



Appeal Decision

Site visit made on 21 January 2026

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 February 2026

Appeal Ref: APP/R3650/W/25/3375453

Land at Green Lane, Churt, Farnham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Matthew Hiles of Chapel Hill Homes Ltd against the decision of Waverley Borough Council.
 - The application Ref is PIP/2025/00207.
 - The development proposed is residential development of between 2 and 4 dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 2 and a maximum of 4 dwellings at Land at Green Lane, Churt, Farnham in accordance with the terms of the application, Ref PIP/2025/00207, dated 28 January 2025.

Applications for costs

2. An application for costs was made by Chapel Hill Homes Ltd against Waverley Borough Council. This is the subject of a separate decision.

Preliminary Matters

3. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.
5. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of dwellings as part of the application. In this instance, the range is between two and four dwellings. A plan has been submitted showing how four dwellings could be accommodated on the site, but I have considered this to be solely for illustrative purposes because the application only relates to the principle of the proposed development.

Main Issue

6. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development, with particular regard to whether the appeal site is grey belt and whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.

Reasons

7. The appeal site is within the Green Belt which Policy RE2 of the Waverley Borough Local Plan Part 1 (2018) (LPP1) seeks to protect from inappropriate development in accordance with the Framework, referring to the exceptions listed within the Framework. Policy DM14 of the Waverley Borough Local Plan Part 2 (2023) (LPP2) provides additional detail for some of the exceptions listed within the Framework but this policy pre-dates the latest version of the Framework, which introduced the concept of grey belt.
8. The glossary of the Framework provides a definition for grey belt, being “*land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143.*” The purposes referred to relate to checking the unrestricted sprawl of large built-up areas, preventing neighbouring towns merging into one another and preserving the setting and special character of historic towns.
9. There is no reference within the definition of grey belt to the required quality of the land, nor is it suggested that grey belt land can only be present within settlement boundaries.
10. Churt is a village rather than a large built-up area or town. Based on the evidence before me it is also not a historic town. Having considered the position and characteristics of the appeal site, I am satisfied that it does not make a strong contribution in the context of purposes a), b), or d) of paragraph 143 of the Framework. The appeal site therefore falls within the definition of grey belt land.
11. To be regarded as not inappropriate development in the Green Belt, development in the grey belt must meet all the criteria set through paragraph 155 of the Framework.
12. Criterion a. requires the development to not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. Based on the extent of the site, I am not persuaded that the development of the site would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way. I therefore find no conflict with criterion a.
13. The Council accepts that it cannot demonstrate a five-year supply of deliverable housing sites. There is therefore a demonstrable unmet need for the type of development proposed and consequently the proposal would satisfy criterion b.
14. Criterion c. relates to development being within a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. These paragraphs relate amongst other matters to focusing development in locations which are or can be made sustainable and ensuring that sustainable transport

modes are prioritised. There is an acknowledgment within paragraph 110 of the Framework that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision making.

15. Although outside of the settlement boundary, the appeal site is situated adjacent to Churt amongst a ribbon of residential development along Green Lane. The Council has not sought to claim that the site is not in a sustainable location. I also note that in a previous appeal decision at the appeal site¹ (which pre-dated the introduction of grey belt), the Inspector found the site to be a “*generally sustainable location with reasonable access to facilities and services.*” Based on the evidence before me, I find no reason to reach an alternative conclusion and therefore find the proposal to be in compliance with criterion c.
16. Criterion d. of paragraph 155 of the Framework relates to the ‘golden rules’ which apply to major development and is therefore not relevant to the appeal proposal before me.
17. Taking the above factors into account, I conclude that the appeal site would be a suitable location for development. The proposal would not be inappropriate development in the Green Belt as it would constitute the development of grey belt land referred to by paragraph 155 of the Framework.
18. I have therefore identified no direct conflict with Policy RE2 of the LPP1. As above, Policy DM14 of the LPP2 provides detail on the factors to be taken into consideration for several of the listed exceptions within the Framework. However, this is not a closed list and therefore, I do not find development of land within the grey belt to be automatically contrary to this policy (again noting that the policy pre-dates the latest version of the Framework).

Other Matters

19. The Council present that they own a parcel of land within Churt which is proposed for housing development and is fully supported by residents. However, given the Council's position in respect to housing delivery, any additional residential development would be beneficial. There is little to suggest that development of the appeal site would prejudice development elsewhere and therefore I have given this point very little weight in my decision.
20. Interested parties have raised several issues in addition to those discussed above. A number of these would be for consideration at the technical details consent stage, including the details of the highway access, associated parking, impacts on protected species, the effect on the character and appearance of the area and impacts on neighbouring living conditions.
21. Concern has been raised that the development of the site would set a precedent for further piecemeal development in the Green Belt. Based on the evidence before me I am not convinced that the grant of permission in principle at the appeal site would lead to further applications. Nevertheless, if further applications were to be received, then these would have to be assessed on their own merits based on the development plan at the time of determination.

¹ APP/R3650/W/24/3342590 decision dated 6 September 2024

22. Based on the evidence before me, Churt does not have a specific neighbourhood plan. Nevertheless, the absence of a neighbourhood plan does not prevent the grant of permission in principle for further development.
23. It is suggested that unauthorised tree removal has taken place within the site affecting trees protected through a preservation order. It is not within the remit of the appeal before me to assess the lawfulness or otherwise of tree removal. The outcome of this appeal does not prejudice the investigation or further action of this matter from the Council.
24. Interested parties have referred to the development creating a potential land locked portion of land to the south of the appeal site. However, I do not have the precise details of the land referred to. In this context, access and land ownership would be a private legal matter between the relevant parties. Without substantive evidence, it does not alter my overall findings.
25. The appeal site is relatively close to Butts Barn, a Grade II listed building. I therefore must consider the potential effect of the proposal on the setting of this listed building. The significance of the listed building lies in part from its historic associations with the area, and its architectural value that articulates the agricultural heritage of the area.
26. As is acknowledged by the Council, the setting of the listed building has significantly altered, with loss of most of the wider agricultural context to housing and residential gardens. Despite the appeal site forming the last surviving element of the listed buildings agricultural setting, due to its limited intervisibility I find that the erection of up to four dwellings could be capable of preserving or enhancing the significance of the listed building.
27. The appeal site is located within the Surrey Hills National Landscape (SHNL) and is defined as within an Area of Greater Landscape Value (AGLV). The Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty within National Landscapes, which have the highest status of protection in relation to these issues. Additionally, Section 85 of the Countryside and Rights of Way Act 2000² requires all relevant authorities to seek to further the purpose of conserving and enhancing the natural beauty of the National Landscapes when performing their functions.
28. The SHNL is a diverse landscape characterised by areas of woodland, hills and valleys, traditional mixed farming, a patchwork of chalk grassland and heathland, sunken lanes, picturesque villages, and market towns.
29. In line with the previous Inspector's decision at the appeal site³, the Council has determined that the proposal would not have a significant effect on the SHNL or the AGLV. The appeal site is enclosed by mature trees which limit views of the site. Where visible, the appeal site would be viewed primarily in the context of adjacent residential development rather than the context of the countryside of the wider SHNL. Based on the evidence before me, and my own observations of the site, I see no reason to come to a different conclusion. I am therefore satisfied that a scheme could come forwards at technical details stage which would conserve the landscape and scenic beauty of this NL.

² As amended by the Levelling Up and Regeneration Act 2023

³ APP/R3650/W/24/3342590 decision dated 6 September 2024

Conditions

30. The PPG indicates that it is not possible to impose conditions for a permission in principle. The default duration of permission in principle is 3 years where granted on direct application, with the technical details consent to be determined during this period. If it is not, then the permission in principle would lapse.

Conclusion

31. The proposal would comply with the development plan when read as a whole. There are no material considerations which indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

L Gardner

INSPECTOR