



Appeal Decisions

Site visit made on 29 April 2025

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 MAY 2025

Appeal A Ref: APP/R3650/W/24/3352136

Land Centred Coordinates 500833 137030, Between Chennels Cottage & 1 Burdocks, The Green, Dunsfold, Godalming GU8 4NB

- 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 JAM Pension Plan against the decision of Waverley Borough Council.
 - The application Ref is WA/2024/00147.
 - The development proposed is 'the use of, and upgrade of an existing access in connection with the approved development reference WA/2021/03081 Appeal Approval APP/R3650/W/22/3300262'.
-

Appeal B Ref: APP/R3650/W/25/3360137

Land Centred Coordinates 500833 137030, Between Chennels Cottage & 1 Burdocks, The Green, Dunsfold, Godalming GU8 4NB

- 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 Jam Pension Plan against the decision of Waverley Borough Council.
 - The application Ref is WA/2024/01794.
 - The development proposed is 'the use of, and upgrade of an existing access in connection with the approved development reference WA/2021/03081 Appeal Approval APP/R3650/W/22/3300262'.
-

Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. Appeals A and B both propose the use and upgrade of an access to a parcel of land to the rear of the appeals site where planning permission has previously been granted on appeal for 'erection of five self-build/custom build dwellings with associated works'¹ ('the Permission Scheme'). The appellant refers to the proposals as providing an alternative access point to the one which was approved as part of the Permission Scheme.
4. The appeals each propose comparable development but differ in that the planning application subject of the Appeal B scheme was accompanied by additional supporting information that was not part of the Appeal A application, including a letter from Asset Heritage Consulting dated 9 September 2024 ('the Heritage

¹ Application ref WA/2021/03081

Letter') and a Technical Note: Ecology by AAe Environmental Limited dated August 2024 ('The August Ecology Note').

5. However, the Heritage Letter and the August Ecology Note were subsequently provided as part of the Appeal A submission. The Council was afforded an opportunity to comment on the evidence as part of the appeal process, and the same Heritage Letter and the August Ecology Note were in any event also before the Council and interested parties to consider as part of the Appeal B planning application. A further Technical Note: Ecology Statement by AAe Environmental Limited dated November 2024 ('the November Ecology Note') was submitted with the appellant's final comments on Appeal A, but this was also part of the initial Appeal B submission which the Council had an opportunity to comment on.
6. The Heritage Letter and Ecology Notes do not amend the development proposed in either appeal, and in view of the circumstances noted above, I am satisfied that my consideration of the additional information would not cause unlawful procedural unfairness to any party. I have therefore taken it into account in my assessment of the proposals.
7. I have considered each proposal on its individual merits but given the above and the consequent similarities between the two appeals, I have dealt with the schemes together except if otherwise indicated.

Main Issues

8. The main issues in both appeal A and Appeal B are:
 - i) the effect of the proposal on the character and appearance of the area and local landscape;
 - ii) the effect of the proposal on the setting and significance of the Grade II listed building 'Chennells and Cottage Adjoining'; and
 - iii) the effect of the proposal on protected species.

Reasons

Character and Appearance

9. Dunsfold includes two main clusters of development which are focused around an extensive area of common land. Most development to the northern cluster is to the northwest side of The Green. However, the appeals site is to the southeastern side of the road, within countryside outside of the defined settlement boundary, where the few buildings present are generally well-spaced and form a very loose ribbon interspersed with fields and parcels of woodland. Together with the common land which runs along the roadside to the front of buildings and the dense vegetation which in many cases marks boundaries and affords screening, this provides for a spacious and informal quality and a distinctly rural character to the countryside here. These factors also add to the generally secluded and pastoral quality of the wider area which is part of a designated Area of Great Landscape Value ('AGLV').
10. The appeals site includes part of the common between The Green and a field gate on the boundary of the Permission Site, close to the driveway of Chennells Cottage. At the time of my visit, the majority of the site comprised mown grass with taller vegetation and shrubbery to the part furthest from the neighbouring driveway.

11. The appellant asserts that the access on the site was formerly laid with a hard surface and has provided a statutory declaration from a former owner of the Permission Scheme site referring to a stone surface before and during the period of their ownership (said to be between 1976 and 2010). However, a number of interested parties have provided contrary statements disputing that hard surfacing was present during this period. Furthermore, photographs submitted by the appellant of the site with the surface scraped back appear to me to show what could be some limited fragments of hardcore material, but they do not clearly show a consistent underlying hard stone surface as referenced in the former owner's declaration. Taken together, these factors raise some doubt in my mind in respect of whether comprehensive hard surfacing was previously present and its nature.
12. In any event, no hard surfaced access is currently apparent. Moreover, other accesses along this side of The Green are generally narrow features serving individual properties, separated by comparatively wide sections of common land. Even if I were to accept that the access on the appeals site was historically surfaced as the appellant claims, there is no firm detail to indicate that this was anything more than a narrow field access. Nor that surfacing extended up to the driveway of Chennels Cottage. In addition, hard stone or hardcore which is variously suggested by the appellant as the former surfacing material would have a somewhat informal, unassuming quality.
13. Access here would further be appreciated in its context as a track serving a paddock enclosed by mature vegetation to the boundaries. Irrespective of surfacing, I find given the above factors that the site has an informal, agrarian character in keeping with the surrounding countryside. Although having some visual presence, it forms a relatively inconspicuous feature along the common which does not intrude significantly on the rural character and appearance of the area.
14. The appeals propose a 4.8m wide shared access over the site. This would be wider than the typical accesses that I observed to this side of the Green, and its smooth, tarmac finish would stand out as an urbanising element within the vegetated common land. Moreover, it would be unusually close to the driveway of Chennels Cottage; indeed, the submitted plans indicate that the bellmouths would merge as they joined the highway. There would be some spacing between the accesses further back from the edge of The Green, but this would be slight and would offer negligible scope for a meaningful landscaping buffer sufficient to balance the hard surfacing or provide clear visual separation. As a consequence, the cumulative impression would be of a large expanse of hard surfacing crossing the common, significantly exacerbating the overall visual impact of the development. The result would be a conspicuous and incongruous feature and the unwelcome encroachment of urbanising development to this side of The Green which would notably diminish the rural quality of this part of the countryside.
15. The proposals may utilise an existing access point, but the development would be of clearly different width and nature to the current access and would require some removal of vegetation, albeit vegetation that the appellant characterises as 'poor quality'. The extent of vegetation removed may be less than would be required by the access approved under the Permission Scheme. The appellant also refers to retention of a landscape buffer which would provide a vegetated backdrop to the proposed access and potential for additional planting to augment screening of the Permission Scheme development. However, this is not part of the schemes that are before me in these appeals. The proposed access would be clearly apparent in

public views from The Green, and even with potential provision of landscaping as part of the Permission Scheme development, some perception of its nature and the presence of dwellings on that site would be likely.

16. Furthermore, intervening common land between the access approved under the Permission Scheme and the Chennells Cottage driveway would provide for clear visual distinction and would help to balance the visual impact of hard surfacing. In my assessment, the combination of the uncharacteristic proximity of a formalised access to the driveway to Chennells Cottage and the cumulative extent of hard surfacing that would result under the current appeals would have a greater visual impact than the access approved under the Permission Scheme. This would negate any potential benefit to the rural character and appearance of this part of the common from reducing the total number of access points and removal of vegetation in comparison to the Permission Scheme access.
17. The scale of the development proposed under both appeals is limited and effects would be localised. I also note that the appeal decision for the Permission Scheme did not identify harm specifically in relation to the access. Nevertheless, I find for the reasons above that the Appeal A and Appeal B proposals would each cause harm to the rural character and appearance of the area and local landscape which is designated as an AGLV and would detract from the intrinsic character and beauty of the countryside. Accordingly, there would be conflict with Policies RE1, RE3 and TD1 of the Local Plan Part 1 2018 ('the LPP1') and Policies DM1 and DM4 of the Local Plan Part 2 2023 ('the LPP2'). Together and amongst other things, these policies broadly seek development that responds to and reinforces distinctive local character, that respects and enhances landscape character including in the AGLV and that recognises and safeguards the intrinsic character and beauty of the countryside.

Listed Buildings

18. Chennells Cottage is part of a listed building named as 'Chennells and Cottage Adjoining' on the list entry. I have therefore had special regard to the desirability of preserving the listed building, its setting or any features of special architectural or historic interest which it possesses in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) ('the Act').
19. The listed building is a former farmhouse which dates to the 17th Century, possibly around an earlier core. Although altered and extended, the form and proportions of the historic building remain broadly legible and together with its retained architectural detailing and materials including a partly exposed timber frame, tile hanging and plain tiled roof provide for a distinctive rural vernacular appearance.
20. A historic functional link with the adjacent field parcel comprising the Permission Scheme site may have been eroded by modern interventions. Nevertheless, I agree with comments in the appeal decision for the Permission Scheme that there remains a relatively strong visual link. This parcel, together with the strip of common land along its frontage that the appeals site crosses, contributes a verdant and generally rural quality to this part of the setting of the listed building.
21. Insofar as it relates to these appeals, I find the special interest of the listed building to be primarily associated with its age and its architectural, historic and evidential interest as a traditionally constructed farmhouse. It also draws significance from its remaining rural setting which reflects and provides an understanding of the historic

context to the listed building. As I have found above, the existing access on the appeals site does not intrude significantly on the rural character and appearance of the area and I find that the site makes a positive, albeit limited, contribution to the significance of the listed building as part of its setting.

22. For the reasons I have set out under the first main issue, the proposals would be urbanising and would cause harm to the rural character and appearance of the area. The development would be readily appreciable from The Green and while it would affect only a very small part of the overall setting to the listed building, the erosion of the rural quality of the surroundings would detract from how the building is experienced and understood.
23. In addition, the very close proximity of the development to the driveway of Chennells Cottage with which it would merge at the highway would result in an awkward and visually jarring juxtaposition. Relative to the existing access on the site, the increased width and more formal appearance of the appeals development would also lead to a greater sense of competition that would draw attention from the listed building.
24. I find for these reasons that the proposals would fail to preserve the setting of the listed building 'Chennells and Cottage Adjoining' and would cause harm to its significance.
25. The National Planning Policy Framework ('the Framework') advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that any such harm should have a clear and convincing justification.
26. The proposals would not affect the fabric of the listed building and relate to only a small part of its wider setting. As a consequence, I find that harm to the significance of the listed building would be modest and certainly less than substantial in the terms of the Framework.
27. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, the Framework advises that this harm should be weighed against the public benefits of the proposal.
28. The current appeals relate only to the access from The Green up to the boundary of the Permission Scheme site. Notwithstanding that there is an existing point of access here, I have identified above that the proximity of the proposals to the driveway of Chennells Cottage would be visually jarring and would result in a greater urbanising effect than the access approved under the Permission Scheme. It would also draw attention from the listed building. In my assessment, the proposals would therefore cause greater detriment to the setting and significance of the listed building than the access approved under the Permission Scheme.
29. Accordingly, I cannot agree with the appellant that the proposals would offer a comparative heritage benefit relative to the Permission Scheme access. Furthermore, I have not been provided with compelling evidence that the access proposed on the appeals site would, in itself, deliver any other public benefits.

30. The Permission Scheme appeal decision referred to the five self-build and custom build dwellings as a significant public benefit of that proposal. However, access formed part of the development approved under the Permission Scheme and I note that condition 3 of the permission requires the development to be carried out in accordance with plans including a Parameter Plan which indicates the access position. Condition 4 also requires vehicular access to be constructed and provided with visibility zones in accordance with the submitted Access Visibility Splay plan.
31. While the appellant describes the appeal proposals as an alternative access to that approved through the Permission Scheme, their position would not comply with these requirements. In addition, the Parameter Plan referenced at condition 3 of the Permission Scheme indicates a landscape buffer along the boundary with Chennells Cottage. Given the point at which the appeals development would meet the boundary of the Permission Site, access taken from it would need to run at least partly through this buffer in order to serve development within the wider site. It therefore appears to me that providing access in the position now proposed instead of that currently approved would result in direct conflict with the provisions of the Permission Scheme.
32. I acknowledge significant shortfalls in the provision of self build/custom build dwellings and in the Council's identified supply of deliverable housing which have increased since the time of the Permission Scheme decision. Given the conflicts identified above however, I am unclear how the appeal proposals would realistically enable the delivery of self-build/custom build dwellings that were approved under the Permission Scheme and the evidence before me does not indicate how else the proposals would deliver housing. On that basis, I find that delivery of housing is not a public benefit of the appeal schemes that would attract weight.
33. Drawing these matters together, the less than substantial harm that the proposals would cause to the significance of 'Chennells and Cottage Adjoining' as a listed building may be at a low level. Nevertheless, the harm attracts considerable importance and weight and I find that neither appeal scheme would offer public benefits sufficient to outweigh this harm.
34. I therefore conclude that the Appeal A and Appeal B proposals would each fail to preserve the setting and significance of the Grade II listed building 'Chennells and Cottage Adjoining'. They would fail to satisfy the requirements of the Act and the Framework. There would also be conflict with Policy HA1 of the LPP1 and Policy DM20 of the LPP2 which include requirements broadly seeking the conservation and enhancement of heritage assets, including listed buildings, and their setting.
35. The Council's reasons for refusal refer additionally to Policy DM21 of the LPP2 but this relates to Conservation Areas which the evidence before me does not indicate would be relevant here.

Protected Species

36. The appellant's August Ecology Note presents the results of a follow-up walkover survey carried out to update the findings of previous surveys, including the October 2021 Ecological Report which informed the Permission Scheme.
37. It acknowledges that great crested newts ('GCN') which are a protected species are present in the wider area, but comments that the site was dominated by a grazed paddock with a short sward height and consequently did not provide suitable

terrestrial habitat for herpetofauna. However, this description as well as comments by the Council and Surrey Wildlife Trust referring to changes from the October 2021 Ecological Report in respect if the type and condition of grassland present, species composition and diversity appear to me to relate to the wider Permission Scheme site rather than the area of the appeals site specifically. Interested parties have also referred to sightings of GCN, but photographs provided of an individual similarly appear to show the wider Permission Scheme site.

38. With respect to the appeals site, the August Ecology Note does not explicitly discuss the suitability of the habitat here for GCN, and while the November Ecology Note asserts that the site access does not provide suitable terrestrial habitat for GCN, the basis for this is not clearly explained.
39. That said, while the proposed access would be closer to the pond that I observed to the north of the site than the access approved under the Permission Scheme, it would affect a smaller area of scrub vegetation than that access which would also be reasonably close to the pond. The ecological evidence submitted in support of the current proposals outlines a precautionary working method statement for GCN. It also proposes implementation of the range of specific and generic mitigation measures that were identified in the October 2021 Ecological Report to address effects on local wildlife, including GCN. The Council has not provided any compelling evidence to explain why these measures would now be inadequate to ensure no adverse effect on any GCN that may be present. I also have no firm reason to find that relevant measures could not be properly secured by condition.
40. Similarly, the August Ecology Note acknowledges previous surveys indicating the presence of badger setts in the vicinity. However, it highlights that the access as now proposed would not affect any identified sett or holes and outlines control measures to mitigate potential disturbance during construction. The November Ecology Note further refers to a pre-commencement check to ensure that no new setts have been excavated and that the sett and social group of badgers can be safeguarded. The Permission Scheme included a requirement for submission of a Badger Mitigation Scheme, and I have no firm reason to find that a similar requirement would be ineffective in ensuring suitable protection as part of the current proposals.
41. From the evidence before me, I am satisfied in the specific circumstances of this case that there is a sufficient basis to determine that protected species would not be harmed by the proposals.
42. Subject to planning conditions, I therefore conclude that neither Appeal A nor Appeal B would cause harm to protected species and I find no conflict with Policy NE1 of the LPP1 insofar as it includes requirements seeking to conserve and enhance biodiversity and ensure that negative impacts are avoided or mitigated.

Planning Balance

43. Although I have found no unacceptable harm to protected species, the Appeal A and Appeal B proposals would each cause harm to the setting and significance of a listed building which would not be outweighed by public benefits. Policies in the Framework that protect designated heritage assets would therefore provide a strong reason for refusing the development proposed. There would also be harm to the character and appearance of the local area and AGLV.

44. From the evidence before me and in the context of my findings above that the appeal proposals would not deliver the dwellings that were approved on the adjacent site through the Permission Scheme, I find that the proposals would not offer benefits sufficient to outweigh the cumulative harm that I have identified. Neither do I find that there are material considerations sufficient to justify a decision otherwise than in accordance with the development plan.

Conclusion

45. For the reasons given above, I find that the proposals in each of Appeal A and Appeal B would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that Appeal A and Appeal B should each be dismissed.

J Bowyer

INSPECTOR