



Appeal Decision

Site visit made on 9 December 2025

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 DECEMBER 2025

Appeal Ref: APP/C3620/W/25/3372211

St. Michaels House Dell Close, Mickleham, Dorking, Surrey RH5 6EE

- 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 & Mrs Rowbotham against the decision of Mole Valley District Council.
 - The application Ref is MO/2025/0244/PLA.
 - The development proposed is 'formation of an opening in the existing boundary hedge and install full height (1.8 metres) close boarded timber gate across new opening. Erect 1.8 metre high close boarded timber fence between the existing front lawn driveway and install a pair of close boarded timber gates giving access from existing driveway. Site an existing horsebox on concrete base to act as a coffee stall to sell coffee and non-alcoholic beverages to the public within the newly created area. Change of use of the front lawn area from private amenity space to occasional commercial use'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) The effect of the proposal on heritage assets;
 - ii) the effect of the proposal on highway safety;
 - iii) the effect of the proposal on the living conditions of the occupiers of nearby dwellings in respect of noise and disturbance;
 - iv) whether or not the removal of hedgerow and provision for Biodiversity Net Gain would be acceptable; and
 - v) whether or not there would be adequate provision for refuse and recycling.

Reasons

Heritage assets

3. The appeal site is part of the Mickleham Conservation Area ('the CA') which is focused along Old London Road and what is now the A24 Dorking Road. Old London Road is a fairly narrow rural road which is lined with high brick walls along much of its length through the CA. In many places, buildings are set close to the street on comparatively modest plots resulting in a relatively tight grain, although there are also examples of larger buildings set within extensive grounds, often with mature landscaping. These have a spacious and verdant character which contrasts with and complements the more enclosed character of the Old London Road street scene.

4. Many of the buildings within the CA are historic and insofar as it relates to this appeal, I consider their quality, together with the pattern of development, to be important elements of the character and appearance of the rural village which contribute to the significance of the CA.
5. The proposal relates to part of the front garden to St Michaels House which adjoins Flint Cottage, and which is included on the Council's register of 'Locally Listed Buildings and Features of Mole Valley'. The Council indicates that the building is a former rectory which was altered and remodelled in the 19th Century with a gothic revival style frontage but which is believed to date from 1688. St Michaels House occupies a generous plot and is set back from Dell Close behind a driveway, pond and large areas of lawn with mature trees. The appeal site includes hedging along the boundary to the street and forms part of the spacious and verdant setting to the building. This setting reflects the historic status of the building and provides for a sense of seclusion which I consider to contribute to its significance as a non-designated heritage asset ('NDHA').
6. Insofar as it relates to this appeal, the spacious surroundings to St Michaels House also contrast with the tighter grain of neighbouring plots at The Old Cottage fronting Old London Road in a manner typical of the CA and add to the more distinctly rural quality of Dell Close. In these ways and as a large part of the frontage to the building, I find that the appeal site also makes a positive contribution to the character, appearance and significance of the CA.
7. As part of the proposal, 1.8m high fencing would be installed, separating the lawn on the appeal site from the rest of the frontage to St Michaels House. Given its height and length, the fence would be a marked feature and the resulting physical subdivision of the site would be clearly apparent from the house and grounds. Based on my observations, it would also be apparent in some views from Dell Close along the existing access, as well as in views along a proposed new access to the site when the gates were open. The proposed commercial use would further distinguish the site from the existing residential plot. The appellants refer to modest dwellings to the majority of the length of Dell Close and commercial use of the village hall. Nevertheless, the subdivision of the site and commercial use would notably reduce the existing sense of spaciousness which is characteristic of this part of Dell Close and the CA and which contributes to the significance of the NDHA, and I find it would result in an incongruous disruption to the existing pattern of development here.
8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires special attention be paid to the desirability of preserving or enhancing the character or appearance of the CA. For the reasons above, I find that the proposal would cause harm to the character, appearance and significance of the Mickleham CA. Given the scale and nature of the proposal and that the site is a small part of the overall area, I find that the harm to the CA would be modest and 'less than substantial' in the terms of the National Planning Policy Framework ('the Framework'). There would also be harm to the significance of an NDHA, albeit that the building itself would not be affected, and I find that the degree of harm would again be modest.
9. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, the Framework advises that this harm should be weighed against the public benefits of the proposal. It further indicates that any

harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification, and states that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation.

10. In weighing applications that affect NDHAs, the Framework indicates that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
11. The harm to the CA would be modest but nevertheless attracts considerable importance and weight. The harm to the NDHA also weighs against the proposal.
12. Against this harm, the Framework provides that planning decisions should enable the sustainable growth and expansion of all types of businesses in rural areas; sustainable rural tourism and leisure developments which respect the character of the countryside; and retention and development of accessible local services. Policies EC1 and EC4 of the Mole Valley Local Plan 2024 ('the LP') also provide support for rural businesses and employment opportunities. The proposal would contribute to the rural economy and could provide a service to the local community and visitors. However, similar provision in the area, including within walking distance of the site, means that the proposal would not offer a new service that is not currently available. Moreover, the small scale of the proposal means that the contribution to the economy and employment and resulting public benefit would be likely to be very limited in extent.
13. Even taken cumulatively, the limited public benefits of the proposal would not in my judgement be sufficient to outweigh the harm to the CA which attracts considerable importance and weight. Accordingly, there is not a clear and convincing justification for the harm that the proposal would cause to the CA. The development would therefore be contrary to the LBCA Act and it would conflict with the aims of the Framework as it would fail to sustain the significance of the asset and public benefits would not outweigh the harm. I am further not satisfied taking a balanced judgement that the limited benefits would outweigh the harm to the NDHA.
14. The appellants have suggested that permission could be granted for a temporary one year period, following which the site could be restored and new hedging planted. Although this would reduce the duration of harm to the CA and NDHA, the benefits would also be reduced and in my judgement, there is no compelling justification for the harm that would be caused, even for a temporary period.
15. I therefore conclude that the proposal would cause unacceptable harm to heritage assets and it would be contrary to Policy EN6 of the LP insofar as it seeks conservation and enhancement of heritage assets and includes requirements broadly for development to make a positive contribution to and respect the character and appearance of the conservation area in which it is set.

Highway Safety

16. The proposal includes the formation of a new access from Dell Close. However, the dense hedge and fencing that I saw along the frontage of the appeal site would be likely to restrict available views around the access and the appellants have provided no details to demonstrate that suitable standards of visibility could be achieved. Furthermore, existing traffic levels on Dell Close may not be significant, but I saw at my visit that it is relatively narrow so that vehicles travelling in both

directions would be comparatively close to the frontage and space for manoeuvring would be limited. These characteristics could increase potential for conflict with vehicles using the proposed access. The position of the site and surrounding network of rights of way would also be likely to result in a fair number of pedestrians and cyclists passing.

17. The appellants advise that the only parking provided on the site would be for the coffee trailer. However, they have provided no firm information as part of the appeal to address the query in the Council's evidence as to whether the coffee trailer would be moved on and off the site, just suggesting that it would remain 'mostly static' which suggests to me that there would be occasions when it would be moved. There may be no customer vehicles using the access but in the absence of any indication of the frequency of movements of the trailer, I am unable to determine that the level of use of the access would be insignificant.
18. Given these factors, I am not satisfied that the proposal would not increase the potential for conflict between vehicles exiting the appeal site and other users of the Dell Close highway with consequent detriment to safety.
19. Furthermore, the appellants assert that customers would primarily be drawn from walkers and cyclists. However, and irrespective of alternative provision in the wider area, there could be no guarantee that some customers would not seek to drive to the site. No parking would be available on the site for any such customers, but insofar as Policy INF2 of the LP includes a requirement for non-residential development to provide off street parking in accordance with maximum standards which would not be exceeded in this case, I do not identify direct conflict with the terms of the policy. Given however that roads around the site are relatively narrow with limited opportunities for parking on Dell Close, parking associated with such visits could result in further risk of conflict or obstruction to the network.
20. I therefore conclude that the proposal would cause unacceptable harm to highway safety and it would conflict with Policy INF1 of the LP insofar as it broadly seeks, amongst other things, a safe transport network and to ensure that development would not have an unacceptable impact on highway safety.

Living Conditions

21. The proposal would result in customers visiting the appeal site. The appellants have provided no detail of likely numbers of customers. They suggest that the operation would be small but despite some non-residential uses in Mickleham, I found the appeal site to be relatively peaceful at my visit, and I did not experience significant background noise from the street or elsewhere. Against this context and in the absence of any firm evidence to demonstrate otherwise, I consider that noise and disturbance associated with activity and comings and goings by customers to the site could well be appreciable from nearby dwellings at Flint Cottage, The Coach House, The Old Cottage, Long Cottage and Rectory Cottage.
22. The proposal refers to the commercial use of the site as occasional, but there is no further detail in the evidence before me to explain what is meant by that and how often any use could be expected to operate. Nor in the absence of such information am I satisfied that there would be a suitable or appropriate mechanism to ensure that a greater level of use would not occur should permission be granted. Furthermore, the effect of noise and disturbance on neighbouring occupiers would be likely to depend at least partly on the hours that it occurred. However, while the

appellants have commented that a condition suggested by the council in respect of opening hours including a restriction on operating on weekends and bank holidays would be unreasonable, they have provided no details of suggested opening hours that would be acceptable to them. I do not therefore know whether it might be possible to impose a condition on opening hours that could reasonably mitigate potential effects on neighbouring occupiers without negating the benefit of the permission applied for.

23. I note the appellants' comment that the eventual hours of operation would be determined having regard to the time of year, weather conditions and the flow of customers borne out by experience. However, without a clear indication at this stage of the frequency or hours of use, I am unable to determine that noise and disturbance from the appeal site would not be intrusive to neighbouring properties causing detriment to the quality of life of occupiers. I have further considered the appellants' suggestion that permission could be granted for a temporary period of one year to enable details of customer numbers and optimal hours of operation to be established. Given however that there could be significant potential harm to neighbouring occupiers that could arise during a year of operation, I am not satisfied that this would be an appropriate or reasonable course of action.
24. Notwithstanding that the development may not cause harmful overlooking or loss of outlook or light, I conclude for these reasons that there is insufficient evidence to demonstrate that there would not be unacceptable harm to the living conditions of neighbouring occupiers through noise and disturbance. The proposal would therefore conflict with Policy EN4 of the LP which includes a requirement that the amenity of residents occupying properties in the surrounding area is not significantly affected by development. It would also be contrary to the Framework which includes a requirement for a high standard of amenity.

Hedgerow and Biodiversity Net Gain

25. Schedule 7A of the Town and Country Planning Act 1990 (as amended) outlines a general biodiversity condition which is deemed to apply to every planning permission granted and effectively mandates a requirement for 10% biodiversity net gain ('BNG') unless exemptions or transitional provisions apply. In making the application, the appellants indicated that the exemption for 'development below the threshold' would apply.
26. This exemption relates to a development that does not impact a priority habitat and impacts less than 25sqm (5m by 5m) of on-site habitat and 5m of on-site linear habitats such as hedgerows. The development would not impact a priority habitat and while there would be some hedgerow removal, this would be less than 5m in length. The Council notes that the appeal site has an area greater than 25sqm. However, the stipulation in the exemption relates to whether development impacts less than 25sqm of on-site habitat, rather than the site area. In this respect, the Planning Practice Guidance advises that a development 'impacts' a habitat if it decreases the biodiversity value. The proposal includes a slab that the coffee trailer would sit on, but the Council does not dispute that this would be well below the 25sqm threshold and given the nature of the proposal and the information before me, I consider the biodiversity value of the remainder of the site would be unlikely to be decreased such that the proposal would impact more than 25sqm of on-site habitat.

27. Accordingly, I find that the exemption would apply and the proposal would not be subject to the mandatory 10% BNG requirement. Furthermore, while Policy EN9 of the LP generally requires a Biodiversity Statement and demonstration of 20% BNG, the policy indicates that provisions would not apply where applications comprise exemptions specified in the regulations, and so they would not be relevant here.
28. There remains a requirement in the Framework for provision of net gains for biodiversity, albeit that there is no requirement for a particular quantum to be achieved. I also note that where a proposal includes removal of woodlands, trees or hedges, Policy EN9 of the LP further requires clear justification for their loss together with details of any mitigation or replacement planting as part of an overall approach to achieving biodiversity net gain.
29. A section of the hedge on the front boundary of the site would be removed to accommodate the new access from Dell Close. Given however that there is hedging along the whole of this boundary, it seems to me that there would be no realistic alternative to the removal of hedge in order to provide access. I therefore consider there is a reasonable justification for removal of hedgerow.
30. There is no provision within the proposal for mitigation or replacement planting. However, while there is existing hedge to parts of the site boundary, it seems to me given the size of the site, much of which is laid as lawn, that there would be scope to accommodate new planting which could provide mitigation for the loss of existing hedge and secure enhancements for biodiversity and a measurable BNG. Details and implementation could reasonably be secured by a planning condition.
31. I therefore conclude that the removal of hedgerow would be acceptable and the proposal would make adequate provision for BNG in accordance with LP Policy EN9.

Refuse and Recycling

32. The submitted plans do not show any provision for the storage of refuse and recycling to serve the development. Given the lack of detail in respect of likely customer numbers and when the use would operate, there is little to substantiate the appellants' assertion that waste generated by the proposal would be minimal and I consider it uncertain at best that waste could suitably be stored and disposed of along with household waste for St Michaels House.
33. Having regard to the space available within the appeal site and the information before me however, I have no firm reason to consider that appropriate provision for refuse and recycling storage and collection could not be made within the site with details and provision secured through a planning condition.
34. On that basis, I conclude that there would be adequate provision for refuse and recycling, and I find no conflict with requirements within Policy EN4 of the LP for bin storage.

Other Matters

35. The appeal site is located within the Surrey Hills National Landscape ('the NL') where section 85 of the Countryside and Rights of Way Act 2000 (as amended) outlines a duty to seek to further the purpose of conserving and enhancing the natural beauty of the NL. Given the modest scale of the proposal and screening provided by hedging to the site boundaries, views of the development within the

landscape would be limited and while there may be additional visitors to the site itself, there is unlikely to be any significant increase in visitors to the wider area. As a consequence, I agree with the Council that the proposal would have a neutral effect on the NL and I am satisfied that its natural beauty would be conserved.

36. I have noted a number of comments made in support of the scheme. However, these do not alter my assessment of the planning merits of the proposal.

Planning Balance

37. I have found that the removal of hedgerow would in itself be acceptable and that the proposal could make adequate provision for BNG and refuse and recycling. However, there would be unacceptable harm to heritage assets and it has not been demonstrated that there would not be further harm to highway safety and the living conditions of neighbouring occupiers. The cumulative harm and resulting conflict with the development plan attracts significant weight and I find that the limited benefits of the proposal would be insufficient to outweigh the harm and the resulting conflict with the development plan when it is read as a whole.
38. Granting permission for a temporary one year period as the appellants have suggested would reduce the duration of the identified harms. However, I consider the potential cumulative harm that would arise during that period would be significant, and there is no compelling justification for the harm such that I find this would not be an appropriate course of action.

Conclusion

39. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR