



Appeal Decision

Site visit made on 28 October 2025

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2025

Appeal Ref: APP/R3650/W/25/3370926

Rosemary Cottage, Petworth Road, Milford, Godalming, SURREY GU8 5BA

- 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 Mrs Sophie Hattley against the decision of Waverley Borough Council.
 - The application Ref is WA/2025/00340.
 - The development proposed is the use of detached outbuilding to provide beauty salon/Reiki treatment room.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The planning application form indicates that the development has already taken place and I was able to view the salon/treatment room at the time of my visit.

Main Issues

3. The main issues raised by this appeal are the effect of the proposed commercial use of the outbuilding on the living conditions of the occupiers of this residential area and upon sustainability and parking provision.

Reasons

Living conditions

4. The local planning authority is concerned that the proposal would constitute an open Use Class E that could allow for permitted development change to a cafe or restaurant. However, the appellant contends that is not what is sought and is limited to that described within the banner heading above. The planning application sets out there to be 1 full-time employee during operation hours of 09:00 to 18:00 Monday to Friday. The appellant sees approximately 14 clients per week, which equates to approximately 3.5 clients per day. There would be no more than 2 clients on site at any one time. The proposal creates a mixed use of this site and this would represent a modest intensity of commercial use within this residential area.
5. The use of the outbuilding would create commercial visitors to the premises arriving by vehicle or foot. This would create comings and goings over the course of the day. The setup of the internal facilities would allow the business to accommodate multiple customers at the same time. Taking these matters collectively, it would be

extremely likely the commercial use of the premises would give rise to increased disturbance of a commercial nature that would be uncharacteristic and out of keeping in a residential area. Such increased disturbance would thus be detrimental to the living conditions of occupiers of this predominantly residential area. For these reasons, the proposal would conflict with Policy TD1 of the Local Plan (Part 1) 2018, Policy DM5 of the Local Plan (Part 2) 2023, the Residential Extensions Supplementary Planning Document (SPD) 2010. These policies and SPD seek, amongst other matters, to protect residential amenity.

6. The appellant has suggested the imposition of a planning condition that would limit the outbuilding's use to that of the appellant only for the use outlined in the proposal description and for the outbuilding to be returned to ancillary residential use on the cessation of the commercial use by the appellant and/or the sale of Rosemary Cottage. The local planning authority has provided a statement of case with suggested planning conditions. However, no specific comment has been made in regard of the appellant's suggested restrictive planning condition, nor has such a condition been reflected within the list of suggested conditions by the local planning authority should the appeal be allowed.
7. The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are clear that planning conditions should run with the land, not the individual. Personal occupancy conditions are inappropriate where the development itself is unacceptable in land-use terms, which I have found to be the case here. Paragraph 57 of the NPPF requires conditions to be enforceable. The PPG recognise that conditions relating to a personal consent are often very difficult to enforce. Given this, I do not consider that it would be appropriate to rely on the imposition of such a planning condition as it would not ameliorate the objections sufficiently to allow permission to be granted.

Sustainability and parking provision

8. The site is situated in a location where there is limited access to sustainable modes of transport, those being walking and cycling, although I accept there is public transport close by. As such, there would be a high reliance on private vehicles by customers visiting this commercial premises as the site is not located within a commercial centre. This has the potential to create a high demand for parking at the site. Three of the five parking spaces at the site would be available to clients. However, I saw that the parking spaces themselves are constrained in size and are very close to and could conflict with vehicles accessing exiting garages. This would make these spaces difficult to use efficiently. As such, the existing parking would be insufficient to absorb the parking demand generated by the commercial use. Given this, there is the potential for overspill parking on the highways within the local area.
9. There is already parking pressure within the local highway network with the potential for parked vehicles to restrict visibility, impede the flow of traffic, block access for emergency and service vehicles. A third party response to the appeal highlights that they have experienced frequent and on-going nuisance from activities at the site. Further pressure on this constrained area would create congestion, obstruction of driveways and inconvenience for local residents. Given the limited road widths and the existing high demand for parking, this would give rise to highway safety implications.

10. For these reasons, I conclude that the proposed development would be harmful to sustainability and parking provision. The proposal would, therefore, conflict with Policy DM9 of the Waverley Borough Local Plan (Part 2) 2023 and Policy T3 of the Witney Neighbourhood Plan 2020. These policies seek, amongst other matters, development to provide safe and convenient access for all highway users.

Other Matters

11. The Council's enforcement officer has previously determined the use of the outbuilding to be incidental to the main dwelling, due to the operator residing at Rosemary Cottage. However, it is understood that circumstances have since changed and the Council no longer considers the use to be incidental to that of the main dwelling. The proposal that is before me would represent a mixed use of the site. As such, I am not led to come to a different view on this matter to that of the Council.
12. The proposal allows the appellant to continue to offer hairdressing and Reiki treatments to clients and therefore make a contribution to health and wellbeing, as well as contributing to the local economy. Whilst these are merits of the proposed development they do not outweigh my above concerns or justify the proposed development.

Conclusion

13. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR