
Appeal Decision

Site visit made on 14 January 2025

by **V Goldberg BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 February 2025

Appeal Ref: APP/R3650/W/24/3352883

Cricket Pavilion, Blackheath Lane, Wonersh, Guildford, Surrey 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/2024/00558.
 - The development proposed is the change of use and alterations to former pavilion to provide a short-term holiday let.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The second reason for refusal is no longer pursued by the Council following the submission of the appellant's grounds of appeal.

Main Issues

3. The main issues are:
 - whether the proposal would be a suitable location for a short-term holiday let, having regard to the Council's spatial strategy and the provisions of the National Planning Policy Framework (the Framework); and
 - the effect of the proposal on dark skies and wildlife with regard to light pollution.

Reasons

Location

4. The site is located beyond any settlement boundary and is therefore within a rural area as defined in the Waverley Borough Local Plan Part Two: Site Allocations and Development Management Policies¹ (WBLPPT). Policy DM15 of the WBLPPT refers to development in rural areas and specifies that development should not be isolated from everyday services and facilities, while maximising opportunities for walking and cycling and seeking to avoid dependency on private vehicles.
5. The site is approximately 0.8 miles from the settlement of Wonersh which provides a pub, village store (incorporating café and post office) and pharmacy. Whilst this could be a 15-minute walk, Blackheath Lane which forms part of the route is a

¹ Adopted in March 2023

narrow, unlit, single track, national speed limit road with steep sides and no footpath. The route improves when Blackheath Lane joins Barnet Lane, but Wonerh cannot be accessed by pedestrians without using Blackheath Lane. The route would therefore be dangerous for pedestrians and cyclists given that vehicles would be travelling up to 60mph along the narrow lane in close proximity to pedestrians and cyclists. As a result, future occupiers of the site would be dependant on the use of a private vehicle to access everyday services and facilities. Whilst Barnet Hill Hotel which provides a restaurant and spa facility is a safe two-minute walk from the appeal site, occupiers would still need to access Wonerh for everyday services and facilities.

6. Reference is made to the route to Wonerh being used by recreational cyclists and it being accessible by footpaths 305 and 306. However, there is no evidence before me that the route is a recognised recreational cycle route, and footpath 305 passes over the highest part of Barnett Hill and down the other side. Footpath 306 intersects with path 305, these are recreational walking routes rather than accessible routes providing access to everyday services. They would not be suitable for pedestrians/cyclists to access everyday services and facilities, whom if using these routes may need to carry bags/items over a hill or in close proximity to fast moving vehicles.
7. Whilst Chilworth and Shalford Railway Station are both less than two miles from the appeal site and Guildford is even further, access to these stations remains dependant on using Black Heath Lane for part of the journey. In addition, the bus service accessed adjacent to the site operates only once a day 3-4 days a week, this service could not be relied on by future occupiers given its infrequent service. In addition, the Hoppa bus that provides a Dial a Ride is open only to registered members, therefore this would not be an option to all guests. Whilst sustainable modes of transport could be accommodated within the site i.e. electric vehicle charging points and cycle storage, charging points would be contrary to the aim of Policy DM15 to avoid dependency on private vehicles, and the routes identified for cyclists are not considered suitable as addressed above.
8. The appellant refers to the supporting text to Policy DM15 at paragraph 3.37 but this refers to dwellings for rural workers, and as such this commentary does not relate to the appeal scheme.
9. It is noted that the building was previously a recreational sports pavilion that would have been accessed via Blackheath Lane by vehicles. However, the proposal would not necessarily result in a reduction in vehicular movements, and this has not been demonstrated with sufficient evidence. The building is small, and any former recreational use would have been limited, in addition the evidence suggests it has been vacant for a significant period of time.
10. For the reasons above, the location of the proposal is not considered suitable for a short-term holiday let, having regard to the Council's spatial strategy and the provisions of the Framework. It would therefore be contrary to policies SP1, SP2 and ST1 of the Waverley Borough Local Plan Part One: Strategic Policies and Sites² (WBLPPO) and policies DM9 and DM15 of the WBLPPT. These policies amongst other things require a presumption in favour of sustainable development, development to be focussed at the four main settlements and not isolated from

² Adopted in February 2018

everyday services and facilities. They also aim for development to maximise opportunities for walking and cycling, avoid dependency on private vehicles and not endanger the safety of road users including pedestrians and cyclists.

Dark Skies

11. Policy DM1 of the WBLPPT requires development to avoid negative impacts of light pollution from artificial sources on local amenity, intrinsically dark landscapes and nature conservation.
12. The Council considers that the proposed roof light would result in light pollution that would be harmful to dark skies and nocturnal wildlife. Given that the rooflight is small and would serve a bedroom, any lights within the room would be turned off at night. As such this would limit the amount of light pollution arising from the rooflight. Whilst there may be some potential for light pollution, it has not been demonstrated with sufficient evidence that if this did occur that it would be harmful to dark skies and nocturnal wildlife.
13. For the reasons above, the proposal would not unacceptably affect dark skies or wildlife with regard to light pollution. It would therefore be compliant with policy NE1 of the WBLPPO and policy DM1 of the WBLPPT. These policies seek to conserve and enhance biodiversity within Waverley and avoid negative impacts of light pollution from artificial sources on local amenity, intrinsically dark landscapes and nature conservation.

Other Matters

14. Whilst the building is vacant with an existing water and electricity supply and there are no proposed changes to its scale, this would not justify its use as a short term let when the location is unsuitable. With reference to the building deteriorating over time, it has not been demonstrated that the proposed use would be the only way to maintain the building.
15. The appellant has suggested that the holiday let could encourage guests to use sustainable transport to arrive by offering a discounted rate and incorporating sustainable transport options as part of the facility. However, this would be optional and given occupiers will need to carry luggage upon arrival and departure, it is not unreasonable to conclude that arrival by private vehicle would be preferred.

Planning Balance and Conclusion

16. The location of the proposal is not suitable for a short-term holiday let, having regard to the Council's spatial strategy and the provisions of the Framework. Substantial weight is afforded to this conflict.
17. In terms of benefits, the scheme would provide new visitor accommodation in the borough. In addition, reference is made to the scheme allowing environmental enhancements to the building to make it more sustainable and environmentally beneficial. However, these benefits have not been sufficiently detailed. These factors combined therefore attract limited weight.
18. Whilst the proposed development would not unacceptably affect dark skies or wildlife with regard to light pollution, the harm identified above brings the scheme into conflict with the development plan taken as a whole.

19. Given that a short-term holiday let has the same use class as a residential property, the proposal would deliver one additional dwelling in the Borough. This would make a modest but useful contribution as indicated by paragraph 73 of the Framework, particularly given that the Council concedes it is unable to demonstrate a five-year supply of deliverable housing sites. The Council has confirmed that it currently has a 2.8-year housing land supply. Whilst small sites can make an important contribution to meeting the housing requirements of an area, due to the small scale of the development, and the proposed use this benefit would be moderate.
20. Paragraph 11(d) of the Framework is a relevant consideration as a result of the Council's housing supply and delivery issues. It indicates that in the circumstances of this case permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
21. Taking all of the above into account, the harm identified in relation to the location of the proposal, significantly and demonstrably outweighs the benefits when assessed against the policies in the Framework taken as a whole. Consequently, the Framework does not indicate in favour of the proposal. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
22. For the reasons given above the appeal is dismissed.

V Goldberg

INSPECTOR