



Appeal Decision

Site visit made on 1 July 2025

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 JULY 2025

Appeal Ref: APP/R3650/W/25/3363183

Step Cottage, Church Lane, Witley, Godalming, Surrey GU8 5PN

- 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 Charles Lewis against the decision of Waverley Borough Council.
 - The application Ref is WA/2025/00141.
 - The development proposed is change of use and alterations to ancillary outbuilding to provide an independent dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for change of use and alterations to ancillary outbuilding to provide an independent dwelling at Step Cottage, Church Lane, Godalming, Surrey GU8 5PN in accordance with the terms of the application, Ref WA/2025/00141, subject to the conditions in the attached schedule.

Preliminary Matters

2. I saw on my site visit that the outbuilding the subject of the appeal was under construction, and whilst almost complete externally had yet to be fitted out internally. Consequently, it was not at the time I saw it in use as an outbuilding. I have nonetheless determined the appeal on the basis of the appellant's proposal, which is to change its use from an outbuilding to a dwelling.

Main Issues

3. The main issues in this appeal are:
 - whether the proposal would preserve or enhance the character and appearance of Witley Conservation Area (CA) and preserve the setting of listed buildings and a non-designated heritage asset; and
 - the effect of the proposal on the living conditions of future occupiers with particular reference to private garden space.

Reasons

Character and appearance of the CA and setting of listed buildings and non-designated heritage asset

4. The appeal site is located in the village of Witley, close to the junction of Petworth Road and Church Lane. The appeal site comprises Step Cottage and its rear

garden, the latter being elevated above Petworth Road. The proposal is to change the use of the outbuilding at the bottom of the garden to an independent dwelling.

5. The site is located within Witley Conservation Area and close to a number of listed buildings: the Church of All Saints (Grade I) and Tomb to John Leach (Grade II); Step Cottage and Church Step Cottage (jointly Grade II listed as Church Steps); the White Hart Hotel (Grade II); and the Manor House and walls and gate to Witley Manor (both Grade II). The Witley Conservation Area Appraisal adopted 21 July 2015 (CAA) identifies the war memorial as a heritage feature, which I have deemed to be a non-designated heritage asset for the purposes of paragraph 216 of the National Planning Policy Framework (the Framework).
6. S72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 places a statutory duty on decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. S66(1) of the Act places a statutory duty on decision makers to have special regard to preserving the setting of listed buildings. The Framework (paragraph 208) guides that the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset, should be identified and assessed.
7. The CA's significance derives from its origins as an agricultural village producing woollen cloth, which grew in linear fashion beside the main road from Godalming to Petworth. Following the arrival of the railway in the nineteenth century, it began to attract wealthy residents keen to live in the countryside. The village retains a rural character and charm, enhanced by its setting within the Surrey Hills. It contains a number of listed buildings, mainly clustered around the historic junction of Petworth Road and Church Lane.
8. The Grade I listed Church of All Saints dates from the Saxon era and has been extended and altered numerous times since, including the addition of a tower in the early thirteenth century and the north chapel in the fourteenth century. The north aisle and transept were added in 1844 and 1890, the latter designed by Aston Webb. Constructed of sandstone and chalk rubble, with a stone tower and wood shingled spire, the church has an elevated position beside Church Lane and is seen in views from Petworth Road. To the west is the Grade II listed rectangular chest tomb of John Leech, dating from 1847.
9. Beside the church is the Grade II listed Church Steps, which comprises an early sixteenth century house (Step Cottage) and later sixteenth century cross wing (Church Step Cottage). A timber framed building with whitewashed brick infill and irregular casement fenestration, it sits on a rubble stone plinth, with the first floor of the cross wing jettied on braces. It is prominently located close to the junction of Petworth Road and Church Lane.
10. On the opposite side of Petworth Road is the Grade II listed White Hart Hotel, a fifteenth century hall house with steeply pitched roof which is thought to have been a royal hunting lodge. The main part of the building consists of four timber framed bays, clad in whitewashed brick and hanging tiles, with casement windows. A seventeenth century wing consisting of brick and roughcast infill, with imitation framing, was added on the north side of the building.
11. To the north of the White Hart Hotel is the Grade II listed Manor House, known as Witley Manor, with its origins in the sixteenth century as the original agricultural

holding in the village, although the Manor House itself dates from the eighteenth century. Constructed of blue and brown brick in Flemish Bond, it has a rubblestone and brick front wing and a hipped roof. The prominent Grade II listed limestone walls and gate to Witley Manor date from the eighteenth century, with later additions in the nineteenth and twentieth centuries.

12. The war memorial is located on Petworth Road, facing the boundary wall of the Manor House. It consists of a stone cross set on a plinth, within a semi-circular paved area against a backdrop of flower beds and hedging. It is one of the few public spaces in the heart of the village.
13. The CAA notes that all these listed buildings are situated within the historic core of the village, which dates from the early fifteenth through to the early eighteenth century. The junction of Petworth Road with Church Lane is described as possessing a closed feel, with properties including the appeal site abutting the road, before Church Lane opens up where the church is set back from the carriageway. The CAA highlights the varied street form along Petworth Road, with landscaped front gardens on one side contrasting with the high stone wall of Witley Manor on the other. It identifies a number of key vistas, including the view north along Petworth Road from the White Hart, and the view of the war memorial from Petworth Road with the church in the background.
14. Unquestionably the area immediately surrounding the appeal site has great charm and character, with the historic character of the village being clearly evidenced by its buildings, spaces and boundaries. The buildings are, in the words of the Council, a particularly picturesque group, and should be protected from harm. Likewise, the open space around the war memorial is an important feature of the village.
15. The appeal site lies at the heart of the historic core of the village, where Petworth Road joins Church Lane, and enjoys a prominent position within the CA. It has been the subject of a number of planning permissions in recent years, some of which have been implemented and others of which have yet to be implemented. A detached garage and outbuilding (the latter the subject of this appeal) have been erected at the rear of the appeal site, moderately impacting the key vista of the war memorial and church from Petworth Road. An unimplemented planning permission for a single storey side extension¹ would result in the removal of vegetation at the junction of Petworth Road and Church Lane, affecting the key vista north along Petworth Road from the White Hart.
16. Whilst the proposal would not add additional built form to the appeal site, it would result in the existing outbuilding being converted to an independent dwelling, and as a consequence the curtilage of Step Cottage being subdivided. The potential implications of these changes, including noise, car parking, bin storage, domestic paraphernalia and boundary treatment, lie at the heart of the Council's concerns. The Council fears that the integrity of the heritage assets – including the view of the church, the quiet charm of the cottages and the reverential quality of the war memorial – would be harmed by an intensification of use of the appeal site.
17. The proposed dwelling would increase activity within the site, but as this part of the site is already used for car parking and domestic activities, the intensification would be modest. Vehicle and pedestrian movements in and out of the site would

¹ LPA reference WA/2024/00832

increase, but by utilising the existing driveway, the resultant increase in movements would not be readily apparent. A bin store is proposed at the rear of the dwelling, so that bins would not be visible except on collection day.

18. The outbuilding is well screened from Petworth Road and from the church by existing planting. It is important that these boundaries remain appropriately landscaped in the future, which can be controlled by condition. The private garden of the proposed dwelling would be located on its north side, where it would gain maximum benefit from existing natural screening. Consequently, domestic paraphernalia associated with the proposed dwelling would be screened from view, and increased noise from activities such as children's play would be suitably contained.
19. The Council has indicated that a condition attached to the planning permission for the outbuilding² requiring its use to remain incidental to Step Cottage was intended to prevent an increase in domestic paraphernalia. In reality there is no limitation on the amount of domestic paraphernalia which the occupiers of Step Cottage can have within their curtilage, and given that the paraphernalia for the proposed dwelling would be located on the far side away from Step Cottage, there is no reason to suppose that the amount of paraphernalia in the rear garden of Step Cottage would change as a result of the proposal.
20. The rear garden of Step Cottage, which makes a positive contribution to the setting of the listed building, would not be further reduced in size by the proposal, given that the area beyond the outbuilding has already been severed from the main garden. Consequently, the setting of the listed building would not be impacted by the proposed subdivision of its curtilage. Boundary treatment would be required between Step Cottage and the proposed dwelling, which should be positioned next to the existing retaining wall, in order not to reduce the garden area of Step Cottage or harm its setting. For visual reasons the boundary treatment should consist of planting rather than a fence or a wall, which could be achieved by condition, alongside a condition removing "permitted development" rights for gates, walls and fences.
21. The appellant has offered a condition that the part of the retained rear garden of Step Cottage between the right of way to Church Step Cottage and the proposed dwelling be retained as landscaping with no domestic paraphernalia, with a condition attached removing "permitted development" rights for outbuildings. As I have explained, it would be unreasonable and unnecessary to remove the current ability of occupiers to use this area for domestic paraphernalia. However, I propose to attach a condition removing "permitted development" rights for buildings incidental to the enjoyment of the dwellinghouse, as there could be increased pressure to locate outbuildings in this area given the reduced garden area of Step Cottage.
22. There would be a moderate change in the appearance of the site as a result of the existing gate to the adjoining Church Step Cottage being repositioned slightly to the north and being replaced with a parking space. In the context of the changes which would result from the above-mentioned unimplemented planning permission for a side extension to Step Cottage, the proposed alterations to the access would not have significantly change the appearance of the site from Petworth Road.

² LPA reference

Likewise, the proposed changes to the external appearance of the outbuilding would be minor, encompassing alterations to rooflights and doors.

23. In the context of the various additions to the property which have already been permitted, the intensification which would result from the creation of a separate curtilage and dwelling would be moderate. The vista of the church from Petworth Road would change only insofar as the above-mentioned new access and parking arrangements would slightly alter the foreground. The reverential quality of the war memorial and the enjoyment of its associated open space would not change appreciably, given that the area immediately behind it is already used for car parking and outdoor activities. The vista northwards from the junction of Petworth Road and Church Lane would not change, except as a result of the implementation of the extant permission for a single storey extension.
24. My attention has been drawn to a previously dismissed appeal for a dwelling at the rear of the site³, which the Inspector concluded would change the pattern of development to the detriment of the CA and the visual relationship with Step Cottage. However, whereas in that instance a new building was proposed, the current appeal relates only to the change of the use of an existing outbuilding to a dwelling. The circumstances are therefore significantly different in the current appeal. The Inspector was concerned that outbuildings and paraphernalia associated with the new dwelling would harm the setting of Step Cottage, but as this proposal shows the private garden of the proposed dwelling on the side facing away from Step Cottage, there would be no impact on its setting. The Inspector was concerned that boundary treatment between Step Cottage and the proposed dwelling would harm the setting of Step Cottage, but for the reasons I have set out above, I consider that this matter can be satisfactorily controlled by condition to avoid harm to its setting.
25. I consequently consider that the degree of intensification resulting from the proposal would be low, such that the quiet rural character of the area would not be adversely affected. Therefore, the proposal would preserve the character and appearance of CA and the setting of the listed buildings and non-designated heritage asset, meeting the statutory tests and according with paragraph 212 of the Framework, which requires that great weight should be given to the conservation of heritage assets. In the absence of harm, I am not required to weigh the impact of the proposal against the public benefits, in accordance with paragraph 215 of the Framework.
26. As a result, the proposal would accord with policies TD1, HA1 and HE8 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites, February 2018 (LPP1), policies DM1, DM4, DM20 and DM21 of the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies, March 2023 (LPP2), and Policy HC3 of the Witley Neighbourhood Plan 2017-2032 (Final Version) November 2020 (NP). Together these policies seek to conserve and enhance the significance of heritage assets, promote high quality design which responds to its historic context, and minimise the environmental impacts of development.

³ PINS reference APP/R3650/A/14/2219474

Living conditions of future occupiers

27. The proposal includes a private garden for future occupiers of the proposed dwelling, located to the north of the existing outbuilding and facing away from Step Cottage. The Council has highlighted that Policy DM5 of the LPP2 guides that where an area of private garden is proposed for the exclusive use of a dwelling house, this should be at least 10 metres in depth and the width of the dwelling. Paragraph 2.41 of the LPP2 explains that this guideline is intended to ensure that there is sufficient space for a storage shed, a small patio area for sitting out, space to facilitate the drying of clothes, play space, and shrubs and borders for planting.
28. I have taken into account that the proposal is for a two bedroom dwelling, and consequently that the recreational requirements of its residents would be lower than those of a larger family dwelling to which the same guideline would apply. I have also had regard to the fact that the proposal includes a separate sitting out area at the front of the proposed dwelling, which would supplement the proposed rear garden. Furthermore, Witley Play Park is located a short distance to the south of the appeal site and offers additional opportunities for recreation. I therefore consider that the proposed private garden, though falling short of the Council's guideline, would be of a sufficient size to meet the needs of future occupiers.
29. The Council has referred to its Residential Extensions Supplementary Planning Document adopted October 2010, which is a material consideration, and which highlights the need to avoid overdeveloping sites by retaining garden space of a reasonable size. I am satisfied for the reasons given above that the scheme proposes a sufficiently sized garden for future occupiers of the proposed dwelling. Moreover, I do not consider that the retained garden of Step Cottage, which would split by the right of way to Church Step Cottage as it is now, would lose functionality or be comprised as a result of the proposal.
30. Consequently, I conclude that the proposal would provide appropriate living conditions for future occupiers, and therefore that material considerations in this instance outweigh the conflict with the Council's guideline on private garden areas contained in Policy DM5 of the LPP2. The proposal would comply with Policy TD1 of the LPP1, which seeks to maximise opportunities to improve the quality of life and well-being of future residents through, amongst other things, private amenity space.

Other Matters

31. The Council has acknowledged that it cannot demonstrate a five-year housing land supply and that the presumption in favour of sustainable development therefore applies. However, as I have determined that the proposal accords with the development plan as a whole and there are no material considerations to the contrary, there is no need to consider Paragraph 11 of the National Planning Policy Framework.
32. An interested party has raised a concern with the proposed relocation of the vehicular right of way to the adjacent Church Step Cottage, which crosses the rear garden of the appeal property. They point out that the proposal cannot be implemented without the agreement of the occupier of Church Step Cottage. However, as private access rights are not within the remit of this appeal, and as I am satisfied that the proposal is acceptable in all other respects, it is for the respective parties to determine whether the right of way can be rerouted.

Conditions

33. The Council has recommended that five planning conditions be imposed in the event that the appeal is allowed, in addition to which the appellant has offered conditions. In assessing the need for the conditions, I have had regard to the policy requirements contained in the development plan and assessed the conditions in relation to the six tests set out in the Framework.
34. In the interests of certainty, I have imposed a time limit condition (No 1) and a condition listing the approved plans (No 2).
35. To preserving the setting of the CA and listed buildings, the site should remain appropriately landscaped on its eastern and western boundaries, and a suitable boundary planted and maintained between Step Cottage and the proposed dwelling (No 3).
36. In the interests of highway safety and sustainability, it is necessary that adequate parking and turning (No 4) and cycle parking (No 5) are provided.
37. The scheme achieves the required visibility splays, which should be kept clear from obstruction. I have amended the Council's suggested condition to achieve this (No 6).
38. In the interests of preserving the setting of Step Cottage and the CA, it is necessary that the rear part of the garden of Step Cottage have its "permitted development" rights removed for outbuildings, walls and fences (No 7).
39. I have not attached the informatives suggested by the Council relating to construction traffic and road maintenance since the proposal is for a change of use and alterations only.

Conclusion

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

J Heppell

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The approved development shall be carried out in accordance with the following drawings:
P23-046-P-001C Location plan
P23-046-P-004C Proposed block plan
P23-046-P-005B Proposed block plan curtilage garden
P23-046-P-111A Proposed ground floor plan
P23-046-P-112A Proposed first floor plan
P23-046-P-112A Proposed roof plan
P23-046-P-311A Proposed north and east elevation
P23-046-P-312A Proposed south and west elevation
- 3) The development hereby approved shall not be first occupied until a scheme of landscaping has been submitted to and approved in writing by the local planning authority, which shall include details of a hedgerow to be planted beside the retaining wall between Step Cottage and the permitted dwelling. The scheme shall include details of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection during the course of development. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the permitted dwelling, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 4) The development hereby approved shall not be first occupied until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purpose.
- 5) The development hereby approved shall not be first occupied until facilities for the secure, lit and covered parking of bicycles and the provision of a charging point with timer for e-bikes have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved facilities shall be retained and maintained for their designated purpose.
- 6) Visibility splays shall be kept permanently clear of any obstruction over 0.6 metres high.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no buildings incidental to the enjoyment of the dwellinghouse permitted by virtue of Class E of Part 1, or gates, fences and walls permitted by virtue of Class A of Part 2, of Schedule 2 to the Order, shall be undertaken between the existing right of way to Church Step Cottage and the retaining wall next to the outbuilding, which is the area coloured green on Drawing No P23-046-P-005B entitled Proposed Block Plan Curtilage Garden.

End of schedule