



Appeal Decision

Site visit made on 9 September 2025

by **J Heppell BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th October 2025

Appeal Ref: APP/R3650/W/25/3366530

6 Blacknest Cottages, Chiddingfold Road, Dunsfold, Godalming, Surrey GU8 4PB

- 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 Philip Disley against the decision of Waverley Borough Council.
 - The application Ref is WA/2024/01992.
 - The development proposed is erection of a pair of 3 bedroom semi-detached two storey dwellings with associated off-street parking and including formation of vehicular access on to existing track.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the appeal application by the Council, a revised National Planning Policy Framework (the Framework) has been published. The parties have had the opportunity to comment on this, and I have made my determination against the updated national policy context.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposal on ancient woodland;
 - whether the appeal site would be a suitable location for the proposed development in respect of its access to services and facilities; and
 - the effect of the proposal on protected species with particular reference to badgers, great crested newts and hazel dormice.

Reasons

Ancient Woodland

4. The appeal site comprises a semi-detached dwelling accessed via a single width metalled track off Chiddingfold Road, which is designated as a bridleway. The proposal is to erect a pair of semi-detached houses in the side garden of the property, with a shared vehicular access.
5. The site is situated next to ancient semi-natural woodland. Paragraph 193(c) of the Framework makes clear that development resulting in the loss or deterioration of irreplaceable habitats such as ancient woodland should be refused. Policy NE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites, adopted

February 2018 (LPP1) seeks, where appropriate, to maintain and enhance existing woodland within the Borough, and requires compliance with the measures in Policy NE1, including that development adjacent to locally designated sites, including ancient woodland, will not be permitted where it has an adverse impact on the integrity of the nature conservation interest.

6. The undisputed evidence from Surrey Wildlife Trust has highlighted the need for a 15 metre buffer around the ancient woodland, which should consist of semi-natural habitats and within which development proposals including gardens should not be approved. Whilst the appellants have demonstrated that the proposed dwellings would be sited at least 15 metres from the woodland, substantial parts of the rear gardens of the proposed dwellings would be within 15 metres of the woodland and, notwithstanding that they are within the host property's garden currently, would be used more intensively as a result of the proposal.
7. As a consequence, additional light, noise and activity within the buffer zone could result in degradation of the ecological value of the woodland, whilst construction activities could alter drainage patterns and affect the roots of trees within the woodland, particularly given the existing drainage easement identified on the appellants' plans. Whilst in light of the appellants' ecological evidence I do not share the Council's concern that connectivity for woodland species would be reduced by the proposal as a whole, the proposal nonetheless risks adversely affecting the integrity of the nature conservation interest of the woodland itself.
8. As such, the implications of the proposal for the ancient woodland have not been adequately assessed, and nor has consideration been given to mitigating these potential impacts. Consequently, the proposal risks harming the ancient woodland, contrary to policies NE1 and NE2 of the LPP1, the aims of which I have outlined above. It would conflict with the advice in the Framework that the deterioration of ancient woodland should be avoided. I therefore give this harm significant negative weight in the planning balance.

Location

9. The spatial strategy set out in Policy SP2 of the LPP1, allows for limited levels of development in and around "other" villages, which includes Dunsfold. Although the appeal site is located in the countryside outside the built-up area of Dunsfold, it is previously developed land by virtue of being a garden outside a built-up area, and it is common ground that the site is not isolated. The proposal therefore complies with Policy SP2.
10. That said, the Council and the appellants have referred to Policy DM15 of the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies, adopted March 2023 (LPP2), which requires development in rural areas to avoid dependency on the private car by maximising opportunities for walking and cycling.
11. The Council has suggested that the closest available facilities for meeting day-to-day needs are in Cranleigh, but as Dunsfold possesses a shop/post office, a public house and sports clubs, it is capable of meeting a limited range of day-to-day needs. The appellants consider the appeal site to be a 20 minute walk from Dunsfold, which the Council hasn't disputed, and which is less than the 25 minutes which the Council considers to be the maximum distance that people will travel on

foot for their day to day needs based on the Guidelines for Providing for Journeys on Foot by the Institution of Highways and Transportation, dated 2000.

12. Nevertheless, the route from the site to Dunsfold would be along roads with a 60mph speed limit which lack pavements and street lighting. The alternative would be an unlit bridleway which, without hard surfacing in places, would be unsuitable after dark and in poor weather. Neither option would be conducive to regular use by residents on foot, particularly those of limited mobility, and these routes would also be challenging for cyclists. I have not been advised of any bus route linking the appeal site with Dunsfold. The result would be that future residents of the proposal would be largely reliant on private vehicles.
13. The appellants have referred me to a planning permission granted by the Council for a dwelling at Runwick, Farnham¹ located 2.5km from Farnham town centre, albeit in closer proximity to various employment sites. On that case, the Council considered that the location was sufficiently close to amenities to maximise opportunities for sustainable transport. However, I have few details of the quality of the road network for pedestrians or cyclists, or in respect of public transport. As a result, I can draw little useful comparison between that development and the proposal before me.
14. Whilst I have found that the proposal accords with Policy SP2 of the LPP1, the appeal site would not be a suitable location for the proposed development in respect of its access to services and facilities. The proposal would consequently be in conflict with Policy DM15 of the LPP2, the aims of which I have outlined above. For the same reasons, the proposal would conflict with the aim of the Framework to prioritise sustainable transport solutions, taking into account that opportunities to maximise such solutions will vary between urban and rural areas. I therefore give this harm moderate negative weight in the planning balance.

Protected Species

15. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) provide for the protection of European protected species and habitats. The Council requested clarification of the badger site walkover methodology, an assessment of ponds within 250 metres for great crested newts, and an assessment of the impacts on hazel dormice.
16. In response, the appellants have undertaken a badger survey of the site and adjacent habitat within 30 metres of the site, and found no badger setts or evidence of badger activity. I see little reason to doubt this evidence.
17. The appellants have assessed the two ponds within 250 metres of the site for their suitability for great crested newts. DNA testing of the pond immediately to the east of the appeal site found no traces of DNA, indicating an absence of great crested newts. The pond further away to the south east has been confirmed as being an angling pond, and consequently unsuitable for great crested newts.
18. The hazel and hawthorn hedgerow which formerly ran along the front of the site has been removed, as a consequence of which the appeal site does not provide suitable habitat for hazel dormice. The appellants have advised that an offsite replacement habitat would be provided as part of their biodiversity net gain

¹ LPA reference WA/2024/00855

strategy, and the Council has not substantively disputed the findings of the ecology reports.

19. I therefore conclude that the proposal would satisfy the requirement of Policy NE1 of the LPP1 to conserve and enhance biodiversity, and comply with the Regulations. As such, this matter is neutral in the planning balance.

Other Considerations

20. The Council has confirmed that its current supply of housing is significantly below five years. In such circumstances, paragraph 11(d) of the Framework makes clear that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the proposed development.
21. Nevertheless, even though a five year housing land supply cannot be demonstrated, I have found that the proposal would risk harm to an ancient woodland, which is an irreplaceable habitat as identified at Framework paragraph 193(c) and footnote 7. As such, the policies in the Framework that seek to protect such assets provide a strong reason for refusing permission. Consequently, paragraph 11 of the Framework and its presumption in favour of sustainable development is not engaged.
22. The delivery of two homes on previously developed land would be a social benefit, whilst economic benefits would accrue from the construction phase and from the contribution of future occupiers to local services. The proposal would assist the Council in delivering its allowance for small windfall sites. However, as the proposal relates to only two dwellings, I attach only moderate positive weight to the benefits that the scheme delivers. As such, these benefits do not outweigh the concerns I have identified above.

Planning Balance and Conclusion

23. For the reasons given above, the proposal would conflict with the development plan as a whole. Material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

J Heppell

INSPECTOR