



Appeal Decision

Site visit made on 8 September 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 October 2025

Appeal Ref: APP/R3650/W/25/3359896

Land adjoining Pennings, Plough Lane, Ewhurst, Cranleigh, Surrey GU6 7SG

- 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 Luke Nicholson against the decision of Waverley Borough Council.
 - The application Ref is WA/2024/01686.
 - The development proposed is erection of a single detached dwelling with associated parking and amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council altered the address from 'Pennings' to 'Land at Pennings' in the decision notice. The appellant refers to 'Land adjoining Pennings' in the appeal form. I am satisfied that 'Land adjoining Pennings' is an accurate description of the location of the appeal site and therefore I have taken this description for use in the banner heading. I am satisfied that the cases of the main parties would not be prejudiced by use of the above description and have determined the appeal accordingly.
3. Within the decision notice, the Council's reason for refusal 2 refers to Policy RE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites (LPP1). The Council has however confirmed that Policy RE2 was quoted in error, and that Policy RE3 of the LPP1 should have instead been referred to within the reason for refusal. I shall proceed on this basis.
4. The effects of introducing residential development onto the site have already been considered as part of a previous appeal¹ in 2022. In dismissing the appeal, the Inspector considered that the proposal for the erection of one detached dwelling *'would not be suitably located, having particular regard to the requirements of planning policies seeking to manage the location of residential development'* and *'would unacceptably harm the landscape character of the area, including the Area of Great Landscape Value (AGLV)'*. This decision is a material consideration for the determination of the appeal before me.

Main Issues

5. The main issues are:

¹ APP/R3650/W/21/3273981

- Whether the appeal site constitutes a suitable location for the proposal, having particular regard to national and local planning policies, which seek to restrict residential development in the countryside; and
- The effect of the proposal on the landscape character of the countryside, with particular regard to the Area of Great Landscape Value; and
- The effect of the proposal on protected species.

Reasons

6. The appeal site lies next to 'Pennings', a detached residential bungalow within a rural area largely characterised by ribbon development along the southern side of Plough Lane. Buildings are typically set back from the road frontage, within large plots which, together with the surrounding fields and mature vegetation give the area a rural and verdant feel.
7. The site comprises a piggery and contains pens for the pigs and a caravan for welfare use for the staff that care for the pigs.

Sustainable Location

8. Policy SP2 of the LPP1 sets out the Council's Spatial Strategy, which aims to maintain Waverley's character whilst ensuring that development needs are met in a sustainable manner. Insofar as is relevant to this appeal, this spatial strategy is considered to be in general conformity with the National Planning Policy Framework (the Framework), in that it seeks to focus development in the most accessible parts of the Borough.
9. The appeal site is located approximately 950m away from the nearest village of Ewhurst and lies in countryside beyond the Green Belt. The proposal would lie close to other residential development and therefore would not constitute isolated development for the purposes of paragraph 84 of the Framework.
10. In Ewhurst there are bus stops for onward connection. The proposed occupiers of the site would need to walk approximately 200m along Plough Lane which does not have a footpath to The Green which has a footpath to connect to facilities in Ewhurst. The appellant has undertaken a transport assessment which concludes that due to the low volume of motor traffic along Plough Lane, shared surface streets work well, therefore there is no requirement for a footpath. The transport assessment also concludes that in highway safety terms, safe access into and out of the site can be achieved. However, this is not the same consideration as to whether the site would be in a sustainable location in terms of access to facilities by transport other than the private motor vehicle, having particular regard to national and local planning policies.
11. The route to Ewhurst is unlit and the range of facilities within Ewhurst appears limited and unlikely to cater for the day-to-day needs of residents. Access to Ewhurst in the dark or bad weather would neither be safe or attractive to future occupiers of the proposal due to the unlit nature of the footpath with no shelter. It is highly likely therefore that the occupants of the proposal would be heavily reliant on the motor vehicle to access day-to-day services and therefore the appeal site would not be sustainably located.

12. In conclusion, the proposal would not be in a suitable location for new residential development, having particular regard to national and local planning policies which seek to restrict residential development in the countryside due to the lack of reasonable and safe access to services and facilities by any means other than the private car. The proposal would be contrary to Policy SP2 of the LPP1 which seeks to focus development on the four main settlements (Farnham, Godalming, Haslemere and Cranleigh) whilst allowing only limited levels of growth within the village of Ewhurst, of which the site is outside the Ewhurst settlement boundary.

Character of the area

13. The appeal site is located within the countryside beyond the Green Belt outside any defined settlement boundary and within the Area of Great Landscape Value (AGLV). Policy RE3 of the LPP1 apportiones the same principles for protecting an Area of Outstanding Natural Beauty to the AGLV whilst recognising that the protection of the AGLV would be commensurate with its status as a local landscape designation.
14. The appeal site contains a caravan which is used as a welfare hut for those who tend to the pigs. The caravan is largely hidden from view being tucked behind mature hedgerow screening to the front of the site. Views into the site through the access gate and gaps in the boundary screening give the site an open and undeveloped feel and the site provides a visual gap between the properties on Plough Lane and those fronting The Green.
15. The rural, undeveloped nature of the site makes a significant contribution towards the character of the area. The proposal in itself would be of an appropriate footprint, design and a modest scale and there would remain adequate space for additional landscaping around the proposal. However, the construction of a dwelling would consolidate the development between The Green and Plough Lane and result in the loss of an important visual gap which would erode the rural character of the area. Furthermore, the residential use of the site and associated domestic paraphernalia would lead to an urbanisation of the plot which would detract from its rural character.
16. There is no policy support for limited infilling outside the Green Belt, however, even if there were support, this would not overcome the harm caused to the landscape character of the area from the proposal.
17. In conclusion, the proposal would cause an unacceptable level of harm to the AGLV through the erosion of the visual gap between the dwellings on Plough Lane and The Green and would conflict with Policies RE1 and RE3 of the LPP1 which requires development proposals to respect the intrinsic character and beauty of the countryside, and where appropriate enhance the distinctive character of the landscape in which it is located.

Protected Species

18. The site is identified as being located within 200m of a pond where there would be a potential impact on amphibians and in particular Great Crested Newts. Whilst the appellant has provided a Biodiversity Net Gain (BNG) calculation for the site, this does not consider the impact on amphibians and Great Crested Newts in particular. An ecological survey has been commissioned by the appellant but the results of this survey are not known.

19. In conclusion, in the absence of information to demonstrate there would be no harm to protected species, the proposal would be contrary to policy NE1 of the LPP1 which seeks to conserve and enhance biodiversity.

Other Matters

20. The local support for the proposal is noted, however, the absence of objection does not equate to an absence of harm. I note the comment regarding the proposal being an improvement on what is currently on site in relation to the smell from the pigs in the summer months. This could be managed without the redevelopment of the site and therefore this has not had a significant bearing on my decision.
21. Reference has been made in the appellants planning statement regarding a new dwelling on land at Gadbridge Lane named 'Lerryn' (application reference number WA/2020/1128) which the appellant states has set a precedent for a new dwelling on an identical site. The appeal site does not have residential development on the opposite side of the road as in the case of 'Lerryn' which appears within a cluster of residential development, and I do not consider the impact on the AGLV to be the same due to the less intensively developed surroundings of the appeal site. In any event, each case should be determined on its own merits and I am not bound to follow a previous decision of the Council for a different site.
22. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of a listed building. Wicket Gate is a 17th Century three bay timber framed barn which was converted into a dwelling in the 18th Century and is a Grade II Listed Building. Due to the substantial distance between the proposal and the Grade II listed building, there would be no harm to the setting of the heritage asset and the setting of the listed building would be preserved.
23. I acknowledge the appellant's concerns over the Council's handling of the application. However, this is not a matter that I can consider under a S78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.

Planning Balance and Conclusion

24. The Council is currently unable to demonstrate a five year housing land supply and can only demonstrate 3.89 years. In such circumstances, paragraph 11d) of the Framework states that the policies which are most important for determining the application have to be considered out of date. This means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
25. The appeal scheme would make a contribution towards housing supply and choice, would incorporate renewable technology and support the local economy to some degree, notably during the construction phase. There would also be biodiversity net gain. These benefits are afforded moderate weight. However, the proposed dwelling would not be situated in an accessible and sustainable location and would cause unacceptable harm to the landscape character of the countryside, to which I give very significant weight.

26. The policies concerned with housing are broadly consistent with the Framework, in that they seek to promote sustainable forms of development and protect the intrinsic character and beauty of the countryside. Accordingly, the conflict with the Council's spatial strategy and the harm which would be caused to the character and appearance of the area are matters of considerable weight.
27. Overall, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits associated with the proposal, when assessed against the policies in this Framework taken as a whole. The proposal does not therefore, constitute sustainable development which the Framework carries a presumption in favour of.
28. The proposed development would be contrary to the development plan and there are no material considerations, including the provisions of the Framework, which outweigh this finding. For the reasons detailed above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

C Coles

INSPECTOR