



Appeal Decision

Site visit made on 30 April 2025

by Mr D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 MAY 2025

Appeal Ref: APP/R3650/D/24/3356309

The Calving Parlour, Tigbourne Farm, New Road, Wormley, Godalming, Surrey GU8 5TT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr Jason Dealey against the decision of Waverley Borough Council.
 - The application Ref is WA/2024/01622.
 - The development proposed is Installation of 19 Solar Panels on south facing roof to rear of property.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant advocates the panels are permitted development (PD)¹. However, within the context of an appeal under section 78 of the Act it is not within my remit to formally determine whether a proposed development requires express permission. If the appellant wishes to ascertain whether or not the development would be lawful, they may make an application under section 192 of the Act. I have however, considered the evidence as to whether an express permission is required so far as it is material to this appeal.

Main Issues

3. The main issues are the effect of the proposal upon:
 - the setting and significance of Grade II Listed Buildings;
 - the character and appearance of the host dwelling and the area; and,
 - protected species.

Reasons

Listed buildings

4. The appeal site is a converted former agricultural building within the setting of three Grade II Listed Buildings, being Tigbourne Farmhouse (herein the Farmhouse), Barn and Stable approximately 2m East of Tigbourne Farmhouse (herein the East Barn) and Barn approximately 5m North East of Tigbourne Farmhouse (herein the Northeast Barn). Section 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCAA) requires special regard

¹ With reference to Statutory Instrument 2023 No. 1279 amending the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended).

is had to the desirability of preserving the setting of a listed building or any features of special architectural or historic interest it possesses.

5. The Farmhouse is originally 15th century with 16th, 17th and 19th century additions. It is a timber frame building characteristic of the 15th century with sandstone plinth and brick infilling, exhibiting a range of historic internal and external features, and is a rare and early example of a sans purlin structure. Its special architectural and historic interest and its significance, derives from its strong historic and evidential values of its construction, forms, techniques, construction, craftsmanship, its evolution and its illustration of changes in domestic life.
6. The East Barn is late 16th/17th century, extended in the 19th, restored in the 20th. It is a timber framed L-shaped plan weatherboard building on a sandstone and brick plinth, under a plain tiled half-hipped roof. The Northeast Barn is 17th century, altered in the 18th and 19th centuries, restored in the 20th. It is timber framed on a sandstone rubble plinth with a plain tiled roof in catslide to right half. Though now converted, their special architectural and historic interest are from their construction techniques, strong aesthetic values, and reflection of early farming practices. The three buildings and the rearward curtilage listed Granary together, form part of a historic farmstead reflective of the historic rural origins of the site.
7. The Listed Buildings settings include gardens, the wider yard, former agricultural buildings including the appeal site dwelling, and the surrounding landscape. Their setting contributes to their significance as the historic rural landscape and built environment within which the buildings were and are experienced, and associated with, reflective of their rural historic functions. The appeal site is part of a weatherboard plain tiled former agricultural building viewed as being closely related to the Listed Buildings. Notwithstanding its modernisation, the appeal site building retains a strong element of its rural agricultural origins in its appearance and has a strong unity with the listed buildings. Its position and form, makes quite a strong positive contribution to the setting and significance of the listed buildings.
8. The proposed panels would cover much of and sit proud of the south facing roof, of a colour and appearance in contrast with it. While weathering of the tiles will continue, the panels would still appear as quite a modern, incongruous, dominant and somewhat distracting feature. They could be conditioned to be temporary and to ensure roof restoration. However, they would detract from the historic and agricultural appearance of the host building, and the way in which the listed buildings are currently experienced as part of a historic farmyard assemblage.
9. The proposal would, therefore, have an adverse effect upon the setting and significance of the Listed Buildings. The panels would not be visible from the yard and there is no public access to land adjacent and seems to be no medium to long distance views. However, Listed Buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of buildings can be gained. The harm would still be visible from residential gardens in varying perspectives to the south, east and west, and in some quite wide-ranging views from the immediate landscape to the south, east and west.
10. The harm would be low, less than substantial harm to setting and significance. Nevertheless, it would neither preserve or enhance their settings in conflict with the aims of section 66 of the LBCAA. It would also conflict with Policy HA1 of the Local Plan Part 1 (2018) (the LPP1) and Policy DM20a) of the Local Plan Part 2

(2023) (the LPP2), insofar as these seek to ensure the significance of heritage assets, including listed buildings, are conserved or enhanced.

Character and appearance

11. The character and appearance of the area can be characterised as including the grouping of historic and converted agricultural buildings, within a wider open rural landscape of fields, hedgerows and tree cover. The built development is typified by some variety of domestic buildings with agricultural origins apparent in their restoration, with traditional forms, materials, and a historic farmstead appearance.
12. The weatherboarded plain tile roofed dwelling is still quite a traditional, simply designed attractive dwelling that retains a unity and coherence with surrounding buildings by virtue of its materials and forms including the simplicity of its plain tile roof. It is in keeping with and makes a positive contribution to the character and appearance of the area, including the Surrey Hills National Landscape (the NL).
13. While of a matt finish and coloured similar to the weatherboard, the panels would still appear at odds with the historic appearance, materials and pallet of the roof, and most within their immediate visual context. Their appearance, coverage, position, being proud of the roofline would be a modern, incongruous feature out of keeping with and harmful to the character and appearance of the host building and the area including the NL. This would be visible from some surrounding residential gardens and some views from the landscape to the south, east and west.
14. For the reasons set out above the proposal would be harmful to the character and appearance of the host building and the area. This would conflict with Policies TD1 and RE3 of the LPP1 and Policy DM4 of the LPP2. Amongst other things, these require development should protect and enhance the character and qualities of an area, respond to the distinctive local character, including the local and historic context. It would also conflict with the advice in the Residential Extensions Supplementary Planning Document (2010) insofar as this suggests that alterations to a roof should be designed to complement the host building.
15. As Policy DM1 of the LPP2 in the Council's second reason for refusal primarily relates to the environmental implications of a development, it is less relevant to this main issue than the policies above. Therefore, I have not concluded against it.

Protected species

16. Paragraph 99 of Circular 06/2005 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed. It should only be left to planning conditions in exceptional circumstances. However, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of them being present and affected by the development.
17. The Council's delegated report indicates the subject roof comprises a pre-1960 building, and it appeared to be within 200m of woodland, which while not initially ticked on the checklist, the appellant does not subsequently dispute. On this basis, the Council's checklist² requires potential impacts upon bats and roosts are considered. I could see, there were a few raised clay tiles and gaps that might

² Waverley Borough Council Biodiversity and Ecology Checklist.

permit bat use, and it is unclear the extent to which any original fabric has been retained under the tiles and whether there are any suitable cavity areas.

18. Given the potential bat habitat in proximity to the roof, and the nature of the roof, it appears there is a reasonable likelihood of protected species being present, but there is no detailed assessment before me. The details of the installation appear to suggest it would not be particularly intrusive and would not require work within the loft space. However, I have little certainty as to how any disturbance from operations such as fixing panels to the roof could affect bats were they present, and therefore, if necessary, that any effects could be appropriately mitigated.
19. There are no exceptional circumstances advanced. While I note projects under PD may not require a survey, there are still statutory obligations for a developer to fulfil to prevent offences with reference to protected species. I note the other applications for which it is implied no additional surveys were required. However, I have no further details of them. These matters do not mitigate or outweigh the potential harm to protected species, which attracts significant weight.
20. Therefore, for the reasons set out, I cannot be certain the proposal would not result in harm to protected species. This conflicts with the aims of Policy NE1 of the LPP1, which seeks that development ensures any adverse impacts upon biodiversity are avoided or mitigated. It would also conflict with the aims of paragraph 187 of the National Planning Policy Framework (2024) (the Framework) insofar as this expects decisions to minimise any impacts upon biodiversity.

Heritage and Planning Balance

21. The proposal would result in less than substantial harm to the setting and significance Grade II listed buildings. Framework paragraph 202 highlights designated heritage assets are an irreplaceable resource. Paragraph 215 states where a development would lead to less than substantial harm to the significance of a designated heritage asset, it should be weighed against the public benefits. Paragraph 212 states that great weight should be given to an asset's conservation. Less than substantial harm should not be equated with a less than substantial planning objection.
22. The panels gain support from policies including CC1 and CC2 of the LPP1, Policy DM2 of the LPP2, and the Council's SPD³. Amongst other things, these promote sustainable development, the importance of sustainable design, mitigating climate change, reducing greenhouse gas emissions, and supporting renewables. Framework paragraphs including 161, 163, 164, 167 and 168 have similar objectives. They also advise authorities should give significant weight to the need to support to low carbon and renewable energy, the benefits of renewable generation, and the value of small-scale projects in contributing towards a net zero future by 2050, as mandated by the Climate Change Act 2008 (as amended).
23. The development would annually generate approximately 8,252 kWh of electricity, which appears to be well above that consumed at the appeal site. As well as reducing grid drawn energy, over half generated energy could be exported back into the grid. There would also be some related economic benefits, and during construction. Overall, the public benefits of the order set out, attract significant weight in favour of the appeal scheme.

³ Waverley Borough Council Climate Change and Sustainability Supplementary Planning Document (2022).

24. However, when giving great importance and weight to the special regard I must have to the desirability of preserving the setting and significance of Listed Buildings, the harm that would arise from the appeal scheme would not be outweighed by its public benefits. Accordingly, there would be a conflict with paragraph 213 of the Framework and Policy DM20 of the LPP2 as the harm to designated heritage assets is not outweighed by the public benefits, so it would not have a clear and convincing justification as required by paragraph 213. The harm attracts great weight.
25. The NL management body's position statement is that retrofit solar panels will normally be acceptable, so long as they do not adversely affect the setting of listed buildings. That the management board did not write to object to the application is noted. However, whether or not the landscape and scenic beauty of the NL is conserved, enhanced or furthered, is a judgement for the decision maker. Notwithstanding the benefits of the scheme, the degree of harm to the setting of listed buildings and local character and appearance, means, as a whole, the scheme would have an overall adverse effect upon NL purposes.
26. I am informed there is not a specific planning condition withdrawing PD⁴ rights for solar panels, so it is possible the appellant could erect an array of panels were this appeal to fail. However, I am not provided with the original or subsequent schedules of planning conditions, or a formal analysis demonstrating this would meet all relevant conditions and limitations of the GPDO⁵. It is also unclear for example, if there are other conditions attached to the permissions, that have on-going (e.g. retention) requirements that may prevent such development. Therefore, it is not demonstrated there is a fall-back position available to the appellant. I attribute this matter moderate weight.
27. The policy compliance, benefits and matters advanced in favour of the scheme attract significant weight overall. However, the proposal would result in harmful effects to the setting and significance of Grade II Listed Buildings, which attracts great weight. It would also be harmful to the character and appearance of the host dwelling and the area, and I also cannot be certain it would not result in harm to protected species, which attract significant weight against the appeal scheme. Overall the harm from the appeal scheme, significantly outweighs the benefits of it.

Conclusion

28. For the reasons set out above, the proposal is contrary to the development plan read as a whole, the Framework read as a whole, and section 66 of the LBCAA. There are no material considerations advanced that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed.

Mr D Szymanski

INSPECTOR

⁴ Refs. WA/2016/1629 and WA/2023/01466.

⁵ The Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended).