
Appeal Decision

Site visit made on 25 June 2025

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 JULY 2025

Appeal Ref: APP/M3645/W/24/3351031

Land at Star Cottages, Church Road, Lingfield RH7 6AH

- 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 Richard Andrews against the decision of Tandridge District Council.
 - The application Ref is TA/2023/130.
 - The development proposed is the demolition of existing buildings and erection of a detached dwelling.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Richard Andrews against Tandridge District Council. This application is the subject of a separate decision

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - the effect of the proposed development on biodiversity and protected species.

Reasons

Character and appearance

4. The appeal site comprises a reasonably large parcel of land fronting Church Road. A series of mature trees exist on the site, together with two low-key single-storey structures. The trees that exist on the site, together with the hedgerows along the site boundary, contribute to a strong verdant character in this part of Church Road. Nearby built form is varied but is principally made up of historic and highly detailed residential properties. This contributes towards a high quality, visually charming and rather unique townscape in this part of Lingfield.
5. The existing structures on the site are not attractive features but have blended into the landscape somewhat. In that respect, they could be said to have a neutral impact upon the character and appearance of the site and surrounding area. Both structures would be demolished.

6. The proposed dwelling would be positioned centrally within the appeal site and would comprise a single-storey structure with a flat roof. A parking area and driveway would provide access to the dwelling from Church Road.
7. The simplicity of the design of the proposed dwelling is a consequence of amendments made during the course of the planning application. Whilst I understand the intentions of the appellant in attempting to overcome concerns raised by the Council, the proposed development would, as proposed, appear utilitarian, at odds with the highly detailed built form of the surrounding area. It would appear discordant and incongruous in this location. Ultimately, the proposed development would fail to appropriately respond to the character of the surrounding area.
8. The appellant argues the visibility of the site is limited. While I acknowledge that views into the site are somewhat limited at present due to the existence of landscaping, I have no doubt that greater views would be possible during the winter months, and from the site entrance. Moreover, the existence of vegetation at present cannot be relied on in perpetuity to give the same level of screening in the future.
9. I acknowledge the appellant's argument that there were no objections from the Councils heritage Building Officer. However, this does not mean that harm identified to character and appearance more generally is automatically overcome.
10. Overall, I conclude that the proposed development would harm the character and appearance of the surrounding area, contrary to the relevant provisions of policy DP7 of Tandridge Local Plan and policy CSP18 of Tandridge District Core Strategy. These policies, in summary and when taken together, seek to ensure a high standard of design in development that respects character, setting and local context, and reinforces local distinctiveness. This is in a similar vein to the objectives of the Lingfield Village Design Statement insofar as they relate to good design and the reflection of local character and distinctiveness.

Biodiversity and protected species

11. The Council's second reason for refusal relates to insufficient information having been submitted to demonstrate that the proposed development would not adversely affect protected species and habitats.
12. A Preliminary Ecological Appraisal (PEA), dated April 2022, was submitted in support of the proposed development. Specifically in respect of bats, the PEA concludes that a tree on the site (a cherry laurel, Tree 1) has moderate suitability for roosting bats during the active season. As a result, the PEA recommended that further bat surveys were required.
13. An updated PEA, dated July 2024, was supplied with the appeal. This confirms that, other than the presence of a mammal hole near the centre of the site, no other significant changes have occurred to the site since the original PEA. However, no further bat presence/likely absence surveys, as recommended by the Surrey Wildlife Trust in its consultation response, appear to have been undertaken.
14. Without clarification, it is not possible for me to satisfactorily conclude that the proposed development would have an acceptable effect on protected species (namely bats) or that it could subsequently meet the requirements of planning

policies in this respect. This is irrespective of the retention of the tree in question, as I have no evidence before me to demonstrate that disturbance to roosts can be ruled out.

15. In addition, further survey work in respect of badgers has been provided. This sets out that during a one-night camera survey, badgers were spotted but not seen entering or leaving the identified sett. However, the survey does not set out the appropriate methodology for badger surveys and whether this was carried out in accordance with that. Moreover, this has not been reviewed by statutory consultees. In taking a cautious approach, and mindful of my requirement to make a decision under the circumstances existing at the time, there remains uncertainty in respect of protected species.
16. Overall, there is insufficient evidence before me to demonstrate that the proposal would have an acceptable effect on protected species, contrary to the relevant provisions of policy CSP17 of the Tandridge District Core Strategy and policy DP19 of the Tandridge District Local Plan. These policies, in summary, seek to ensure that development proposals avoid negative impacts on biodiversity and protected species.
17. Even were I to find this matter acceptable, it would not overcome the harm identified under the other main issue.

Other Matters

18. I accept that the proposed development would meet some other planning policy objectives, including in respect of flooding and green belt. I also note that no objections were received from archaeological, environmental health and highways officers. However, a lack of harm (including in respect of green belt) is effectively neutral in my determination of the appeal. This matter has not led me to an alternative conclusion on the main issues where harm has been identified in respect of character and appearance and biodiversity.
19. I note the appellant's frustration in respect of pre-application advice and in communication with the Council during the course of the application. However, I have assessed the appeal scheme based on the plans before me and these matters have not altered my conclusions. Moreover, a separate costs application has been submitted.

Housing supply

20. The submitted evidence indicates that the Council cannot demonstrate a five-year housing land supply. As such, and noting the Government's objective of significantly boosting the supply of homes, the provisions of Framework paragraph 11.d are engaged.
21. The proposed development would represent a contribution of a single dwelling to housing supply in an area with an acknowledged lack of future provision. There, too, would be some other social and economic benefits of the proposed development, including in supporting employment during construction, the bringing of trade to nearby services and facilities and the paying of Council Tax once occupied. I also accept that the proposed development would utilise a previously developed site. However, the support in the Framework for new housing is not at the expense of ensuring good design and the protection of biodiversity. The

contribution of one extra home and the social and economic benefits, by reason of the scale and nature of the development, could reasonably be described as limited. Moreover, there is no indication that similar benefits could not be achieved via an alternative scheme. Overall, I find that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.

Heritage assets

22. The appeal site is located within the wider surroundings of several listed buildings. This is principally formed of the cluster of properties opposite the site and includes Church Gate Cottage (Grade II), Church House Star Inn Cottages (Grade II*), Pollard Cottage Pollard House (Grade I), Church of St Peter and St Paul (Grade I). Mindful of the statutory duty set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving their settings.
23. The historic backdrop and verdant garden surroundings of these assets, of which the appeal site forms part, contribute positively to their significance. Nevertheless, the position, nature and extent of the proposed development would mean the existing physically and visually separate relationship between the sites would be maintained. The historic and architectural interests of the assets would remain unaffected. The retention of reasonable separation distances and intervening buildings and landscaping features, in particular, would reinforce this. Ultimately, the proposed development would not compromise the settings of the nearby heritage assets, or the contribution they make to their significance.
24. The appeal property is also located within the Lingfield Conservation Area (the CA). In line with section 72(1) of the Act, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA. Bearing in mind the position, nature and extent of the proposal, I consider that it would have a neutral effect on, and would therefore preserve, the character and appearance of the CA as a whole. As such, the proposal would not harm the significance of this designated heritage asset. I note that the Council had no concerns in these respects either. Nevertheless, the lack of harm in this respect does not weigh for or against the appeal and does not alter my conclusions on the main issues.

Conclusion

25. For the reasons given above, having regard to all other matters raised, I conclude that the appeal should be dismissed.

A Price

INSPECTOR