



Appeal Decision

Site visit made on 1 May 2025

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th May 2025

Appeal Ref: APP/R3650/W/24/3354843

Plot 14, Land North of High Green, Old Haslemere Road, Haslemere GU27 2JP

- 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 Mr Carmino-Luciano Sellitto against the decision of Waverley Borough Council.
 - The application Ref is WA/2024/00081.
 - The development proposed is described on the application form as a 'detached dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has withdrawn its second reason for refusal. Based on the evidence before me, I have no reason to disagree with those findings.

Main Issue

3. The main issue is the effect of the proposed development on protected trees.

Reasons

4. Three mature trees exist on the site, two mature oak trees near the site entrance and a mature birch tree to the south boundary. These are all covered by a tree preservation order (TPO). Cumulatively, they contribute significantly to the verdant quality and attractiveness of the site and surroundings.
5. Within the submitted Arboricultural Method Statement (2024), the three trees have been categorised as Category B (of moderate quality and value). From that perspective, the trees would likely survive on the site and continue to make a contribution to the character and appearance of the area, for many more years.
6. The submitted report establishes that there is a conflict between the footprint of the proposed development and the projected Root Protection Area (RPA) of all three trees. This is most severe for the birch tree (T3), as illustrated on the tree constraints plan. Whilst the submitted reports describe this as 'minor' or 'very minor', the fact remains that the RPA would be impacted. The report recommends that trial excavation takes place to more accurately record where the roots lie. This is argued to allow any conflicts to be fully assessed and to enable the adjustment of the proposed dwelling's foundation construction detail.
7. Based on the evidence before me and the recommendations set out, there remains some doubt in my mind in respect of the direct effect of the proposed development

on the trees, in particular the birch tree (T3). Notwithstanding the submission of tree protection measures and other proposed construction techniques, I have no substantiated evidence before me to demonstrate that the birch tree would likely survive on the site in a healthy condition for many years if the development was to take place. As a harmful impact could arise, I consider that sufficient information should be presented in advance of a decision being made. Without clarification, it is not possible to satisfactorily demonstrate that the proposed development would have an acceptable effect on this protected tree. In short, I have insufficient information before me to conclude that harm can be ruled out.

8. In addition, the Council sets out its concerns relating to the indirect effects of the development. Namely that increased pressure to prune or fell the birch tree could occur owing to its atypical proximity to the proposed dwelling. Such pressure could relate to potential shading, leaf litter and safety concerns during high winds. The proposition that any nearby trees will be valued by future occupiers cannot be relied on to avoid future harm. Were these pressures such that the tree was removed or significantly pruned, the verdant qualities of the site would be permanently eroded.
9. Overall, in taking a precautionary approach, I conclude that there is insufficient evidence before me to demonstrate that the proposed development would have an acceptable effect on protected trees. Accordingly, the proposed development would be contrary to the relevant provisions of Policies H9 of the Haslemere Neighbourhood Plan (2021) and Policies TD1 and NE1 of the Waverley Borough Local Plan (Part 1, 2018). These policies, in summary and when taken as a whole, seek to promote development that responds to local character and landscapes, and to protect existing trees.

Other Matters

10. My attention has been drawn to the Council's lack of a five-year supply of housing land, standing at 2.8 years. As such Framework paragraph 11.d is engaged.
11. There would be economic and social benefits from the scheme including the provision of housing in an area with an acknowledged lack of supply, developed by a small/medium enterprise housebuilder. This would provide employment during construction and have the potential to boost spend in the local economy. However, these benefits would inevitably be very limited due to the overall scale of the proposed development. Moreover, the Framework indicates that planning decisions should contribute to and enhance the natural and local environment by recognising the benefits from natural capital including trees and woodland. Ultimately, the harm identified significantly and demonstrably outweighs the benefits of the scheme.
12. I acknowledge that the proposed development would meet a number of other planning objectives. However, as there is no dispute in this regard, this matter is effectively neutral in my determination of the appeal.

Conclusion

13. For the reasons above, having regard to the development plan as a whole and to all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price INSPECTOR