



Appeal Decision

Site visit made on 9 September 2025

by **H Whitfield BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 September 2025

Appeal Ref: APP/D3640/W/25/3367882

Land South of Castle Grove House, Castle Grove Road, Chobham GU24 8EE

- 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 Ms Beth Aston against the decision of Surrey Heath Borough Council.
- The application Ref is 24/1034/FFU.
- The development proposed is the erection of detached dwelling utilising existing access and landscaping.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has referred to the emerging Pre-Submission Surrey Heath Local Plan (2019-2038): (Regulation 19) (the Emerging Local Plan) which has been subject to consultation. However, I have not been made aware of the outcome of the consultation and whether there are any unresolved objections pending the plans examination by an independent Inspector. This leaves uncertainty as to the degree to which the emerging policies may change. I have not been directed to any particular circumstances that indicate the emerging policies would fundamentally change the approach to the main issues in this appeal. Consequently, the emerging policies carry limited weight, and the primary policy consideration is therefore the statutory development plan.
3. The appellant has submitted three amended plans with this appeal, additional arboricultural documents, highway documents and drainage strategies. The amended Proposed Site Plan¹ shows the omission of the car port and reduction in the hard surfacing area to the front of the dwelling. The Drainage Strategies² provide details of the proposed foul and surface water drainage for the scheme with the car port and without. Both strategies include the construction of an attenuation basin within the appeal site which is not included on the proposed site plan or within the original description of development. As this would introduce a new engineering operation and the omission of the car port would remove one of the proposed buildings from the scheme, they would result in a substantial difference and fundamental change to the development when compared to the plans upon which the Council made its decision. This would cause procedural unfairness to interested parties as it would deprive those entitled to be consulted on an application the opportunity to make a representation. On this basis, these documents have not been accepted and will not be referred to further.
4. The amended Site Location Plan³ omits the annotated visibility splays, and these are instead shown on a separate Highway Plan⁴, a small area of land in the south-east

¹ Appendix 4 to the Appellant's Statement of Case (SOC) Proposed Site Plan Ref. 01 Rev. C

² Appendix 7 to the Appellant's SOC

³ Appendix 9 to the Appellant's SOC Location Plan L01

⁴ Appendix 6 to the Appellant's SOC Highways and Topo Overlay Plan Ref. A-001

corner of the site which has been confirmed to be outside of the appellant's ownership is also omitted. As the Highway Plan and Highway Report⁵ only provide supplementary information and the amendments to the Site Location Plan omit a small parcel of land from the scheme which has no effect on the overall layout, they do not make a substantial difference or fundamental change to the development when compared to the information upon which the Council made its decision. The Council has also had the opportunity to review and comment on this evidence such that accepting them would not cause procedural unfairness to anyone involved in the appeal.

I have therefore determined the appeal based on the amended Site Location Plan and the information within the Highway Plan and Report.

5. Documents at Appendix 5 of the appellant's Statement of Case (SOC) provide supplementary arboricultural documents in relation to the scheme with the carport omitted. As I have not accepted this amendment to the appeal scheme, the documents at Appendix 5 are not accepted either. However, the Arboricultural documents at Appendix 3 of the appellant's SOC provide updated information to address the concerns raised by the Council in relation to the proposed carport. These are supplementary to the original documents which were provided at the application stage and the Council has had the opportunity to review and comment on this evidence. I have therefore had regard to these in my determination of this appeal.
6. The Council's first reason for refusal refers to the development constituting inappropriate development in the Green Belt, resulting in harm to the openness of the Green Belt and conflicting with its purposes in conflict with Chapter 13 of the National Planning Policy Framework (the Framework). However, following additional guidance published in relation to Grey Belt land and assessing the Green Belt purposes, the Council has confirmed that the appeal site does not make a strong contribution to the Green Belt purposes and therefore falls within the definition of Grey Belt land. The Council also states that the development would meet the exception at paragraph 155 of the Framework such that it would not constitute inappropriate development in the Green Belt. On this basis it confirms there is no subsequent requirement to assess openness and therefore withdraws its first reason for refusal. I see no reason to come to a different conclusion on this matter and therefore shall consider it no further.
7. Whether the proposed development would be acceptable in relation to highway safety was not listed as a reason for refusal on the decision notice. However, it was raised as an issue within the Officer Report. Harm was identified in respect of the visibility splays at the site access, with the Council finding conflict with Policy DM11 of the Core Strategy & Development Management Policies 2011- 2028 (the CSDMP). The Council has confirmed that this was not included as a reason for refusal in error. However, it has nevertheless confirmed that the Highway Plan and Report submitted with this appeal are sufficient to overcome their concerns, subject to conditions. I see no reason to come to a different conclusion on this matter either and therefore shall consider it no further.
8. Whether the proposed development would be acceptable in relation to the effect on the integrity of the Thames Basin Heaths Special Protection Area (SPA) was not listed as a reason for refusal on the decision notice either. However, this too was raised as an issue within the Officer Report in the absence of a legal agreement to secure financial contributions towards Suitable Alternative Natural Green Space (SANGS) and Strategic Access Monitoring and Maintenance (SAMM) mitigation. The Council

⁵ Appendix 2 to the Appellant's SOC

identified conflict with Policy CP14B of the CSDMP. The appeal is accompanied by a unilateral undertaking (the UU) pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended). The UU seeks to secure financial contributions towards SAMM and SANGs mitigation in relation to the SPA and the Council has confirmed that this is sufficient to address their concerns. I shall return to this matter later in the decision.

Main Issues

9. In light of the above, the main issues are:

- the effect of the development on the character and appearance of the surrounding area including its effect on protected trees; and
- whether the development could provide appropriate drainage.

Reasons

Character and appearance including protected trees

10. The appeal site comprises a parcel of grassland enclosed by several tall and established trees protected by a Tree Preservation Order⁶ (TPO) and is served by an existing gated access off Castle Grove Road. Nearby development comprises a variety of dwelling sizes, styles and materials. In close proximity to the appeal site, properties are typically set in spacious and irregular plots interspersed with trees and pockets of woodland. Whilst the character and appearance of built form varies, the presence of extensive trees and vegetation along the highway gives the area a distinctly verdant and sylvan character. The presence of trees around the appeal site also affords it a high degree of visual containment and enclosed character.
11. Closer towards the centre of Chobham, the pattern of development on the appeal site side of the road comprises smaller, more regular plots with properties positioned closer to one another and set back relatively consistently from the highway. This reflects a typical ribbon pattern of development. However, travelling along Castle Grove Road towards the appeal site, the pattern of development transitions into larger, more spacious plots with a more irregular building line and orientation of properties. In close proximity to the appeal site there are also examples of dwellings set well back from the highway and behind one another. This results in a varied pattern of development.
12. The proposed dwelling, car port and plot size would not be disproportionate in scale to surrounding properties. The dwelling would be set back from the highway in a spacious plot which is reflective of the lower density of surrounding development. While not reflecting a ribbon pattern of development, the scheme would not be out of character with the more varied pattern of development in the immediate area. This aligns with the aims of the Framework where it encourages developments that are sympathetic to local character. It also accords with principles 6.6 and 7.4 of the Residential Design Guide Supplementary Planning Document (2017) which, amongst other things, expect new residential development to respond to the size, shape and rhythm of surrounding plot layouts and the spacing, height and building footprints of existing buildings.
13. I accept that the appeal site is well separated from Castle Grove House to the north-east and, irrespective of the degree of visual containment of the site, the scheme would have a spatial effect on the area by introducing development on land that is currently

⁶ Council Ref. TPO/01/25

devoid of built form. However, the site does not have a particular open character due to the presence of trees around its boundaries which limit any short or long-distance views into the site. The development would also be in keeping with the more sporadic pattern of development in the immediate area.

14. Properties immediately opposite the appeal site are also highly prominent in the street scene and have already established an urbanising effect against the roadside. In contrast, the appeal dwelling would be set back into the site in a spacious plot and while the car port would be closer to the front boundary of the site, the development is nevertheless likely to be screened by the protected trees along the highway boundary which are to be retained. While views would be achievable down the site access, these would be glimpsed views of a dwelling that would otherwise accord with the more sporadic pattern of development in the immediate area and would not undermine its spacious rural character. Consequently, any views of the development would not have a suburbanising effect or result in an incongruous form of development. Nor would the development be at odds with its surroundings.

Protected trees

15. The front boundary of the site is formed by a belt of established and tall protected trees. Given the front boundary trees are adjacent to the highway, they are highly prominent in the public realm and contribute positively to the sylvan and verdant character of the area.
16. The Arboricultural Impact Assessment⁷ (AIA) states that the construction of the new driveway and car port would result in incursions into the root protection areas (RPAs) of the trees identified as T9, T11 and T12. In the Officer report the Council raises concerns in relation to the potential effects on T9 and T12. However, following the submission of the additional arboricultural information the Council confirms its principal concern relates to T12. T12 is described as a category B, mature Horse Chestnut approximately 19.5m in height and in fair condition. This description corresponds with my site visit observations in which I noted the tree to be tall, established, in fair condition and with moderate individual amenity value. It also forms part of a linear group of trees which make a strong contribution to the character of the area and has a high group amenity value.
17. The car port would have a very close relationship with T12, positioned within its canopy spread and RPA. The Arboricultural Method Statement⁸ (AMS) states that permanent ground protection measures would be installed to encompass parts of the RPAs of T9, T10, T11 and T12 and the car port would be constructed using pillar or screw pile foundations to minimise incursions into the RPA, which would be approximately 5%. All works would be undertaken either manually using hand-held tools or using appropriately sized machinery as fully detailed in the AMS.
18. Whilst the risk of damage to tree roots during construction cannot be entirely ruled out, the use of tree protection measures and working methods as set out in the AMS could reasonably be secured by condition if the appeal were to be allowed to protect the trees during construction works. However, the Council raises concerns that the level of RPA intrusion for T12 may approach the upper limit of that recommended by the British Standard BS 5837: 2012⁹, which states that new permanent hard surfacing should not

⁷ Appendix 3 to the Appellants SOC Arboricultural Impact Assessment by The Sussex Tree Company, dated May 2025

⁸ Appendix 3 to the Appellants SOC Arboricultural Method Statement by The Sussex Tree Company, dated May 2025

⁹ BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations

exceed 20% of any existing unsurfaced ground within the RPA. The Tree Retention and Protection Plan¹⁰ would appear to show the car port covering a greater area of the total RPA than is stated in the AIA. Irrespective of the specialist foundation approaches proposed, this extent of coverage of the RPA shown on the plans would reduce the tree's favourable rooting environment, compromising its long-term health.

19. The carport would also be sited under T12's canopy, which the AIA states would require crown lifting so as not to impact the car port's construction. The AIA states the future growth of the T12 is also likely to have continuing implications for the carport as lower branches could result in direct contact with its roof. This would require regular maintenance. The proximity of T12 and the other protected trees along the front boundary to the proposed driveway and parking area would also result in ongoing maintenance responsibilities for future occupiers, potential for nuisance from leaf litter, falling branches or the perceived risk of such occurrences. This is likely to result in increased future pressures for pruning or removal, particularly to T12, given the very close relationship with the car port and its growth potential.
20. Such ongoing pruning works would impact the natural growth and shape of this protected tree and its long-term health and lifespan. As T12 is covered by a TPO I note the Council could refuse any application for works to the tree or that, if approved, such works would follow best practice and appropriate guidance. However, perceptions of future occupiers can lead to pressure for inappropriate tree works, including removal, which the Council would have difficulty in resisting. There is no substantive evidence before me to suggest that T12 would not be subject to such pressures and, without introducing development in such close proximity to the tree, such pressure would not be as heightened. Furthermore, any increase in the spread of the canopy of T12 would only increase the perception of risk of damage to the car port and the effects of debris. Therefore, even though it is protected, such change in circumstances could be used to justify its removal.
21. I note the AIA states nuisance from tree leaves would have no impact above and beyond the existing impact. However, the development proposes to introduce a new residential use onto the site and a building directly under the canopy of a protected tree such that the effects would be greater than existing.
22. Overall, I do not consider it would be possible for the proposed dwelling to achieve a harmonious long-term relationship with the protected tree. Given this, despite T12 being protected by a TPO, there is a tangible risk that the development would result in future pressure to extensively prune it, which would likely result in a detrimental impact upon its long-term viability, or remove it. This would result in the loss of a protected tree with moderate individual amenity value and reduce the tree cover in a prominent and attractive tree group which has a high collective amenity value. This would undermine the positive contribution this tree group makes in the street scene and consequently, would harm the character and appearance of the area.
23. For the above reasons, I conclude that the development would result in harm to the character and appearance of the area due to the effects of the development on a protected tree. This conflicts with Policies CP2 and DM9 of the CSDMP and Policies DH1 and DH5 of the Emerging Local Plan insofar as they require developments to protect trees worthy of retention, provide sufficient space for trees to mature and developments to respect and enhance the natural environment. The Council refers to

¹⁰ in Appendix 3 of the Appellant's SOC

conflict with CP1 of the CSDMP, however, as this relates to the spatial strategy for development within the Borough it is not determinative in my consideration of this main issue.

Drainage

24. The appeal site is a relatively flat and reasonably sized parcel of land that is described in the evidence as containing poor semi-improved grassland and ruderal vegetation with trees and woodland surrounding its perimeters. The Council describes the site as being in Flood Zone 1 which means it has a low probability of river or sea flooding.
25. Policy DM10 of the CSDMP expects development to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems at a level appropriate to the scale and type of development.
26. The Council states that the site is not considered suitable for soakaways and that insufficient information has been provided to demonstrate drainage on the site. However, the Council has not substantiated its concerns in relation to these matters. While representations from interested parties refer to issues locally with surface water flooding, I have not been provided with any substantive evidence of any critical drainage problems or that the appeal site is particularly susceptible to surface water flooding.
27. The scheme would not introduce a significant increase in hard surfacing comparatively to the size of the appeal site. For a development of this scale and kind, planning conditions could be attached to any approval to require the details of a drainage scheme to be submitted to the Council and, if approved, to be implemented and thereafter retained in the agreed form. This would require the appellant to formally submit a detailed drainage scheme for the site and allow the Council to scrutinise those details to ensure that they would be effective. I have no substantive evidence before me that a suitable drainage strategy could not be achieved at this site, which could utilise other measures to those discussed in the preliminary matters of this decision. Therefore, it would be reasonable to require such details by condition to ensure that arrangements for the disposal of foul and surface water from the site would be able to be designed and implemented such that adequate drainage arrangements could be put in place.
28. For these reasons, I therefore find the development could provide appropriate drainage, secured by conditions. This complies with Policy DM10 of the CSDMP and Policy E8 of the Emerging Local Plan insofar as they seek to ensure the incorporation of appropriately designed drainage at a level appropriate to the scale and type of development.

Other Matters

29. The appellant has invited me to consider amended plans and arboricultural documents showing the removal of the car port in the event I find harm to the character and appearance of the area as a result of the effect of the development on protected trees. However, for the reasons set out in the preliminary matters, I have not accepted these amended plans and documents and therefore it is not appropriate for me to consider the effects of this alternative proposal.
30. I am mindful that Castle Grove House to the north-east is a Grade II listed building. However, neither party has suggested that the appeal site is within the setting of this

designated heritage asset and given the intervening land, distance and landscaping features between it and the appeal site I see no reason to disagree.

31. I note the appellant states this proposal has been amended to take on board the pre-application advice received. However, this appeal follows the Council's formal decision, and I have determined the case on its own planning merits.
32. The dwelling would incorporate renewable and energy efficient technologies and the evidence states it would be a bespoke high-quality design. However, there is little in the evidence to suggest the development would be particularly innovative, or that it would go beyond the requirements of the development plan or other governing legislation in this regard and therefore these benefits attract limited weight.
33. There is dispute between the parties whether the site constitutes previously developed land (PDL). The appellant contends that the site was formerly part of the garden to Castle Grove House and therefore amounts to PDL. However, the Council states that as the former tennis court and pavilion on the site have blended into the landscape they are excluded from the definition in the Framework. Whilst the Framework definition includes land in built up areas such as residential gardens, I have no substantive evidence before me that the site forms part of the garden of Castle Grove House and note from my site visit observations the surface of the tennis court was not immediately apparent. Therefore, in the absence of any substantive evidence, I have not considered the site as PDL.
34. The development is also described as a self-build scheme in some of the supporting documents. However, there is no substantive evidence before me that demonstrates the development would meet the definition of a self-build home as set out in the Self-build and Custom Housebuilding Act 2015 (as amended). No mechanism has been provided to secure the development as self-build in any event. On this basis, I have not considered it as such.
35. I note the concerns raised by interested parties, however, based on the additional information supplied with this appeal and subject to a condition requiring maintenance of the visibility splays, the Council has withdrawn its objection to the development on highway safety grounds. There is no substantive evidence to indicate that the access is unsuitable for vehicles or that the proposed development would adversely affect highway safety. Therefore, based on the evidence before me, I see no reason to come to a different conclusion.
36. Similarly, as set out in the preliminary matters, the Council has confirmed that the development would meet the exception at paragraph 155 of the Framework relating to Grey Belt development. On this basis, the Council confirms the scheme would not be inappropriate development within the Green Belt. I note reference to an appeal decision at Castle Grove Nursery by the Parish Council; however, I have not been supplied with any details of this case. Nevertheless, I note the Parish Council states this relates to considering the scheme on its own merits which has been duly undertaken in my determination of this appeal. I have no substantive evidence before me which challenges the Council's conclusions in relation to the appeal scheme meeting the exception at paragraph 155 of the Framework and note, on this basis, it would not be inappropriate development within the Green Belt. Based on the information before me, I see no reason to come to a different view.
37. The appeal site falls within the 5km Zone of Influence for the Thames Basin Heaths Special Protection Area (SPA), which is a European Site as defined by the

Conservation of Habitats and Species Regulations 2017 (as amended). The SPA is a heathland that is designated for its network of important bird conservation sites and, in particular, its populations of internationally rare bird species. It is common ground between the parties that financial contributions towards SAMM and SANGs would be required to mitigate any likely significant effect of the development on the integrity of the SPA. The Council has confirmed that the UU submitted with this appeal would be sufficient to secure the necessary mitigation. However, as I have found that the scheme would be unacceptable for another reason, it is not necessary for me to consider whether there would be a Likely Significant Effect on the integrity of the European Site or undertake an appropriate assessment.

Planning Balance

38. I have found that the appeal scheme would result in harm to the character and appearance of the surrounding area having particular regard to protected trees, contrary to the abovementioned policies of the CSDMP. This is sufficient to bring the development into conflict with the development plan when read as a whole. Development that conflicts with the development plan should normally be refused unless material considerations indicate otherwise.
39. The Council concedes that it cannot currently demonstrate a five-year supply of deliverable housing sites. The evidence provided by the Council indicates that the current supply is between 3 and 3.7 years, whereas the appellant estimates it to be 2.9 years. Whatever figure is used, this is a substantial shortfall. Paragraph 11(d) of the Framework is therefore engaged. Which in this case means granting permission 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.
40. On one hand, the scheme would make an efficient use of land and provide one dwelling in an area that is reasonably close to services and facilities. As a small-site, it could be built-out reasonably quickly. The development would therefore make a small but beneficial contribution to the choice of homes in the area and the supply of housing land; as well as providing social and economic benefits during construction and after occupation. Ecological enhancement measures could also provide minor biodiversity benefits. Housing delivery is supported by the Framework and, therefore, this benefit weighs in favour of the proposal. However, in the context of one additional dwelling, any social, economic or environmental benefits associated with the development would be relatively limited, even taking account of the objective of significantly boosting the supply of housing in the Framework and the Council's housing land supply position. Therefore, the weight attached to these benefits overall is limited.
41. On the other hand, the development would result in harm to the character and appearance of the surrounding area having particular regard to the effect on protected trees. This is contrary to the Framework, which expects existing trees to be protected and retained wherever possible and developments to be sympathetic to local character including the surrounding landscape setting. Consequently, this attracts substantial weight.
42. As such, in the specific circumstances of this case, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework, when taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

43. The proposal conflicts with the development plan when read as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

H Whitfield

INSPECTOR