
Appeal Decision

Site visit made on 24 June 2025

by **C Carpenter BA MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 July 2025

Appeal Ref: APP/R3650/D/25/3359805

The Mill Cottage, Waverley Lane, Farnham GU9 8ES

- 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 M Telling against the decision of Waverley Borough Council.
 - The application Ref is WA/2024/01796.
 - The development proposed is erection of a garage following the removal of an existing tennis court, raised swimming pool, pergola and associated hardstanding.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of a garage following the removal of an existing tennis court, raised swimming pool, pergola and associated hardstanding at The Mill Cottage, Waverley Lane, Farnham GU9 8ES in accordance with the terms of the application, Ref WA/2024/01796, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: 1380/S-301 Existing Site (Block) Plan and Site Location Plan; 1380/S-10 Existing Plans and Elevations – Pergola; 1380/S-202A Existing Plans and Elevations; 1380/S-302 Existing Swimming Pool, Hardstanding and Pergola Elevations and Sections; 1380/P-501 Proposed Site (Block) Plan and Site Location Plan; 1380/P-502 Proposed Plans and Elevations; 1380/P-503 Proposed Site (Block) Plan with Area of Hardstanding to be Removed.
 - 3) The external materials of the garage hereby permitted shall match those used in the existing building.
 - 4) No site clearance, preparatory work or development shall take place until an updated scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
 - 5) No development shall take place until a scheme of supervision for the arboricultural protection measures required by condition 4 has been submitted to and approved in writing by the local planning authority. This

scheme shall be appropriate to the scale and duration of the works and shall include details of:

- i) scheme administration by a qualified arboriculturist;
- ii) induction of staff in awareness of arboricultural matters;
- iii) timing and methods of site visiting and record keeping, including updates; and
- iv) procedures for dealing with variations and incidents.

The scheme of supervision shall be implemented as approved.

- 6) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 5 years from the date of occupation of the garage hereby permitted, other than in accordance with the approved plans and details.
- 7) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the local planning authority.

Main Issues

2. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- the effect of the proposal on protected species.

Reasons

Whether inappropriate development

3. Paragraph 154 of the Framework states development in the Green Belt is inappropriate subject to various exceptions. These include g) partial redevelopment of previously developed land (PDL), which would not cause substantial harm to the openness of the Green Belt.
4. Policy RE2 of the Waverley Borough Local Plan (WLP) Part 1 2018 (WLP1) permits proposals in the Green Belt where they do not conflict with the exceptions listed in national planning policy. Consequently, although this Policy predates recent changes to national Green Belt policy, it remains consistent with the Framework. Policy DM14 of the WLP Part 2 2023 (WLP2) sets out factors to be taken into account when assessing impacts on the openness of the Green Belt, which are broadly consistent with Planning Practice Guidance on this topic¹. I therefore give both Policies full weight for the purposes of this appeal.
5. The appeal site comprises part of the garden of Mill Cottage and includes permanent structures and associated fixed surface infrastructure in the form of tennis courts, a swimming pool with hardstanding, and a pergola. Although there are a few other dwellings nearby, Mill Cottage is otherwise surrounded by woods

¹ Paragraph: 013 Reference ID: 64-013-20250225

and open countryside so is not within a built-up area. I therefore find the appeal site accords with the definition of PDL in Annex 2 of the Framework.

6. The proposed single storey, double garage would be of modest proportions relative to the size of the garden and existing buildings on the site. Although materially larger by volume than the existing pergola, the proposed siting of the new building in a part of the garden that already includes development would limit its visual impact on openness. This impact would be further mitigated by the proposed removal of the pergola, swimming pool and tennis courts and retention of surrounding trees. Vegetation around the site also means there would be limited views of the new structure from the lane or surrounding countryside. Consequently, although the garage would cause some harm to the openness of the Green Belt, this harm would not be substantial.
7. I therefore find the proposal satisfies Framework exception 154(g). There is no need for me to consider its compliance with other possible exceptions. I find no conflict with WLP1 Policy RE2 or WLP2 Policy DM14.
8. In the previous appeal decision brought to my attention², the Inspector considered the proposed development against the version of the Framework in force at the time, which required redevelopment of PDL not to have a greater impact on the openness of the Green Belt than the existing development. That test has since changed to the wording I have considered above. In any event, on the evidence before me, the pavilion proposed in that case would have been larger than the garage now proposed. Consequently, that other appeal decision is not directly comparable, and I give it limited weight. The previously refused triple garage proposal³ was also larger than the current scheme and was also considered against the previous Framework test for development on PDL in the Green Belt.
9. For the above reasons, I conclude the proposal would not be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies

Protected species

10. The appellant's Preliminary Ecological Assessment and Tree Report (TR) identify one tree with high bat roost potential (Tree 9). Bats are a protected species.
11. The garage considered in the TR (dated September 2023) was proposed in a different location from the appeal scheme. However, having looked at the appeal scheme plans alongside the TR Tree Constraints Plan, I am satisfied the garage now proposed would not be sited within or close to tree root protection areas (RPA), including that of Tree 9. I am also satisfied no trees would need to be felled or pruned for the development to take place.
12. That said, removal of the swimming pool would have impacts within the RPA of several trees including Tree 9, and their successful retention would require tree protection fencing and site supervision by a competent arboriculturalist. The TR includes a Tree Protection Plan (TPP) to achieve this, but as this does not fully reflect the development now proposed, the TPP would need to be updated before development could proceed. Subject to that and necessary tree protection

² Ref APP/R3650/D/20/3249262 dated 3 November 2020

³ Application Ref WA/2024/01141

measures being secured by condition, I am satisfied the risk of harm to protected species would be adequately mitigated.

13. For the above reasons, I conclude the proposal would have an acceptable effect on protected species. Accordingly, I find no conflict with WLP1 Policy NE1 or WLP2 Policy DM1, which together seek appropriate mitigation for adverse impacts on biodiversity and the environment. I also find no conflict with the Framework, which requires adequate mitigation where significant harm to biodiversity resulting from development cannot be avoided.

Other Matters

14. The host dwelling is a Grade II listed building known as Waverley Mill Cottage (formerly listed as The Mill House). Its significance is partly architectural, derived from features such as its brick plinth, tile hung first floor front, hipped tiled roofs, bays and sash windows; and partly historic, as a former mill house dating from the 18th century. The building's setting includes its grounds and the remaining features of the former mill's race, as well as nearby Waverley Mill Bridge. The appeal site forms part of this setting.
15. The listed building also makes a positive contribution to the Waverley Abbey Conservation Area (CA) within which it is prominently located. As well as Mill Cottage, the Bridge and nearby buildings, the CA encompasses the ruins of dissolved 13th century Waverley Abbey and the later 18th century Waverley Abbey House and grounds. The CA's significance as a designated heritage asset is largely historic, as evidence of the medieval origins and subsequent evolution of the Abbey and its surrounds.
16. The scale and siting of the proposed garage would be subservient to Mill Cottage and largely screened from public viewpoints by vegetation. Matching materials could be secured by condition to help integrate the appearance of the new structure with that of listed building. As the swimming pool and tennis court are much later additions, their removal would have a positive effect. Overall, the setting of the listed building would be preserved, as would the character and appearance of the CA. There would be no harm to the significance of either the listed building or the CA as designated heritage assets.
17. The appeal site is within the buffer zone of two European sites protected under the Conservation of Habitats and Species Regulations 2017. As the proposed garage would not include habitable accommodation, it would not be likely to have a significant effect on the protected sites' integrity. There is no suggestion the proposal would adversely affect the surrounding Surrey Hills National Landscape.

Conditions

18. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.
19. A condition securing matching materials is necessary for the reason given under other matters. Conditions relating to tree protection are necessary to safeguard biodiversity and the character and appearance of the area. Those seeking approval of an updated TPP and scheme of supervision are pre-commencement

conditions so that safeguards are agreed and in place before works commence, and the appellant has given their written agreement to them.

20. The use of the garage would be incidental to the enjoyment of the dwellinghouse. If the structure is not built or used as proposed, or there is a material change of use in future, then a separate grant of planning permission would be required. For this reason, a condition limiting the use to that proposed would not be necessary.

Conclusion

21. For the above reasons the proposal accords with the development plan, read as a whole. Material considerations, including the Framework, do not indicate that a decision should be taken otherwise than in accordance with it. I therefore conclude the appeal should be allowed.

C Carpenter

INSPECTOR