
Appeal Decision

Site visit made on 19 August 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 SEPTEMBER 2025

Appeal Ref: APP/R3650/W/25/3361621

Hurst Gate Portsmouth Road, Milford, Godalming GU8 5HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr David Thompson against the decision of Waverley Borough Council.
 - The application Ref is WA/2023/01668.
 - The development proposed is described as 'Outline application for the erection of up to 5 dwellings'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has confirmed that it no longer wishes to defend the fifth reason for refusal which relates to play space in light of the submission of drawing P040 Rev C which shows that the appeal scheme could accommodate a 100m² local area for play with a 5m buffer to the nearest property.
3. Given that the provision of play space is expected by Policy LRC1 of the Waverley Borough Local Plan (Part 1) 2018 (LPP1) and that this could be secured by way of a planning condition, I consider this matter to be resolved and will not discuss it further in this decision.

Main Issues

4. The main issues are:
 - the effect of the appeal scheme on the character and appearance of the area;
 - whether the appeal scheme would constitute inappropriate development in the Green Belt;
 - whether the proposal would be suitably located having regard to relevant development plan policies concerning the Council's spatial strategy; and
 - whether the proposed development would be at risk of flooding.

Reasons

Character and Appearance

5. The appeal site is located in the countryside and whilst it is not within a designated landscape it lies within the 'Shackleford Open Greensand Hills – Surrey Landscape Character Area'. The Surrey Landscape Character Assessment (2015)

describes this as a diverse landscape, predominantly pastoral but with areas of arable farmland, woodland, heathland, golf courses, parkland, nurseries and paddocks, and quarry workings. Field patterns are mainly medium to large regular fields with straight boundaries typical of parliamentary enclosure and bounded by hedgerows with hedgerow trees or by fences. It notes that it is a rural, peaceful landscape.

6. The appeal site forms part of a parcel of land, which the parties agree was formerly a paddock, situated to the south of a large, detached house known as Hurst Gate. Visually, it forms part of the land within the curtilage of Hurst Gate and slopes downwards towards the ponds on Milford Golf Course which are surrounded by mature trees. There is a tranquil, semi-rural character to the site which I find does not have the 'feel' of being part of the village of Milford.
7. To the north-west of the site across Portsmouth Road is the Squires Garden Centre. Whilst this is a relatively large development it does not create the impression of being in a built-up area. Beyond this to the west is Meadow Close, a residential cul-de-sac which together with The Refectory public house / restaurant to the south, form the easternmost part of the Milford built-up area. To the north-east of the site are other dwellinghouses which, like Hurst Gate, are set back from Portsmouth Road, and beyond these is countryside.
8. To the south and east of the appeal site is land associated with a golf course which, although a golf course represents development of land, nevertheless retains a verdant, open character.
9. The submitted drawings illustrate that the 5 proposed dwellings would be set into the ground with a lowering of the ground levels and separated from Hurst Gate by a tall bund with tree planting which is intended to show that the site can be enclosed, screened and planted to limit the visual impact of the development on its surroundings. The appellant has stated that the bund is indicative and could be replaced by a simple timber post and rail fence and hedgerow. Given the outline nature of the scheme, the appellant has also noted that dwellings could be moved further away from the western boundary to reduce visual impact.
10. However, a limited visual impact does not necessarily result in the avoidance of harm; in this case the pattern of development and the nature of the surrounding landscape is the key consideration. Even though the site might meet the definition of previously developed or brownfield land as set out in the National Planning Policy Framework (the Framework) on the basis of it being garden land outside of the built-up area, that definition is not representative of the site's character. Regardless of its final layout within the appeal site, the group of dwellings would have an urbanising effect by introducing urban features into the open countryside. They would be physically divorced from the edge of the nearest settlement and, rather than amounting to a harmonious extension to the village, would jar with the prevailing pattern of development, resulting in an inharmonious, piecemeal development which would be at odds with the wider pattern of and approach to the location of development in the borough. The enclosure of the 5 proposed dwellings – whether by way of a bund or fencing – would further reduce the open character of this parcel of land.
11. Accordingly, the appeal scheme would have a harmful effect on the character and appearance of the area and would be contrary to LPP1 Policies TD1 and RE3

which say that development should respond to the distinctive local character of the area in which it is located and must respect, and where appropriate enhance, the distinctive character of the landscape.

Green Belt

12. The main parties agree that the appeal site lies within the Green Belt. Notwithstanding, both accept that the site is defined as Grey Belt which is land in the Green Belt comprising previously developed land and / or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143 of the Framework.
13. According to paragraph 155 of the Framework, the development of homes in the Green Belt should not be regarded as inappropriate where four criteria are satisfied. Both the Council and the appellant have said that the development would be on 'grey belt' land, would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the local plan area, and that there is a demonstrable unmet need for housing given that the Council does not have a five-year supply of housing land (both parties note that it has a 1.28-year supply). In addition, they have both said that the appeal site is in a sustainable location. The fourth criterion in paragraph 155 relates to major development and, therefore, does not apply to this appeal.
14. Given this, the proposal is not therefore inappropriate development in the Green Belt and there is no further requirement to consider openness or other considerations in this regard. Accordingly, the appeal scheme does not conflict with LPP1 Policy RE2 which says that the Green Belt will be protected against inappropriate development in accordance with the Framework.

Spatial Strategy

15. LPP1 Policy SP2(2) says that the spatial strategy will allow moderate levels of development in larger villages, including Milford. The appeal site is not within the defined built-up area of Milford and, accordingly, it does not benefit from the support for development within larger villages that is offered by this policy. Similarly, I do not consider that paragraph 125 c) of the Framework – which says that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs – is applicable.
16. Furthermore, whilst the appeal site might be within walking distance of facilities in Milford including a small supermarket, is served by buses and is within walking distance of a railway station, it is not physically well-related to the existing settlement.
17. My attention has been drawn to land at Squires Garden Centre (also known as Secretts, Hurst Farm) which is located to the north of Portsmouth Road and which has been allocated for 177 dwellings in Policy DS14 of the Waverley Borough Local Plan (Part 2) (2023) (LPP2). The appellant has argued that this has some relevance to this appeal in that it involves a significant incursion into the countryside between Milford and Godalming and, although lying adjacent to the village settlement, it would have a significant impact upon the character and setting of the area.

18. However, this site has been brought forward through the local plan process and has therefore been identified as being suitable for development. There is no allocation for development on the appeal site and the documents before me are silent as to whether the site was promoted and, if so, why it was not included in the current local plan. Furthermore, given that the appeal site is separated from the Squires Garden Centre site by Portsmouth Road I consider that the appeal site would maintain its own distinct character even if development is brought forward on the allocated site.
19. Therefore, the appeal would not be suitably located having regard to relevant development plan policies concerning the Council's spatial strategy and would conflict with LPP1 Policy SP2(2).

Flood Risk

20. The Council's position is that the site is at risk of flooding. However, the appellant has provided evidence that the built development would be in Flood Zone 1 and that with appropriate measures and the imposition of suitable conditions, the appeal scheme would be acceptable in terms of flood risk. The appellant has also demonstrated that there would be potential to employ sustainable drainage systems (SuDS) as part of the development and, thus, to comply with the SuDS hierarchy. Therefore, the appeal scheme would comply with LPP1 Policy CC4 and Policy NE4 of the Witley Neighbourhood Plan (2020), both of which relate to the management of flood risk.

Other Matters

21. The appeal scheme is within the setting of the Milford Conservation Area (CA) and, as such, I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
22. The closest part of the CA is the car parking area of The Refectory public house / restaurant which is to the west of the appeal site. From the edge of its car park the appeal site can be seen. The addition of five dwellings, which would be visible from this location, would diminish the pastoral character of this view and would result in a small degree of less than substantial harm to the setting of the CA. However, and as argued by the appellant, I consider that that harm would be outweighed by the public benefit arising from the appeal scheme, specifically the delivery of 5 dwellinghouses.
23. The appeal scheme is located within the Wealden Heaths Phase I SPA 5km Buffer Zone, would result in an increase in the number of people permanently residing on the site and therefore would have an effect on the integrity of the Wealden Heaths Phase I SPA due to the risk of increased recreational pressure that could be caused by residential development. However, according to LPP2, mitigation is only required for schemes comprising 20-49 dwellings and as the proposed development is for 5 dwellings it is exempt. As such, the proposed development complies with LPP1 Policy NE1 and the Conservation of Habitats and Species Regulations 2017.

Planning Balance and Conclusion

24. The parties agree that the Council does not have a five-year supply of housing land, and the position is, at best, lamentable. As such, paragraph 11 d) of the Framework applies and planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposed or 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.
25. The appeal scheme would not conflict with Green Belt policy and there would be no harm in terms of flooding and, therefore, I do not consider that there are any policies which protect areas or assets of particular importance which provide a strong reason for refusing the development proposed.
26. The proposal would, albeit by only 5 dwellings, make a contribution to meeting the need for new homes which would be in a largely convenient location for access to public transport and shops. In accordance with the Framework, I would apply considerable weight to the contribution that the appeal scheme would make to meeting the need for new homes.
27. Nevertheless, I consider that the benefit of the new homes would be significantly and demonstrably outweighed by the harm that the appeal scheme would cause to the character and appearance of the area, by the harm that would be caused to the setting of the CA and, with reference to the Council's spatial strategy, as a result of development that is in an inappropriate location in the open countryside which would result in a jarring of the settlement pattern and the urbanisation of the land.
28. Therefore, for the reasons given above the appeal should be dismissed.

P Burley

INSPECTOR