
Appeal Decision

Site visit made on 5 January 2026

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th March 2026

Appeal Ref: APP/R3650/W/25/3375498

1 Baynards Park, New Cottages, Horsham Road, Cranleigh, Surrey GU6 8EQ

- 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 Edward Charman against the decision of Waverley Borough Council.
 - The application Ref is WA/2025/01106.
 - The development proposed is part demolition of existing end of terrace house and creation of new end of terrace house.
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Decision

1. The appeal is dismissed.

Application for costs

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

Preliminary Matter

3. Waverley Borough Council has confirmed that it no longer wishes to contest reason for refusal 2 in its decision as the Council is now satisfied the proposal would no longer give rise to harmful direct or indirect impacts on protected species. I have no reason to take a different view and will not consider this matter further.

Main Issues

4. The main issues are:
 - whether the proposal would be a suitable location for housing, having regard to the Council's spatial strategy and the provisions of the National Planning Policy Framework (the Framework); and
 - whether the proposal would fulfil the criteria for a Self-Build dwelling as defined in the Self-Build and Custom Housebuilding Act 2015 and so be exempt under the Biodiversity Net Gain regulations.

Reasons

5. The appeal site comprises a two-storey, semi-detached dwelling located in a rural location, outside a defined settlement boundary. The site is accessed via a long, single track road serving Home Farm and Baynards Park and forms one of four cottages in this location. The surrounding development comprises a range of buildings in agricultural and commercial use.

Location

6. Policy ST1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites 2018 (LPP1) states that development schemes should be located where opportunities for sustainable transport modes can be maximised and paragraph 115 (a) of the Framework prioritises sustainable modes of transport. Policy ST1 of the LPP1 and paragraph 110 of the Framework recognise that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
7. Policy DM15 of the Local Plan (Part 2) 2023 (LPP2) states that in rural areas, development should not be isolated from everyday services and facilities, while maximising opportunities for walking and cycling and seeking to avoid dependency on private vehicles, taking account of the nature and functional needs of forms of development which are acceptable in rural areas.
8. Policy DM9 of the LPP2 requires development to provide for safe and convenient access for all highway users which does not compromise pedestrian or cycle movements or access to the highway and public transport facilities and services.
9. Paragraph 84(d) of the Framework states that planning decisions should avoid the development of isolated homes in the countryside unless the development would involve the subdivision of an existing residential building.
10. The proposal involves the demolition of part of the existing dwelling and the construction of a new dwelling in its place. The Council and the appellant are in agreement that the proposal would involve the subdivision of the dwelling. The Council have not substantiated its conclusion that the proposal involves subdivision of a dwelling and the appellant's reasoning is based on the Council taking the view the proposal would comprise subdivision.
11. Notwithstanding the Council's view, it is clear that subdivision of an existing dwelling refers to the dividing of an existing building and, in my view, not the demolition of part of a building and the erection of a new dwelling in its place. In light of this, I do not consider the proposal benefits from paragraph 84(d) of the Framework and therefore I must make an assessment of the site's location against the locational criteria of the Development Plan.
12. Access to public transport from the site would be via the single track access road which is unlit with no pavement or cycle path making walking and cycling unlikely as the preferred mode of transport when accessing the site or services. The main road at the end of the access road is also a derestricted road in terms of speed limit, unlit with no pavements or cycle path which poses a risk to pedestrian safety.
13. The Guidelines for Providing for Journeys by Foot (Institution of Highways and Transportation) (2000) suggests that a 2km/25 minute walk is the most people are likely to do for their day to day needs without taking the car. The location of shops and other services in relation to the appeal site is in excess of the 2km walking distance.
14. I have been provided with information that there is a bus stop approximately 600m from the appeal site which goes to Cranleigh. This service (63) runs approximately every hour starting at 07:24 weekdays with an additional service (63X) providing a service at 07.52. At the weekends, the 63 service starts at 08.16 and runs hourly.

In the evening, the weekday service leaves Cranleigh at 19.56 and arrives at the nearest bus stop to the site at 20.01. At weekends, the hourly service runs until 19.26 at Cranleigh and arrives at the nearest bus stop to the site at 19.31.

15. Whilst the 63 (and 63X) service is evidence there is public transport to Cranleigh, being hourly, I do not consider the service to be sufficiently frequent to be relied upon as a regular mode of transport getting to and from the site. The 63 and 63X bus goes to Cranleigh, therefore if the occupiers of the proposal wanted to arrive anywhere other than Cranleigh, they would need to either change at Cranleigh or more likely, use the car. With only one bus per hour, this limits opportunities for onward connections.
16. My attention has been drawn to two appeal decisions.¹² Both the appeals were within Waverley Borough and were allowed where the location of the proposed housing with respect to the Council's spatial strategy and the Framework were a main issue.
17. Whilst there are similarities between the appeals and the proposal, each case must be assessed on its own merits and within the context of the particular site and circumstances. Appeal 3345912 was allowed despite the scheme being recognised as being in a peripheral location in relation to the settlement of Cranleigh and thus away from everyday services and facilities which would provide a dependency on private vehicles and represent an unsustainable form of development. The Inspector, in making his decision weighed into the planning balance the specific circumstances of the case which included that the proposal would lead to a 67% reduction in vehicular trip rates from the existing lawful commercial use thus reducing carbon emissions. No such benefits can be attributed to the current proposal.
18. The Inspector for appeal 3345689 concluded the site would be in a sustainable location given that future occupants could take the bus or could walk along a footpath and would therefore not be isolated from everyday services nor dependent on the use of private vehicles. In that particular appeal, it appears that there is a pavement providing direct access to the centre of Rudgwick which can be accessed from close to the access lane serving the appeal site. For the current proposal, there are no such pavements providing safe access to the bus stop at the end of the access lane which in itself is unlit with no separate pavement area for pedestrians. Whilst the access lane may not be busy in terms of vehicle movements, it would be unlit and there are no residential properties lining the access lane providing illumination, something which the Inspector for the previous appeal highlighted in that particular case.
19. Whilst I note the existence of footpaths and bridleways linking to Cranleigh and to Rudgwick, these routes are unlit and would be less attractive for people carrying shopping and/or younger children going to and from school, particularly in the dark or during inclement weather conditions. I consider the footpaths and bridleways to be recreational routes rather than providing realistic alternatives to the private car for accessing services and facilities.
20. Based on the evidence before me, I do not consider the site to be located in a sustainable location with good access to public transport services or local

¹ APP/R3650/W/24/3345912 (3345912)

² APP/R3650/W/24/3345689 (3345689)

amenities. The only realistic means of transport would be the private car. The proposal would therefore be contrary to policies DM9 and DM15 of the LPP2, policy ST1 of the LPP1 and the Framework as set out above. The reason for refusal also refers to the Local Transport Plan, but as this isn't part of the development plan, it hasn't been necessary to conclude against it.

Self-Build Dwelling

21. The Council casts doubt over whether the proposal would be a self-build dwelling under the Self-Build and Custom Housing Act 2015. However, it provides no evidence to counter the appellant's statement that they have had direct input into the final design and layout of the dwelling. As such, I have no reason to question the appellant's intentions and must take the application on face value.
22. The Council has put forward a condition requiring the dwelling to be self-build, for use in the event that I am minded to allow the appeal. The appellant has agreed to this condition. However, the condition would not meet the enforceability test within paragraph 57 of the Framework as the Council would have no idea whether the named person would actually live there for the time specified and neither the appellant or the Council have demonstrated how the condition would be enforceable. There is no other mechanism before me, such as a planning obligation, to secure the self-build dwelling and as such the development would not comply with the statutory Biodiversity Net Gain (BNG) regime and the biodiversity gain objective would not be met. This is a significant material consideration.
23. In refusing the application in relation to whether the proposal would benefit from the exemption under the BNG regulations afforded by being a self-build dwelling, the Council has cited policy NE1 of the LPP1. However, this relates to general biodiversity enhancement and pre-dates the introduction of BNG and consequently, it is not determinative in relation to this main issue. Despite this, I have no suitable mechanism before me to secure the dwelling as a self-build dwelling and as such the development would not comply with the statutory BNG regime, Schedules 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017 and the biodiversity gain objective would not be met.

Other Matters

24. I acknowledge the appellant's concerns over the Council's handling of the application. However, this is not a matter that I can consider under a Section 78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.

Planning Balance

25. It is common ground that the Council currently cannot demonstrate a five year supply of deliverable housing sites, with a 1.28 year housing land supply. By virtue of footnote 8 of the Framework 11d) is therefore engaged and the starting point is that planning permission should be granted unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having

particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

26. The dwelling would make a small contribution towards meeting the Council's housing land supply requirement and it is likely that the proposal would have some economic benefit to the local community through employment for the duration of the build and additional spend in the community once the build has been completed. These are important benefits in favour of the proposal, but for a single dwelling, each benefit has limited weight in support of the appeal. Given that the dwelling has not been secured as a self-build, the weight that I can give to this benefit is also limited.
27. On the other hand, the proposal would not be in a sustainable location and increased travel demands and living needs would mainly be met by private cars. This would undermine relevant Council development plan objectives. Given the housing land supply position, the weight I can attach to the conflict with these individual policies is only modest.
28. Despite this, these policies are still broadly consistent with rural housing objectives of the Framework. There is no evidence that in any appreciable way the dwelling would reflect local housing need, enhance or maintain the vitality of a rural community or grow any rural settlement to support local services, nor would the proposal comply with paragraph 84(d) of the Framework. The Framework also seeks to promote walking or public transport in a meaningful way and a pattern of development in the countryside that supports these aims. Notwithstanding an allowance for the site being within a rural area, the proposed dwelling would not be in a location that would limit the need to travel or offer a sufficient genuine choice of realistic travel modes to support these aims.
29. Consequently, notwithstanding the significant housing shortfall, the support given in the Framework to delivering housing is not, in my view, at the expense of ensuring that residential development is appropriately located so does not result in a proliferation of housing in the countryside or dependency on cars by those who occupy it. The proposal would cause unacceptable harm in these respects and as such, each consideration has substantial weight against the appeal.
30. The adverse effects of granting planning permission would, therefore, significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. Consequently, the presumption in favour of sustainable development does not apply.

Conclusion

31. The proposal conflicts with the development plan overall and with relevant provisions of the Framework. There are no other material considerations which override these findings or indicate that the decision should be taken other than in accordance with the development plan. Consequently, for the reasons given above the appeal should be dismissed.

Claire Coles

INSPECTOR