
Appeal Decision

Site visit made on 3 December 2025

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 16 January 2026

Appeal Ref: APP/K3605/W/25/3368457

Weybridge Bowling Club, 19 Springfield Lane, Weybridge, Surrey KT13 8AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Quantum Health against the decision of Elmbridge Borough Council.
 - The application Ref is 2025/0896.
 - The development proposed is the erection of a new three storey 44 bed care home in C2 use with associated car parking, landscaping and access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal concerns an application for outline planning permission with only landscaping reserved. Therefore access, appearance, layout and scale are to be determined at this stage. Where any of the submitted plans show details relating to landscaping, I have treated those details as illustrative only.
3. A few days before the Council issued their decision notice, the appellant submitted a revised site plan in an attempt to address some concerns that had been raised by the highway authority on the originally submitted plans in their consultation response. On the day the decision was issued the appellant submitted an updated tracking plan and letter from their highway consultant. The Council did not take these plans into account in the determination of the application. The appellant has submitted them in support of the appeal and so I must decide whether to determine the appeal on the basis of these plans.
4. The revised site plan seeks to amend the frontage parking area and widen the proposed access. The Planning appeals: procedural guide (the procedural guide) makes it clear that the appeal process should not be used to evolve a scheme. However, it sets out that where amendments are proposed despite the general principle it will be necessary to decide whether exceptionally to accept them.
5. There are two tests to consider which are the substantive and the procedural tests. The proposed amendments would result in the removal of 3 parking spaces and a rearrangement of the layout. It would also result in the widening of the access road which in turn would require the removal of a greater portion of the locally listed wall and would also result in a change to the layout. Bearing in mind that layout and access are to be determined at this stage the amendments would result in a substantive and material amendment to the proposal.

6. The Council are undoubtedly aware of the proposed changes as they refer to them in their appeal statement. However, they make the point that they have not been subject to public consultation and have asked me not to accept them. However, in case I was minded to accept the amendments, they have also asked the highway authority to provide comments on them which are included as an appendix to their statement.
7. As no formal re-consultation has taken place, I am concerned that interested parties who may have wanted to comment on the amended scheme may not have had the opportunity to do so. For example, as outlined the proposed changes would amend the frontage layout including the removal of an additional section of a locally listed wall. This is an element of the proposal that has already attracted significant comments. As a result, I consider that to accept the amended plan as part of the appeal process could lead to procedural unfairness.
8. The appellant has also made the point that the Council did not identify that the proposal was a major development and set a target date for a decision of 8 weeks rather than 13 weeks. They highlight that if they had set the correct target this would have given the highways authority sufficient time to review the additional information. However, while I accept that the proposal is a major development, the 13-week period is a maximum not a minimum period and if the Council have all the necessary information to make a decision earlier there is no requirement to wait the full period.
9. Moreover, it is clear that the appellant amended the scheme in light of the highway authority consultation response on the originally submitted plans and to my mind it is not unreasonable for the Council to have proceeded on the basis of the submitted scheme and the consultation responses from the highways authority and other interested parties rather than to have accepted the amended scheme and to have re-consulted.
10. On that basis I am not satisfied that exceptionally I should accept the amended plans and consequently, I will determine the appeal on the basis of the scheme that was considered by the Council.
11. During the appeal process a planning appeal decision for a different scheme on the same site has been issued¹. Given that the other decision is a material consideration I have given the parties the opportunity to comment, and I have taken account of the decision and any submissions made by the parties in the determination of this appeal. I am aware that in that case the Inspector did accept amended plans. However, as he points out the changes were to an indicative plan, whereas here the plans relate to matters not reserved for future consideration. As a result, the fact that he accepted amended indicative plans does not change my view that I should not accept amended plans for the reasons set out above.

Main Issues

12. The main issues are;

- The effect of the proposal on the character and appearance of the area including on the significance of a heritage asset;

¹ APP/K3605/W/25/3373000

- The effect of the proposal on the living conditions of the occupiers of 5-15 Springfield Lane and Henbury Place with particular reference to outlook, sunlight, daylight and noise and disturbance;
- Whether adequate information has been provided to demonstrate whether or not the proposal would have an unacceptable impact on highway safety;
- Whether there is a demonstrable need for the proposed C2 accommodation at the appeal site; and
- Whether or not it has been adequately demonstrated that the proposed development would satisfy the statutory requirement in relation to Biodiversity Net Gain.

Reasons

Character and appearance

13. The appeal site is located close to Weybridge High Street which is a designated District Centre. The previous use of the site was as a bowling green and consequently there is a large area of open land along with a single storey clubhouse which is now in a dilapidated condition. On the opposite side of the road is a row of attractive two storey period properties along a narrow lane.
14. On one side of the appeal site is Henbury Place a modern four storey residential block allowed at appeal², which itself backs onto the large supermarket wall. Beyond Henbury Place is Weybridge Social Club with flats above which has relatively recently been redeveloped and comprises a three-storey building with the rooms at second floor being within the roof. On the other side is a chapel like building which is used by the scouts and some further residential housing. As expected within a town centre location there are many residential, retail and other commercial uses within the area, with a mix of heights but three and four storey buildings are not uncommon in the area.
15. It follows that the character and appearance of the area derives to a significant extent from the fact that it is a mixed-use area comprising buildings of different periods and heights. Although currently the appeal site has a spacious open appearance, this is due to its previous use as a bowling club and is not characteristic of this town centre location.
16. There is a particularly attractive wall along the front boundary of the appeal site which has been locally listed due to its rarity and landmark status. As outlined there has been a previous appeal decision at the site and that Inspector highlighted that the wall marks and reinforces the boundary of a long-established thoroughfare in the town centre and consequently makes a significant contribution to the public realm by virtue of its prominent position and identifies its significance because of its appearance and age. I agree with that analysis.
17. The proposed development would introduce a three-storey C2 building onto the appeal site. As outlined above, taller buildings are not uncharacteristic of the area, and the proposed development would have a lower roof profile than the development at Henbury Place and the supermarket behind. However, the side elevations would be sited close to the common boundaries on either side. This

² APP/K3605/W/19/3233525

arrangement combined with the significant bulk and mass of the proposed development would result in a building that would appear unacceptably cramped on the site. Moreover, due to the width of the proposal facing the modest properties located along Springfield Lane the scale, mass and bulk of the proposed building would appear unduly prominent and discordant within this setting. Particularly when viewed from Springfield Lane and the houses opposite.

18. I accept that other buildings in the vicinity are located close to common boundaries including Henbury Place and the redeveloped social club and the proposal has been set back on the plot. However, the width of the proposal is significantly greater than the existing properties on either side of the appeal site. Moreover, the appeal site is much more closely related to the attractive period properties opposite than either the development at Henbury Place or the redeveloped social club. Consequently, the discordant design appears entirely at odds with the smaller scale houses opposite. It follows that the harm the proposal would have on the character and appearance of the area would be significant and I afford that harm significant weight.
19. The proposal would also involve the loss of nearly 5 metres of the locally listed wall. As outlined above this is a heritage asset of significance. I have taken account of the appellant's heritage assessment. However, I do not agree with its findings or with the view of the Council that the impact of the proposal on the significance of the wall would be neutral.
20. I accept that there would be some benefits associated with the proposed development including the repairing of part of the wall and some mitigation works to prevent collapse. However, overall, I agree with the previous Inspector who found that although the scale of loss would be relatively small, the loss of part of the wall would diminish the wall's significance and the contribution it makes to the character and appearance of the area. That said, given the associated benefits outlined above, the harm to this non-designated heritage asset would be modest and I afford this matter moderate weight. In weighing this matter, a balanced judgement will be required having regard to the scale of the harm and the significance of the heritage asset which I shall undertake later in the decision.
21. I therefore conclude that the proposed development would unacceptably harm the character and appearance of the area and would harm the significance of a heritage asset. Consequently, the proposal would conflict with Policy CS17 of the Elmbridge Core Strategy 2011 (CS) and Policy DM2 of the Elmbridge Local Plan Development Management Plan 2015 (DMP) which among other things seek to ensure development integrates sensitively with the locally distinctive townscape and heritage assets and should preserve or enhance the character of the area and enhance the public realm and street scene.

Living Conditions

22. The side elevation of the proposed development would not be set back from the common boundary with Henbury Place by a significant distance. This neighbouring development has windows serving habitable rooms that face towards the appeal site. I accept that some of these are high level, obscure glazed and that some of the windows facing the appeal site are not the only windows serving these rooms. However, the corner windows are significant windows that provide an important outlook from the habitable rooms served by them. Moreover, a third-floor bedroom

at Henbury Place has a habitable window with a standard level window facing towards the appeal site albeit this window is set back further than the nearest elevation at Henbury Place.

23. I note that the rear elevation of Henbury Place is set back further on its plot than the rear elevation of the nearest part of the proposed development, that the front corner of the proposed development would have a cut out at first and second storey, that the third floor bedroom window would look towards the roof slope and that the top of that window would be above the ridge line of the proposed development and that there is an existing single storey clubhouse on the appeal site. Nevertheless, the introduction of the proposed building at that distance and with that scale and mass would unacceptably impact the outlook for existing residents of Henbury Place.
24. In reaching that view I have taken account of the fact that planning permission was granted at appeal for the Henbury Place development. The appellant points out that the upper floor levels within Henbury Place have side windows that serve bedrooms that face the social club redevelopment, and on that basis the Inspector who determined the Henbury Place appeal accepted a separation distance less than proposed here.
25. However, the front elevation of Henbury Place and the front corner windows are set further forward than the front elevation of the social club. Moreover, the roof profile and height of the social club building and its relationship with the development at Henbury Place are materially different in comparison to the proposed development and its relationship with Henbury Place. As a result of these material differences the situation is not the same and, in any event, the existence of any other examples, even if allowed at appeal does not justify harmful development at the appeal site.
26. Furthermore, Henbury Place is located to the north of the proposed development and has south facing windows that serve habitable rooms. Given the trajectory of the sun relative to the position of habitable rooms and the position of the proposed development it is likely that existing occupants of Henbury Place with windows that serve habitable rooms that face towards the appeal site would experience a material loss of daylight and sunlight. On that basis I agree with the Council's concern that as the appellant has not submitted a daylight and sunlight assessment to address this matter they have not adequately demonstrated that the proposal would not harm the living conditions of the residents of Henbury Place due to the loss of daylight and sunlight.
27. I turn now to consider the effect of the proposal on 5-15 Springfield Lane (Nos 5-15) located opposite the appeal site. The proposed development would be set back on the plot by some distance. The officer's delegated report indicates that the proposed building would be located between 22m-27.5m away from the front elevations of Nos 5-15 and I have no reason to disagree with their evidence. I was able to observe the relationship between the appeal site and No 15 having been asked to view the appeal site from that property. I was also able to observe the relationship between the appeal site and the other properties during my site visit. To my mind the separation distance would ensure that the proposal would not appear overbearing, would not result in an unacceptable loss of privacy nor would the proposed development have an unacceptable impact on the amount of sunlight and daylight that reaches these properties.

28. Moreover, although there would be additional comings and goings from the appeal site, the appeal site is located on an existing road within the town centre with a development next door with a parking area to the front. Bearing in mind this context I do not consider that the proposal would result in an unacceptable level of noise and disturbance to local residents. Accordingly, the proposal would not be at odds with the relevant parts of Policies DM5 and DM7 of the DMP which seek to ensure that all development that may result in noise incorporates appropriate mitigation measures and that the layout and siting of accesses should be acceptable in terms of noise.
29. I therefore conclude that although the proposal would not harm the living conditions of the occupiers of 5-15 Springfield Lane and would not result in an unacceptable level of noise and disturbance it would unacceptably harm the living conditions of the occupiers of Henbury Place with particular reference to their outlook and the loss of sunlight and daylight and I afford that harm significant weight. Consequently, the proposal would be at odds with Policy DM2 of the DMP which seeks to ensure developments are designed to offer an appropriate outlook and provide adequate daylight and sunlight in order to protect the amenity of adjoining occupiers.

Highway Safety

30. The appellant's plans show a visibility splay of 2m x 9m. The proposed development would result in a material increase in both the use of the proposed access and in the vehicle movements along Springfield Road. Although due to the width of the road, vehicles would not be travelling at high speeds, due to the lack of a footway it operates as a shared surface and there is not enough room for vehicles to comfortably pass each other if they meet going in different directions.
31. The highways authority has indicated that it has not been demonstrated that the visibility splay would be commensurate with the actual measured speed of vehicles on Springfield Lane as no speed survey data has been provided as recommended in their response to a previous application³. I note that the Inspector who determined the recent appeal on the same site had similar concerns. Having carefully considered the available evidence I also consider that insufficient evidence has been provided to satisfy me that the proposed visibility splay would be adequate to ensure that vehicles could enter and exit the appeal site safely and that there would not be potential conflict with other vehicles, pedestrians and cyclists who use the lane.
32. While I have not accepted the amended plans for the reasons set out above, I note that the appellant's highways consultant has provided a response to the highways authority's consultation response which I have considered in relation to those matters that do not specifically deal with the amended plans. They highlight that due to the characteristics of Springfield Lane the usual method for collecting vehicle speeds via an automatic traffic counter would not be appropriate as the lack of passing vehicles would result in a high degree of error in the calculation of the 85th percentile speeds. However, I am not satisfied that the fact that the normal method for collecting vehicle speeds would not be appropriate means that more evidence in relation to actual traffic speeds cannot be provided.

³ LPA reference 2016/3444

33. Similarly, I have taken account of the appellant's view that the increase in traffic movements would not result in the residual cumulative impact on the road network following mitigation being severe. However, as outlined above, I am not satisfied that sufficient evidence has been provided to indicate that the proposed visibility splays are adequate to protect the safety of pedestrians, cyclists and motorists. As a result, my concern relates to the fact that based on the available evidence the appellant has not satisfied me that the proposal would not result in an unacceptable impact on highway safety and consequently the proposal would not accord with the National Planning Policy Framework (the Framework).
34. I therefore conclude that adequate information has not been provided to demonstrate that the proposal would not have an unacceptable impact on highway safety and I afford this matter considerable weight. Consequently, the proposal conflicts with the relevant part of Policy DM7 of the DMP which seeks to ensure that access to and from the highway is safe and convenient for pedestrians, cyclists and motorists. The Council's reasons for refusal also included reference to Policy CS25 of the CS. However, as this promotes improvement to sustainable travel and accessibility to services, I am not sure it is entirely relevant to this main issue and in any event the proposal would not conflict with this policy.

Need for specialist accommodation

35. The proposed use of the development would be C2. Under the Town and Country Planning (Use Classes) Order 1987, the relevant part of the definition of such use is the use for the provision of residential accommodation and care to people in need of care or use as a nursing home.
36. As outlined above the only matter that has been reserved for later consideration is landscaping. That means all other matters are included for detailed consideration. However, according to the Town and Country Planning (Development Management Procedure) (England) Order 2015 layout means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development. Moreover, appearance means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
37. Clearly the proposed development meets the definition of either residential care or a nursing home. The Council highlight that although there is a shortfall in nursing bed capacity, the borough already has a relatively high level of residential care provision compared to the national average. As they consider that the appellant has not demonstrated that there is a demand for residential care units, they do not support the proposed use.
38. Notwithstanding the description of development included on the application form, at the application stage the appellant indicated that as a bare minimum the entire top floor would be set aside for dementia care. I accept that there was some inconsistency between the planning statement and other submissions made by the appellant. However, I am satisfied that it was always their intention to provide nursing type care on the top floor. This element would help to meet the shortfall highlighted by the Council. Moreover, the appellant has indicated in their appeal

statement that the entire facility could be used for nursing care and would be content for such a requirement to be imposed by condition.

39. While a greater level of detail would have been helpful, and ultimately it may have been necessary to ensure that certain facilities such as the proposed lifts are able to accommodate wheelchairs and wheeled beds, I am satisfied that there is adequate space within the proposed building to provide the required number of nursing care units without materially changing the layout or appearance of the proposal as defined above.
40. I also accept that if in all other respects the proposal had been acceptable the imposition of an appropriately worded condition could have ensured that the most appropriate accommodation was provided. Moreover, the fact that a care provider has not been identified at this stage does not weigh against the proposal. Overall, I am satisfied that the proposal would provide needed C2 accommodation within the borough and the appeal site is in a suitable location for such accommodation.
41. I therefore conclude that there is a demonstrable need for the proposed C2 accommodation at the appeal site. Consequently, the proposal would comply with Policy CS20 of the CS and Policy DM9 of the DMP which supports the development of specialist accommodation for older people and social and community facilities that meets an identified local need in suitable locations.

Biodiversity Net Gain (BNG)

42. The appellant has submitted a Technical Note: Ecology (TNE). This sets out that the buildings to be demolished have negligible potential to house roosting bats and recommended that no further surveys are required. The Council consulted Surrey Wildlife Trust (SWT) and Surrey Bat Group who reviewed the proposal and did not have concerns subject to the recommendations included within the TNE being implemented.
43. In terms of BNG, SWT advise that the proposal would result in significant on-site enhancements and the Council are satisfied that the necessary on-site BNG could be achieved. However, they have indicated that due to the lack of a signed legal agreement to secure the creation and management of the significant on-site BNG the appellant has failed to sufficiently demonstrate that the proposal would satisfy the statutory 10% requirement for BNG.
44. Under the statutory framework principally set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 inserted by Schedule 14 of the Environment Act 2021 as amended, any planning permission granted at the appeal site is deemed to have been granted subject to a pre-commencement condition that the biodiversity gain objective is met (the biodiversity gain condition). This will require that a Biodiversity Plan has been submitted to and approved by the local planning authority. The objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development value of the onsite habitat.
45. The Planning Practice Guidance – Biodiversity net gain (PPG) indicates that it would generally be inappropriate for decision makers, when determining a planning application for a development subject to BNG, to refuse an application on the grounds that the BNG objective will not be met. However, the PPG goes on to

say that decision makers may need to consider more broadly whether the BNG condition is capable of being successfully discharged.

46. Based on the available evidence I am satisfied that the BNG condition is capable of being successfully discharged. Although the Council would prefer an executed planning obligation to secure the creation and management of any significant on-site BNG, I am satisfied that an appropriately worded condition could be used to secure any significant onsite habitat enhancements that are proposed as part of the approved Biodiversity Plan. Any such enhancements would also be required to be secured and maintained for at least 30 years under paragraph 9 of Schedule 7A. Such a condition could also include monitoring and reporting arrangements.
47. I note that there is some uncertainty about how the Council would monitor the proposed BNG enhancements. However, if the proposal had been acceptable in other respects I consider this could have been resolved during the preparation, submission and approval of the Biodiversity Plan.
48. I therefore conclude that it has been adequately demonstrated that the proposed development would satisfy the statutory requirement in relation to Biodiversity Net Gain. Consequently, the proposal would accord with the Framework which seeks to minimise impacts on and provide net gains for biodiversity.

Other Matters

49. I turn first to consider housing supply. The Council accept that they are unable to demonstrate a 5-year supply of housing land and the appellant highlights that the Council can only provide 0.9 of a year's supply. This is well below Government expectations. Even taking account of the fact that half the units would count towards the housing supply number, the proposal would be valuable in boosting housing stock and would provide needed nursing home accommodation.
50. The proposal would make efficient use of the site in a sustainable location and would also have economic, social, and environmental benefits. For example, it would provide some jobs and create demand for materials during the construction phase, would provide jobs when operating and would broaden the availability of much needed housing in the area. I afford this matter significant weight.
51. I have taken account of the fact that the proposal would provide an opportunity for biodiversity enhancements to ensure there would be biodiversity net gain. Notwithstanding that this is a statutory requirement it still weighs in favour of the proposal and I afford this matter modest weight.

Planning Balance and Conclusion

52. I have afforded some matters weight as outlined above and overall, I afford the totality of the benefits significant weight in the determination of the appeal. On the other hand, I afford significant weight to the fact that the proposal would unacceptably harm the character and appearance of the area, moderate weight to the harm the proposal would have on a heritage asset, considerable weight to my finding that inadequate information has been provided to demonstrate that the proposal would not have an unacceptable impact on highway safety and significant weight to the unacceptable harm the proposal would have on the living conditions of the occupiers of Henbury Place.

53. As set out above, the Council cannot demonstrate a 5-year supply of housing land. This is at odds with Framework requirements and as a result Paragraph 11(d) of the Framework is relevant. However, given the relative benefits weighed against the harm and having had particular regard to relevant key policies, I find that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
54. Consequently, the presumption in favour of sustainable development, as set out in paragraph 11(d) of the Framework is disengaged and the scheme should be considered under a normal planning balance.
55. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.⁴
56. In this case, the proposal conflicts with the development plan when considered as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal should therefore be dismissed.

S Rawle

INSPECTOR

⁴ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990