



Appeal Decision

Site visit made on 19 November 2025

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 16 JANUARY 2026

Appeal Ref: APP/M3645/W/25/3370905

Talboys Hall Hill, Oxted, Surrey RH8 9PA

- 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 Paul Wallis against the decision of Tandridge District Council.
 - The application Ref is TA/2024/1391.
 - The development proposed is the erection of a bungalow (custom - self build & age friendly), with associated car barn, parking, and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is located within a conservation area, I have had regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). Accordingly, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Broadham Green and Spring Lane Conservation Area (the 'CA').
3. The appeal site lies within the Metropolitan Green Belt. However, the Council concluded that the proposed development would comply with the requirements set out paragraph 154 g) of the National Planning Policy Framework (the 'Framework'). As such, they considered that it would not represent inappropriate development. Accordingly, this matter was not cited within the reasons for refusal. I have found no reason to disagree.
4. There are several listed buildings within the vicinity of the appeal site, including The Old Cottage and Mayflower Cottage. However, there is no evidence of any functional connection between these heritage assets and the appeal site, and they are located approximately 300m away. The Council consider that the proposed development would not cause harm to these heritage assets, and I have found no reason to disagree.

Main Issue

5. The main issue is whether or not the development would preserve or enhance the character or appearance of the CA.

Reasons

Character and Appearance of the Conservation Area

6. The CA is characterised by large open spaces, an expansive landscape, and a semi-rural setting. The appellant's Heritage Statement indicates that the local area is often referred to as the Common. The openness of the Common, together with dwellings positioned around its edge, reflects its historic significance, as it would historically have been used by tenants for pasturing animals. Over time, the wider area has evolved into a hamlet comprising a mix of houses, including several period properties (mostly built between 1800 and 1911) alongside some mid-20th-century homes. Although the historic value of the Common as open land has been diminished by residential development, the prevailing pattern remains one of large plots with detached dwellings, interspersed with smaller worker cottages. This dispersed pattern of development contributes to the traditional rural vernacular of the area. Given the above, I find that the significance of the CA, insofar as it relates to this appeal, to be primarily associated with the density of built form, rural character of the area, and the open and spacious arrangement of the Common.
7. The appeal site lies within the grounds of Talboys, a three-storey Arts and Crafts-style detached dwelling situated in the CA. The property occupies generous grounds featuring mature landscaped gardens with patios, fishponds, and numerous established trees and hedges that contribute to its character and provide effective screening from wider views. The particularly spacious garden setting, in combination with the low density of built form, reflects the semi-rural qualities that are characteristic of the CA and consistent with the broader pattern of development around the Common. As such, the appeal site plays a positive role in preserving the area's open, leafy character, reinforcing both its historic development pattern and its sense of openness.
8. The proposed development comprises a single-storey, pitched-roof, three-bedroom bungalow of approximately 116 sq.m, featuring timber porch details. It would be located within the grounds of the host dwelling, Talboys, with the existing plot subdivided to create a separate garden area. Vehicular access would be available from an existing entrance point, while a new pedestrian point would lead directly to the highway. While the design incorporates elements that reflect the local vernacular, such as a pitched roof and traditional detailing, the proposal would nonetheless introduce additional built form within the CA. As such, it would represent a more intensive residential use of the land, as it would result in the formation of a separate residential curtilage and associated boundary treatments, patio area and driveway with parking provision. Although the physical design of the dwelling would likely harmonise with surrounding properties, the cumulative impact of the new built form and domestic paraphernalia would appear visually intrusive and would contrast with the prevailing pattern of low-density development around the Common.
9. Additionally, the plans indicate that the proposed development would be located adjacent to the perimeter with Hall Hill. Although the existing hedge planting could prevent some views from this public highway, the plans indicate that the bungalow would remain visible to passing traffic. As a result, the proposal would introduce further built form that would clearly appear as a separate and self-contained dwelling when experienced from public views.

10. The subdivision of the existing plot, together with the physical presence of the new building and its associated domestic features, would diminish the generous sense of space that is characteristic of the CA. The erosion of this historic pattern of low-density development through the introduction of an additional dwelling, particularly in such proximity to the site boundary, would disrupt this established pattern and erode the openness that forms an essential component of the CA's significance. Accordingly, the proposal would have a harmful effect on the character and appearance of the CA by reducing the spaciousness that underpins its heritage value.
11. I acknowledge that the scale of the proposed development has been reduced when compared to previous applications. Nevertheless, taking the above considerations into account, it is considered that it would still result in an adverse effect which would be at the lower level of less than substantial harm. This aligns with the conclusion set out in the appellant's Heritage Statement. I will consider any public benefits in the heritage balance below.
12. In reaching this view, I have considered the presence of existing small worker cottages and other built dwellings within the CA. However, there is no evidence before me to indicate that these developments resulted from the subdivision of existing modern plots, particularly larger plots comparable to the grounds surrounding Talboys. Without this information, it is not possible to draw meaningful comparisons or conclude that the impacts of the current proposal would be acceptable. Each case must be assessed on its own merits, and the existence of other development within the CA does not, in itself, justify the harm I have identified from the proposed scheme.
13. The scheme would not preserve or enhance the character or appearance of the CA and the duty under section 72(1) of the Act would not be met.
14. Drawing my findings together, I conclude that the development fails to preserve or enhance the character or appearance of the CA. This fails to satisfy the requirements of the Act and the Framework. It would not reflect and respect the landscape character, countryside setting and local context, contrary to Policies CSP 18 and CSP 21 of the Tandridge District Core Strategy (2008). The public benefits would not significantly outweigh the harm to the CA, as the proposal would not be in keeping with the prevailing landscape, contrary to Policies DP7 and DP20 of the Tandridge District Local Plan: Part 2 – Detailed Policies (2014).

Other Matters

15. There is an extant Certificate of Lawfulness (Ref: 2021/1964) permitting the erection of three outbuildings and two single storey extensions within the grounds of the host dwelling. The appellant has submitted a draft unilateral undertaking intended to provide a mechanism whereby, if the proposed development were granted and implemented, the permitted development rights established under the certificate would be removed. However, the submitted draft undertaking is incomplete. It has not been signed, dated, or legally executed, and the accompanying plan identifying the relevant land has been omitted. These omissions mean the undertaking has not been legally completed or delivered, contrary to the requirements set out in the appropriate appeal guidance¹. Thus, it would not be possible for the Council to rely upon it to secure any planning

¹ Planning Obligations: good practice advice

obligations. In any event, it is likely that the proposed development would fundamentally alter the planning unit around the appeal site, thereby extinguishing any previously established permitted development rights.

16. Nonetheless, the extant Certificate does appear to represent a credible fallback position. It would allow the construction of three separate outbuildings, with a combined floorspace of approximately 329 sq.m. By comparison, the proposed development would create a total floorspace of around 250 sq.m, representing a comparatively lower impact in terms of built form. However, whereas the outbuildings would serve an ancillary residential function, the proposed scheme would intensify the residential use of the site as a whole, leading to increased traffic movements and a greater presence of residential paraphernalia within the grounds. Accordingly, while the fallback position carries some weight, it does not outweigh the concerns arising from the overall intensification and change in character that the proposed development would introduce.
17. The appellant considers that the Council has made incorrect references and errors in its assessment of the prominence of the proposed dwelling, and that they have placed undue reliance on the refusal of the previous scheme at appeal². However, I have reached my own conclusions based on the evidence before me, and these concerns do not have any material bearing on my decision.

Heritage and Planning Balance

Heritage Balance

18. The residential scheme would not preserve or enhance the character or appearance of the Conservation Area, when considered as a whole. This harm would be at a lower level of less than substantial harm. The result is that the duties under the Act would not be met and this is a matter of considerable importance and weight. Paragraph 212 of the Framework requires that great weight should be attached to the asset's conservation, and this is irrespective of the level of harm.
19. In accordance with paragraph 215 of the Framework, this harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal. The scheme would deliver one additional dwelling, providing a small contribution to local housing supply. It would be a custom self-build home, addressing demand in this sector, and would be constructed to Part M4(2) standards, ensuring it is adaptable as a lifetime home and capable of meeting the needs of older or less mobile residents. By delivering age-friendly housing, the scheme could provide opportunities for older residents to downsize, thereby releasing larger family homes within the locality. The layout also incorporates a biodiversity enhancement area, which could include native hedgerows and bee-friendly planting, improving the site's ecological value. In addition, the development would generate short-term economic benefits during construction and long-term benefits through the ongoing expenditure of future occupiers. Together, these considerations attract moderate weight as public benefits.
20. Although the proposed development would result in the lower end of less than substantial harm, the Framework makes it clear that great weight should be attributed to the harm to the CA. I am satisfied that this harm would not be outweighed by the public benefits of the proposal. Accordingly, the heritage

² Ref: APP/M3645/W/23/3325160

balance falls against the scheme, as the level of harm constitutes a strong reason for refusal.

Planning Balance

21. The Council cannot currently demonstrate a five-year supply of deliverable housing sites in accordance with the Framework, with the supply estimated to be under 3 years. As such, paragraph 11 of the Framework is engaged. Sub-paragraph 11 (d)(i) states that permission should be granted unless the application of policies in the Framework that protect assets of particular importance provides a strong reason for refusing the development proposed. The relevant footnote states that such policies include those related to designated heritage assets, which includes conservation areas.
22. In this case, the identified harm to the significance of the CA conflicts with national policy which seeks to protect the historic environment and, provides a strong reason for refusing the development. Accordingly, the presumption in favour of granting planning permission as set out under paragraph 11 of the Framework is disengaged.
23. The proposed scheme would provide a small contribution to local housing supply within an area that is unable to demonstrate a Framework compliant supply of deliverable sites. As outlined above, the proposal would also generate a range of other benefits, to which I attach moderate weight in favour of approval.
24. However, these benefits must be balanced against the identified harm. The scheme would adversely affect the significance of the CA. This represents a significant failing and a clear conflict with heritage policies, to which I afford great weight. In my judgment, this harm is of such importance that it outweighs the benefits of the proposal.

Conclusion

25. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

S Lo

INSPECTOR