



Appeal Decision

Site visit made on 2 June 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 JULY 2025

Appeal Ref: APP/R3650/W/24/3353059

Ivy House, The Green, Farnham, Surrey GU9 0HJ

- 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 R Worthington and Ms S Booth against the decision of Waverley Borough Council.
 - The application Ref is WA/2023/00690.
 - The development proposed is described as conversion of and works to an existing squash court building to provide a new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. However, the sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties. It has not therefore been necessary to seek their views, and the revised version has been taken into account in this decision.
3. As a part of their submission, the appellant has provided an amended plan which depicts additional windows, as well as an Internal Scheme Performance (ISP). The appeals procedural guide¹ makes it clear that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.
4. However, in this case, the changes to the scheme would be minor in nature and the ISP was submitted in response to the Council's third reason for refusal. The parties have had the opportunity to comment on this information through the appeal process. As such, I am satisfied that no prejudice would occur to any party as a result of my consideration of these details. For the avoidance of doubt, my decision on this appeal is based on the revised plan and on the ISP.
5. My attention is drawn to two previous appeal decisions², both relating to the construction of one dwelling within the site. I have had regard to those decisions only insofar as they are relevant to my assessment of the main issues in this case, but I have determined the appeal based on the evidence and the details of the proposal before me.

¹ Procedural Guide: Planning Appeals – England 2025

² Appeal Ref: APP/R3650/W/20/3264487 and T/APP/R3650/A/99/1029150/P1

Main Issues

6. The main issues are:

- the effect of the proposed development on the character and appearance of the area, with reference to trees;
- whether the proposal would provide acceptable living conditions for future occupiers, with regard to private outdoor space; and
- the effect of the proposal on protected species, with regard to bats.

Reasons

Character and appearance

7. The Green is largely characterised by dwellings of different designs which are normally set within plots of varying sizes and shapes. Some dwellings are sited at an angle towards the road, with varied gaps between them and a generally similar set back from the road. The properties are set around the recreation ground, which is a verdant and spacious area. Mature trees provide a leafy and attractive setting for the dwellings and are prominent features within this road, thereby making a positive contribution to the visual quality and leafy character of the area.
8. The appeal building within a parcel of land that is fenced off from Ivy House and has a narrow frontage which widens towards the rear. Given its scale, utilitarian design and siting towards the rear of the plot, it is an obviously ancillary building that has a limited presence in the street scene. There is a substantial number of trees within the site, including those which are covered by a Tree Preservation Order (TPO). Given its tree coverage, the site makes an important contribution to the natural environment and to the pleasant character of the road.
9. The proposal seeks to convert the existing outbuilding into a residential dwelling and would comprise external alterations. The proposed site plan shows that some trees would be lost to accommodate the proposal, which would open up views into the site. This, in combination with the formalised access point into the plot and associated residential paraphernalia, would result in a more prominent form of development within the street scene.
10. Due to its varied nature and lack of homogeneity in style, the streetscape is tolerable to new design. However, while the dwelling would have an active front elevation, given its substantial setback from the road, the proposal would appear markedly at odds with the prevailing pattern of development in the vicinity, where the dwellings are normally placed closer to the highway.
11. The dwelling would have a flat roof design and would employ materials such as cladding. Whilst the surrounding dwellings have a traditional appearance, there is sufficient variety within the street scene to assimilate a different style. Furthermore, the proposed development would reduce the footprint of the existing building, thereby increasing the space between built form and the size of the plot would integrate with those surrounding. In this regard, the proposal would be acceptable. However, this would not overcome the harm to the character and appearance of the area arising from its siting.

12. The submitted Arboricultural Assessment & Method Statement (AMS) advises that three trees would be removed to facilitate the proposed development. Additionally, two trees and one stump would be removed as good husbandry. These are either category U or category C1 trees, with a life expectancy up to 10 years. The AMS advises that many other trees on site would be pruned, including a category A1 oak tree (T5) which is identified to have 40 years of life expectancy.
13. Regardless of their merit and condition, the trees have value as a part of the collective unit. Therefore, their loss, in particular of those trees which do not require removal as good husbandry, would weaken the visual quality of the green infrastructure within the site as a whole, and harm the verdant character of the area.
14. The Tree Protection Plan shows that there would be a substantial canopy spread across the plot and T5 would overhang the dwelling. This relationship would likely cause concern to the dwelling's future occupants, including the nuisance of leaf/fruit litter. While the appellant proposed to provide measures to prevent blocking of gutters, it is likely that leaves/fruit from the oak tree would be shed on to the roof, particularly in windy conditions. Even if future occupants did not consider this matter a nuisance, and the flat roof would allow for easy access for maintenance, there may logically be a perceived safety concern for future occupants, as a result of branches overhanging the property.
15. In such circumstances, it is likely that the Council would come under pressure to allow felling of the trees or severe pruning because the dwelling had been allowed too near the tree. Based on the information before me, I find that a decision maker could agree. The protected status of these trees is no guarantee that such applications would be unsuccessful. The loss or significant reduction of the tree canopies would undermine their amenity value and their contribution to the character and appearance of the area.
16. I accept that future residents would be aware of the existing trees at the time of purchase. However, the effects of the trees may not be fully appreciated. As such, the pressure to prune or remove the tree cannot be ruled out, even if there are examples where trees have been successfully retained near dwellinghouses.
17. The appellant suggests that mitigation planting may be possible off-site on land owned by the appellant or as a part of a local tree planting scheme. However, there is no executed planning obligation before me securing such tree planting to be provided. In addition, in the absence of further details regarding this matter, I cannot be certain that securing the provision of such planting through a planning condition would pass the tests of reasonableness and enforceability set out in the Framework.
18. As such, the proposed development would have a harmful effect on the character and appearance of the area, with reference to trees, in conflict with Policies TD1 and NE1 of the Waverley Borough Local Plan Part 1 (WLP1): Strategic Policies and Sites (2018); with Policies DM1, DM4 and DM11 of the Waverley Borough Local Plan Part 2 (WLP2): Site Allocations and Development Management Policies (2023); and with Policies FNP1 and FNP16 of the Farnham Neighbourhood Plan 2013-2032 (2020) (NP). Amongst other things, these policies support development that integrates effectively with existing development, adequately protects trees during all phases of development and provides adequate separation between trees

and the proposed development, so as to secure their long-term retention and potential growth.

Living conditions

19. The ISP incorporates an assessment of the outdoor space in terms of its access to daylight. The ISP shows at least 50% of the garden space would receive at least 2 hours of sunlight on 21 March, in accordance with guidance contained within the 'Site layout planning for daylight and sunlight: a guide to good practice' (BR209 2022). While I accept the conclusions of the ISP, I note that it refers to the AMS for the trees that would be retained.
20. In my site visit I observed that the garden area is a gloomy space, due to the amount and distribution of trees. Therefore, were the trees to remain in place, the proposed outdoor space would be severely overshadowed. As I have found the trees to be an important element to the character of the area, their loss would not be acceptable and this, in turn, means that the garden would likely suffer from a substandard level of light, which would impose significant constraints on the usability of the outdoor space.
21. Accordingly, the proposal would fail to provide acceptable living conditions for future occupiers, with regard to private outdoor space. The development would therefore be contrary to WLP1 Policy TD1, which seeks to improve the quality of life, health and well-being of future residents through the provision of private amenity space.

Protected species

22. The submitted Preliminary Roost Assessment and Bat Emergency and Re-entry Survey (PRA) advises that the building has low suitability for supporting roosting bats, given its features. A bat emergence and re-entry study has been carried out and it confirms a likely absence of bats roosting in the building. This survey was carried out in September, which falls outside the optimum survey period of May to August.
23. However, the optimal survey periods are indicative and can either expand or contract as a result of seasonal variation. Bat activity can be influenced by various factors, including the weather. In this regard, the Ecologist Letter submitted with the appeal confirms that at the time of the survey, the prevailing weather conditions were highly favourable for bat activity, and a significant amount of activity was recorded. As such, I am satisfied that the conclusions of the survey provided a robust and accurate representation of bat activity at the site at the time.
24. As indicated within the AMS, the proposal seeks to fell and/or prune a few trees. The PRA indicates that trees and shrubs on site could be used by the local bat populations for foraging and commuting, as well as by bats dispersing from nearby roosts outside the site. However, there is limited detail within the PRA regarding their bat roost suitability. Therefore, in the absence of a ground floor level assessment of the trees that would be felled / pruned, I am unable to determine the status of bats on site.
25. Moreover, the PRA was carried out in September 2022. It is more than two years old, and the Ecologist Letter recognises that this time lapse could potentially impact its acceptance. While I appreciate that this may have been caused by

circumstances outside of the appellant's control, bats are highly mobile creatures that switch roost regularly and therefore the usage of a site by bats can change over a short period of time.

26. Current advice³ states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant considerations may not have been addressed in making the decision.
27. In light of the above, insufficient information has been provided to demonstrate that the proposal would not have an unacceptable adverse effect on protected species. Given my responsibilities to these protected species, the necessary confirmation of the accurate extent of bats and the formation of potentially sufficient or proportionate mitigatory measures are matters that cannot be left to a condition.
28. Without any certainty in relation to the above matters, I cannot conclude that the proposal would have no harmful effect on protected species, with regard to bats. It would fail to accord with WLP1 Policy NE1 and with NP Policy FNP13. Amongst other things, these policies seek to retain, protect and enhance features of biodiversity interest.

Other Matters

29. I understand that the proposal before me follows previous planning applications which were refused by the Council. Whereas it may be that the scheme has been amended, I find that the proposal would be harmful in its own right for the above reasons.
30. Reference is made to a recent planning application⁴ for a dwelling surrounded by trees which received positive comments from the Tree Officer. However, I do not have full details of the circumstances of this proposal. Consequently, I cannot conclude that it represents a direct parallel to the appeal proposal.
31. Support comments set out that the proposal would improve the external appearance of the building. Whereas this may be the case, I am not persuaded that the scheme before me is the sole means to achieve this.
32. The appeal site is located within the 5km buffer zone of the Thames Basin Heaths Special Protection Area, which is protected under the Conservation of Habitats and Species Regulations 2017 (as amended) (the regulations). In this regard, a unilateral undertaking is submitted which would secure a mitigation payment in relation to the requirements set out in the Thames Basin Heaths Avoidance Strategy. However, Regulation 63(1) of the Regulations indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. As the appeal is being dismissed on other grounds it is not necessary to consider this matter further.

Planning Balance

33. It is common ground that the Council cannot demonstrate a five-year supply of deliverable housing sites. The latest evidence provided by the appellant directs me

³ Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation and 9.2.4 BS 42020:2013 Biodiversity Code of Practice.

⁴ LPA Ref WA/ 2024/00656

to the Council's Five-Year Housing Land Supply Position Statement (2025) which confirms that this figure stands at 1.28 years. This engages paragraph 11 d) ii. of the Framework, which states that 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.

34. The appeal scheme would be harmful to the character and appearance of the area including trees, living conditions of future residents and it has not been demonstrated that the proposal would not harm protected species. I ascribe substantial weight to this harm.
35. Benefits of the proposal include the provision of one new dwelling on a windfall site, which would contribute to the housing stock within the Borough. The proposal would utilise the existing building and would deliver a new dwelling within a settlement area with access to services, jobs and facilities. The appeal site is in an acceptable location in principle for housing and the proposal would reduce the pressure for development on greenfield sites. There would be economic benefits during the period of construction and once the dwelling is occupied. Given the significant shortfall in housing within the borough, these benefits carry moderate weight in favour of the appeal scheme.
36. The Framework seeks to ensure that development is sympathetic to local character including the surrounding built environment, creates places with a high standard of amenity for users and protects biodiversity. Therefore, the conflict with the proposal and WLP1 Policies TD1 and NE1; WLP2 Policies DM1, DM4 and DM11; and NP Policies FNP1; FNP13 and FNP16 should be given significant weight in this appeal.
37. Thus, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

38. 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. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR