public benefits of both proposals, do not indicate that I should make my decisions other than in accordance with the development plan.
34. For the reasons set out above, and taking all other matters raised into account, I conclude that the appeals should be dismissed.

Matthew Jones
INSPECTOR

APPEARANCES

FOR THE APPELLANT

Charles Collins BSc MSc MRTPI	Director, Savills
Dr Jonathan Edis BA MA PhD MCIfA IHBC	Director, HCUK
Patrick Graham BArch Dip Arch RIBA	Director, OSP
Laura Eacott BA MSc MRTPI	Senior Planner, Savills
Wayne Gold	Appellant
Scott Collier	Appellant
Duncan Powell	Appellant

FOR THE LOCAL PLANNING AUTHORITY

William Allwood MRTPI	Development Lead
Omar Sharif MRTPI	Senior Planning Officer

INTERESTED PARTIES

Cllr Michael Higgins	Waverley Borough Council
Cllr James Bloomfield	Ewhurst & Ellens Green Parish Council
Oliver Lawson	Resident
Hazel Jones	Resident
Barry Jones	Resident

DOCUMENTS SUBMITTED DURING THE HEARING

- 1) Blue Cottage Title Deeds
- 2) Draft Unilateral Undertakings
- 3) Completed Unilateral Undertakings
- 4) Associated covering letter
- 5) Mr Lawson's response to undertakings and covering letter
- 6) Photograph of Blue Cottage garden