



Appeal Decision

Site visit made on 6 January 2026

by S Simms BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 FEBRUARY 2026

Appeal Ref: APP/R3650/W/25/3375405

Spring House, Mannings Hill, Cranleigh, Surrey GU6 8QN

- 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 D Pilling against the decision of Waverley Borough Council.
 - The application reference is WA/2025/01139.
 - The development proposed is the erection of a single uncovered padel court to be used for leisure purposes 'incidental' to the main dwelling Spring House.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address and description of development on the decision notice differ from those on the application form, but I have no evidence of the appellant's agreement to these changes. I have therefore used those on the application form.
3. The appeal form indicated that relevant parts of the appeal site could be seen from public land and so an unaccompanied site visit was arranged. In the event, I was provided access by a landowner who was present at the time of my visit.

Main Issues

4. The main issues are:
 - 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;
 - the effect of the proposed development on the character and appearance of the area, including the natural beauty and purposes of the nearby Surrey Hills National Landscape;
 - the effect of the proposal, particularly artificial lighting, on local wildlife; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to exceptions set out in paragraph 154.
6. One such exception is “the provision of appropriate facilities, including buildings, for outdoor sport ... as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.” Another such exception is “... material changes in the use of land ...”. Both exceptions depend on development preserving the openness of the Green Belt and not conflicting with the purposes of including land within it.
7. Policy RE2 ‘Green Belt’ of the Waverley Borough Local Plan Part 1 (LPP1) protects land in the Metropolitan Green Belt from inappropriate development in accordance with the Framework unless very special circumstances can be demonstrated and refers to the exceptions in national policy.
8. The lawful use of the site is unclear, but the description of development states that the use of the padel court would be incidental to that of Spring House and the Council infers a change to residential use. Whether the proposal is for a facility for outdoor sport, a change of use to residential, or both, it would not be inappropriate development in the Green Belt, as long as it preserves its openness and does not conflict with the purposes of including land within it.
9. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. Spring House is set within a large garden with linear boundaries well defined by hedgerows and, on the side nearest the site, outbuildings and a brick wall. Whilst the garden contains several mature trees, the fields to its north and west are divided only by timber post and wire mesh fences and a single hedgerow, so that the openness of the Green Belt here is clear.
10. A public footpath runs along the far side of the garden, then cuts across fields to the west, offering views of the site. Further public footpaths and higher ground to the north and east provide distant views. The closest view is from a field gate on Mannings Hill, but the lack of footway, 40mph speed limit and hedgerow means that this is mainly a fleeting view from vehicles. Permission exists for a stable near the gate, which, if implemented, would also interrupt this view.¹
11. The proposal would introduce a substantial feature into an open field. Transparent elements and proposed planting to the west would limit its visual impact. However, the structure would still be visible, particularly until the planting matures, and the spatial impact would remain, detracting from openness. Furthermore, this part of the Green Belt north of Cranleigh clearly assists in safeguarding the countryside from encroachment and the proposal would conflict with this.
12. A Certificate of Lawfulness has been granted to construct a padel court of lesser height in the corner of the garden of Spring House near the appeal site. This would

¹ WA/2025/01120

result in a loss of trees, but how many or of what value is unclear. It is also unclear whether higher, more useable, court walls would later be permitted. Whilst I accept that there is a more than theoretical possibility that this might be implemented should this appeal be dismissed, the scheme before me has a greater impact on openness and the purposes of the Green Belt due to its size and location.

13. Since the proposal would harm the openness of the Green Belt and conflict with the purposes of including land within it, it would be inappropriate development.

Character and appearance

14. The site is in the countryside and near to higher ground within the Surrey Hills National Landscape, the conservation and enhancement of the natural beauty of which I must seek to further. I do not have the benefit of a landscape and visual impact assessment, but the surrounding topography and rights of way link the site with the National Landscape both visually and experientially.
15. The proposal is for a feature that would be urban in appearance using coated or painted metal and glass. This would appear hard, rectilinear and out of place in the immediate context of an open field and the wider context of the landscape. The materials would be dissimilar to nearby boundary treatments or those of the house and its outbuildings and would also weather and age differently.
16. Whilst I note that there are tennis courts to the south, these are grouped alongside the school to which they belong, beyond a tree line and closer to the buildings and lights of Cranleigh. Similarly, other courts nearby and in cases referred to by the appellant are within towns or well-defined gardens and therefore in different visual contexts. Furthermore, they do not incorporate glass enclosures.
17. The sparsity of nearby buildings and lack of streetlighting mean the illuminated court would be visible from a wide area against a relatively dark landscape. Whilst close views would be limited and a condition could restrict illumination times, overall, I find that the proposal would harm the character and appearance of the area, including the natural beauty and purposes of the nearby Surrey Hills National Landscape. The proposal would therefore conflict with LPP1 Policies RE3 and TD1, Policies DM1 and DM4 of the Waverley Borough Local Plan Part 2 (2023) (LPP2) and Policy CRAN6:A.e of the Cranleigh Neighbourhood Plan 2021 - 2032, which protect landscape character and promote high quality design.

Effect of lighting on wildlife

18. A Biodiversity and Ecology Checklist was submitted with the application, but the Surrey Wildlife Trust was concerned about the lack of assessment of the effect of the proposed lighting on wildlife. A letter from an ecologist identifying the risk to bats and recommending mitigation measures was submitted with the appeal.
19. Bats are a European Protected Species (EPS). The Conservation of Habitats and Species Regulations 2017 (as amended) impose a duty on me to consider whether an EPS would be affected by the development and whether associated mitigation measures would be effective.
20. The site is close to buildings and trees that may provide commuting, foraging or roosting opportunities for bats and the proposal includes lighting of open spaces close to them, so a survey is reasonably required to determine the effect of both the proposal and the mitigation measures.

21. Whilst I have information on lighting levels, I have no species survey, so cannot be sure that the proposal would not harm an EPS. I note that the appellant would be willing to omit the lighting should I find this unacceptable and, had I been minded to allow the appeal, I would have imposed a condition to this effect.
22. Even so, overall, with the absence of substantive evidence on biodiversity impacts, I must take a precautionary approach and find that the proposal would harm local wildlife. The proposal would therefore conflict with LPP1 Policy NE1; LPP2 Policy DM1 and Policy CRAN6:A.e of the Cranleigh Neighbourhood Plan 2021 - 2032, which protect biodiversity and the environment.

Other considerations

23. The proposal would provide an outdoor sports facility for the occupiers of Spring House, a benefit to which I attach moderate weight.
24. The padel court in the corner of the garden subject of the Certificate of Lawfulness would be less useable but could still involve a loss of trees and therefore have some character and landscape impact if implemented. I therefore attach moderate weight to this consideration.

Conclusion

25. I have found that the proposal would be inappropriate development in the Green Belt, would harm the character and appearance of the area, including the natural beauty of the Surrey Hills National Landscape, and has not clearly demonstrated that it would not harm an EPS. I attach substantial weight to these harms.
26. The provision of an outdoor sports facility for the occupiers of Spring House and likelihood that a padel court of lesser height might be constructed with the loss of trees do not clearly outweigh the harm due to inappropriateness and the other harms I have found.
27. Consequently, the very special circumstances necessary to justify the proposal do not exist and, therefore, the appeal should be dismissed.

S Simms

INSPECTOR