
Appeal Decision

Site visit made on 21 July 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 September 2025

Appeal Ref: APP/R3650/W/25/3359462

Orchard House, Three Gates Lane, Haslemere, Surrey GU27 2LD

- 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 and Mrs Apps against the decision of Waverley Borough Council.
 - The application Ref is WA/2024/01727.
 - The development proposed is the erection of two detached dwellings and associated works; erection of a detached garage to serve the main dwelling, Orchard House, with demolition of existing detached annexe and ancillary buildings and removal of the existing manège.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two detached dwellings and associated works; erection of a detached garage to serve the main dwelling, Orchard House, with demolition of existing detached annexe and ancillary buildings and removal of the existing manège, at Orchard House, Three Gates Lane, Haslemere, Surrey GU27 2LD, in accordance with the terms of the application, Ref WA/2024/01727, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. Section E of the appeal form indicates that the description of development has changed from that given on the application form. The appellant has provided written confirmation that a revised description of development has been agreed with the Council. As such, in the banner heading and in my decision above, I have used the description of development provided in the appeal form.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the character and appearance of the area, with reference to the Surrey Hills National Landscape; and
 - whether the proposed development would provide acceptable living conditions for future occupiers, with regard to the provision of internal space.

Reasons

Whether inappropriate development

4. The appeal site is located within the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
5. Policy RE2 of the Waverley Borough Local Plan Part 1 (LPP1): Strategic Policies and Sites (2018) states that the Green Belt will be protected against inappropriate development, unless development meets with the exceptions listed in national planning policy.
6. Paragraph 155 of the Framework sets out that the development of homes in the Green Belt should also not be regarded as inappropriate where all the following apply: a) the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; b) there is a demonstrable unmet need for the type of development proposed; c) the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework; and d) where applicable the development proposed meets the 'Golden Rules' requirements.
7. Grey Belt is defined in the Framework as land in the Green Belt that does not strongly contribute to any of purposes (a) checking the unrestricted sprawl of large built-up areas, (b) preventing neighbouring towns merging into one another and (d) preserving the setting and special character of historic towns in paragraph 143.
8. Regarding purpose (a), the appellant asserts that Haslemere is a small country town, not a large built-up area. In terms of purpose (b), the appellant advises that the proposal would not be close to another town. In relation to purpose (d) the appellant sets out that the site is not located within a historic town. This is not disputed by the Council and, in the absence of compelling evidence to the contrary, I find that the land does not strongly contribute to these purposes of the Green Belt.
9. Grey belt excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development. While the site is partially within the Surrey Hills National Landscape (NL), I have found that the proposal would not be harmful in this regard as set out below. Consequently, the proposal would utilise grey belt land.
10. Since part of the development would be located within paddock land, the proposal would lead to encroachment of development into the countryside. However, this would be minor and there is no suggestion that the development would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan under paragraph 155a) of the Framework.
11. The parties agree that there is a lack of a five year supply of deliverable housing sites, thus there is a demonstrable unmet need for the type of development proposed under paragraph 155b) of the Framework.
12. Both the access road and Three Gates Lane are narrow unlit roads with no dedicated footways which are not conducive to year-round active travel trips.

However, as Three Gates Lane is subject to a speed limit of 30mph and provides direct access to Grayswood Road/ High Street, Haslemere, there is the opportunity for some cycle trips to/from the site. As such, I find that the proposal would be in a sustainable location with reference to paragraphs 110 and 115 of the Framework.

13. For completeness, the proposed development is not major development, and therefore the requirement of criterion d) of paragraph 155, to satisfy the 'Golden Rules', is not applicable to the appeal proposal.
14. The proposed development would satisfy all the relevant criteria of paragraph 155 of the Framework. For this reason, the proposal would not be inappropriate development in the Green Belt. On this basis, there is no need for me to consider other possible exceptions under paragraph 154 of the Framework. Further, the exception at paragraph 155 does not expressly state a need to assess the effect of the development on Green Belt openness. Thus, consistent with footnote 55 of the Framework, the proposal should not be regarded as harmful to the openness of the Green Belt. For the avoidance of doubt, as not inappropriate, the proposed development would achieve compliance with LP Policy RE2.

Character and appearance

15. The site is partly located within the Surrey Hills NL and Area of Greater Landscape Value. The Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty within NLs, which have the highest status of protection in relation to these issues. Additionally, Section 85 of the Countryside and Rights of Way Act 2000 (as amended by section 245 of the Levelling Up and Regeneration Act 2023) places a duty upon me to seek to further the statutory purpose of the NLs, which is to protect and enhance their natural beauty.
16. The Surrey Hills Management Plan (2020 – 2025) sets out that the NL is an intriguingly diverse landscape characterised by areas of woodland, hills and valleys, traditional mixed farming, a patchwork of chalk grassland and heathland, sunken lanes, picturesque villages, and market towns.
17. Orchard House is a detached two-storey dwelling set within a generous parcel of land, which also includes a detached annexe, various single storey outbuildings and a manège. Access is via a long driveway off Three Gates Lane. The land levels slope steeply down towards the back area of the site.
18. The surrounding area comprises the built-up area of Haslemere, as well as blocks of woodland, interspersed with fields. The neighbouring properties are normally detached and display different styles and scales. While the plots are generally spacious, there is some variation in terms of their size and shape. The pattern of development is informal and comprises properties facing the road as well as back-land development.
19. The proposal would sub-divide the existing plot, which would result in smaller plots. However, the surrounding plots are irregular and therefore the proposal would not appear at odds with the surrounding pattern of development. The scale of the proposed dwellings would be commensurate to the size of their plots and so the proposal would sit comfortably within its surrounding context.
20. The context of the site is set by undeveloped areas of countryside, but also by other buildings and uses which are present nearby. The site is not in a pristine

area of countryside, where development would be likely to be more apparent. The proposal would replace the existing outbuildings and any views towards the new dwellings would be in the context of the existing built form. Overall, the proposal would not be intrusive and would not spoil the landscape or visual qualities of the Surrey Hills NL. Therefore, the effect on the landscape and scenic beauty of the NL would be acceptable.

21. Given that the proposal would be limited in scale, and its proximity to the built-up area of Haslemere, the proposal would not harm the sense of tranquillity, dark skies or sense of remoteness of the NL.
22. As such, the proposal would not have a harmful effect on the character and appearance of the area, with reference to the Surrey Hills NL, in accordance with LPP1 Policies TD1 and RE3 and with Policies DM1 and DM4 of the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies 2023 (LPP2). Amongst other things, these policies support development of a high-quality design that responds to the distinctive local character of the area, protects and enhances the character and qualities of the Surrey Hills NL and not cause harm to existing environmental assets such as areas of landscape value.
23. The Council's second reason for refusal refers to LPP1 Policy RE1. However, this policy relates to countryside beyond the Green Belt. Given the location of the appeal site within the Green Belt, this policy would be of limited relevance in the context of this appeal.

Living conditions

24. LPP2 Policy DM5 requires proposals for new housing developments to demonstrate that they provide adequate internal space to meet the Technical Housing Standards – Nationally Described Space Standard (the standards) as a minimum.
25. The submitted Design and Access Statement advises that unit 1 would be provided with a double bedroom on the ground floor and a single bedroom on the first floor, consistent with the proposed plans for this unit. However, the Council advises that the first-floor bedroom within unit 1 would measure some 12.3m² and therefore this would be a 4-person 2-bed dwelling.
26. The standards require that, in order to provide one bedspace, a single bedroom has a floor area of at least 7.5m², and in order to provide two bedspaces, a double (or twin bedroom) has a floor area of at least 11.5m². Although not shown on the plans, the appellant confirms that the first-floor bedroom would have a gross internal floor space of some 11.1m² measured above an internal height of 1.5m. While this would meet the minimum floor area for a single bedroom, it would fall below the minimum floor area of for a room with two bedspaces. Having regard to the size of the first-floor bedroom, it would not suitably accommodate two bedspaces and would therefore be a single bedroom. Therefore, the description of unit 1 as a 2-bedroom 3- person dwelling would be appropriate.
27. In accordance with the standards, a 2-bedroom 3- person dwelling over two levels should be provided with a gross internal floorspace of 70m². The officer report sets out that the gross internal floor space of unit 1 would be approximately 72.17m², which is not disputed by the appellant. Therefore, the proposal would accord with the standards in this regard.

28. As such, the development would provide acceptable living conditions for future occupiers, with regard to the provision of internal space, in accordance with LPP1 Policy TD1 and with LPP2 Policy DM5. Amongst other things, these policies require development to maximise opportunities to improve the quality of life, health and well-being of future residents through the provision of appropriate internal space standards.

Other Matters

29. The site lies within the 5km buffer of the East Hants Special Protection Area (SPA) and of the Wealden Heaths II SPA. Due to the provision of two additional dwellings, the proposal would result in an increase in people living permanently on site. However, I note that LPP1 Policy NE1 requires a Habitats Regulations Assessment within 400m of the boundary of the SPA and the appeal site is located beyond this. Furthermore, the Council has stated that due to the availability of alternative recreational opportunities in the area, which would divert residents from use of the SAC/SPAs, the proposal would not have a likely significant effect on their integrity. Given such, an appropriate assessment is not required.
30. The proposed dwellings would be at some distance from Meadfields Farm. Given this, together with their modest scale, the proposal would not appear unduly overbearing in terms of the outlook from the garden of Meadfields Farm. Due to their orientation, the windows of the proposed dwellings would not directly face the windows of Meadfields Farm nor the garden space surrounding this dwelling. As such, the privacy of these neighbours would be protected. The proposed number of dwellings is limited and therefore it is unlikely that the proposal would give rise to undue noise levels or significant light pollution.
31. As the proposal is for two dwellings, it is unlikely that it would generate a significant amount of traffic. Therefore, the impact on the access track would not be substantial, and it is unlikely that the vehicular movements associated with the proposal would unduly harm the living conditions of the residents at Tynings.
32. Interested parties have raised concerns regarding cars parked within the site. However, each new dwelling would be provided with its own driveway and parking spaces, and neither the new garage nor spaces in front of it would not encroach onto the driveway that runs through the site. On this basis, there is little evidence before me to suggest that the access to the fields beyond would be blocked by parked cars.
33. Concerns have been raised regarding the potential that this application would set a precedent for further applications for residential development within the Surrey Hills NL. Although I am mindful of these concerns, each application is considered on its own merits.

Conditions

34. I have considered the conditions suggested by the Council having regard to the tests in the Framework and the advice in the Planning Practice Guidance. I have removed some conditions, combined others and where necessary I have made changes to the wording of the conditions in the interests of clarity and effectiveness. There are pre-commencement conditions so that the required provisions are agreed and in place before works on site begin, to achieve effective

mitigation. The appellant has given their agreement to these pre-commencement conditions.

35. In addition to the standard time limit condition, in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
36. I have required samples of materials to be submitted and imposed conditions regarding tree protection in the interests of protecting the character and appearance of the area.
37. Conditions requiring the development to be carried out in accordance with the submitted ecological details and securing the submission of a Construction Environmental Management Plan are necessary, in order to ensure biodiversity is protected during the construction process. To ensure that biodiversity is maintained and enhanced conditions agreeing a Habitat Management and Monitoring Plan and requiring the submission of a Biodiversity Enhancement Plan are necessary.
38. To protect the living conditions a condition removing permitted development rights to the installation of windows on the side elevations of the proposed dwellings is necessary.
39. I have imposed a condition related to the provision of parking spaces in the interests of highway safety. To achieve a high standard of sustainability, a condition requiring the development to be carried out in accordance with the submitted Energy Statement is necessary. To encourage the use of sustainable modes of travel, I have imposed a condition related to the provision of cycle storage, as suggested by the county highway authority.
40. A condition requiring the provision of foul and surface water drainage measures is necessary and relevant to the site, in order to minimise potential flood risks and the associated negative impact this can have on occupiers of nearby residential dwellings.
41. The officer report refers that further details regarding refuse collection for the proposed dwellings are required. Consequently, I have imposed a condition which requires the submission of such details, to ensure that the arrangements are appropriate.
42. A condition removing permitted development rights for alterations and extensions to the new houses is not necessary, bearing in mind my findings under the first and second main issues.

Conclusion

43. For the reasons given above the appeal should be allowed.

P Terceiro

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Rev A; 1765/P-01; 1765/P-02; 1765/P-03; 1765/P-04; 1765/P-05; and MW.2407.TGL.TPP.
- 3) No development shall take place until tree protection measures are installed in accordance with the Arboricultural Impact Assessment (Ref MW.2407.TGL.AIA). The tree protection shall be maintained in-situ and not moved or removed until all construction has finished and equipment, materials, or machinery are removed from site. The applicant shall inform the local planning authority after the installation of the tree protection, but before the commencement of demolition or construction, to allow verification of the protection measures, either with photographic evidence or in-person inspection.
- 4) No development shall take place until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
 - a) Map showing the location of all the ecological feature
 - b) Risk assessment of the potentially damaging construction activities
 - c) Practical measures to avoid and reduce impacts during construction
 - d) Location and timing of works to avoid harm to biodiversity features
 - e) Responsible persons and lines of communication
 - f) Use of protected fences, exclusion barriers and warning signThe approved CEMP shall be adhered to throughout the construction period for the development.
- 5) No development shall take place until a Biodiversity Enhancement Plan detailing how the development will deliver biodiversity enhancements has been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to first occupation and thereafter be retained as such.
- 6) No development shall take place until a Habitat Management and Monitoring Plan (HMMP) has been submitted to and approved in writing by the local planning authority. The HMMP shall be based on the proposed impact avoidance, mitigation and enhancement measures specified in the Preliminary Ecological Appraisal and Preliminary Root Assessment (January 2024) and shall include the following:
 - a) Description and evaluation of features to be managed
 - b) Ecological trends and constraints on site that might influence management
 - c) Aims and objectives of management
 - d) Appropriate management options for achieving aims and objectives
 - e) Prescriptions for management actions, together with a plan of management compartments
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 30-year period)
 - g) Details of the body or organisation responsible for implementation of the plan

- h) Ongoing monitoring and remedial measures
- i) Legal and funding mechanisms by which the long-term implementation of the plan will be secured by the applicant with the management body(ies) responsible for its delivery
- j) Monitoring strategy, including details of how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The development shall be carried out in accordance with the approved HMMP.

- 7) No development shall take place until full details of the means of foul and surface water disposal have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to first occupation and thereafter be retained as such.
- 8) No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.
- 9) The development hereby approved shall not be occupied until space has been laid out within the site in accordance with plan no. 1765/P-01 for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. That space shall thereafter be kept available at all times for those purposes.
- 10) The development hereby approved shall not be occupied until details of bin collection arrangements have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to first occupation of the development hereby approved and shall thereafter be retained as such.
- 11) The development hereby approved shall not be occupied until facilities for the secure, lit and covered parking of bicycles and the provision of a charging point with timer for e-bikes by said facilities have been provided on site in accordance with plan no 1765/P-01. The facilities shall thereafter be retained for their designated purpose.
- 12) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 5 years from the first occupation of the development, other than in accordance with the approved plans and details. If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the local planning authority. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 13) The development hereby approved shall be carried out in accordance with the recommendations set out in the Preliminary Ecological Appraisal and Preliminary

Root Assessment, the Bat Emergence Survey and the Great Crested Newt eDNA Survey & Mitigation Report.

- 14) The development shall be carried out in accordance with the appropriate proposed measures identified within the submitted Climate Change and Sustainability Checklist and accompanying Energy Statement (Ref: 3664A05/08/2024).
- 15) 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 windows/dormer windows other than those expressly authorised by this permission shall be constructed on the side elevations of the dwellings hereby permitted.