
Appeal Decision

Site visit made on 5 January 2026

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th March 2026

Appeal Ref: APP/R3650/W/25/3375473

Hambledon Lodge, Vann Lane, Hambledon, Godalming, Surrey GU8 4HW

- 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 and Mrs C Hale against the decision of Waverley Borough Council.
 - The application Ref is WA/2025/01229.
 - The development proposed is erection of a dwelling following relevant partial demolition of an existing unlisted dwelling within a conservation area; erection of a stable block and detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council altered the description of the development during the consideration of the application to read 'Erection of a dwelling following relevant partial demolition of an existing unlisted dwelling within a conservation area; erection of a stable block and detached garage'. This is a more accurate description of the proposal from that set out in the application form. I have used the description above in my decision which also appears in the appeal form. I am satisfied therefore that the cases of the main parties would not be prejudiced by use of the above description. I have determined the appeal accordingly.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies, and if so, the effect of the proposal on openness and whether there are other considerations that amount to very special circumstances;
 - Whether the proposal would constitute a Self-Build dwelling as defined in the Self-Build and Custom Housebuilding Act 2015 and would satisfy the requirements of the statutory framework for Biodiversity Net Gain (BNG);
 - The effect on the character and appearance of the area, particularly in regard to the effect on the Surrey Hills National Landscape (SHNL) and Area of Great Landscape Value (AGLV);
 - The effect on the character, significance and special qualities of the Hambledon Conservation Area (HCA) and the undesignated heritage asset of Hambledon Lodge; and

- The effect on tree T1 within the HCA.

Reasons

4. The appeal site (Hambledon Lodge) is a two storey detached dwelling in an 'Arts and Crafts' style located on the southern side of Vann Lane and within the village of Hambledon. Hambledon Lodge is an undesignated heritage asset located on the corner of Vann Lane and Warren Lane. There is residential development to both the northern and southern sides of Vann Lane.
5. The site lies outside any defined settlement boundary and within the Green Belt, HCA, SHNL and AGLV.
6. The dwelling sits within a generous curtilage and has previously been extended, with the extensions masking some of the character of the original dwelling. The dwelling has been identified as an undesignated heritage asset by the Council Historic Buildings Officer.
7. Boundary treatments include mature hedgerows and trees and high walling which provide some screening. Access to the site is via an existing driveway off Vann Lane and the surrounding area is rural and tranquil with a green undeveloped character.
8. Planning permission was previously granted on the appeal site for the erection of a dwelling and stable block following part relevant demolition of existing unlisted dwelling within a Conservation Area¹. This permission has now expired. However, it established the principle of a replacement dwelling in a contemporary style on the site.

Green Belt

9. The appeal site is located in the Green Belt. Paragraph 153 of the Framework requires local planning authorities to ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness.
10. Paragraph 154 of the Framework indicates that other than in association with a small number of exceptions, development in the Green Belt is inappropriate. One of the exceptions is the replacement of a building, provided the building is in the same use and not materially larger than the one it is replacing (paragraph 154(d)).
11. It is common ground between the two parties that the proposal would constitute a replacement dwelling, despite minor elements of the existing dwelling remaining. Therefore, the area of dispute between the parties concerns whether the replacement dwelling would be materially larger than the one it is replacing.
12. There is no definition in the Framework as to what constitutes materially larger. Policy DM14(b) of the Waverley Borough Local Plan Part 2 (WBLPP2) states that for development outside of defined settlement boundaries: ii. the replacement of a building which results in the new building having a floorspace that is 10% or more larger than the building it replaced will normally be considered materially larger.
13. There is disagreement between the parties as to the percentage increase in floorspace. Whilst I have not been provided with details of how the Council calculated the percentage increase in floorspace, the Council concludes the

¹ WA/2021/02255 (02255)

percentage increase to be 17.12%. The Appellant concludes the percentage increase would be under 10% at approximately 8% and have provided some reasoning behind their calculations. The Council state the calculations made for the original dwelling by officers differ to those made in the agents supporting statement but do not clarify this further.

14. Even if the appellants figure were incorrect, floorspace on its own is an unreliable metric for Green Belt impact and whether the replacement dwelling would be materially larger than the dwelling to be replaced. In this regard, factors such as height and roof form are relevant considerations. Policy DM14(b) is also not determinative in that the wording of the policy doesn't set 10% as an absolute maximum, but as indicative as to what is normally considered acceptable.
15. The proposed replacement dwelling would have a hipped roof form which reduces the bulk and mass of the dwelling at roof level when compared with the gable ends of the previously approved plans. The additional footprint of the proposal would be marginal when compared to 02255. In addition, when compared to 02255, there would be a marginal reduction in the height of the roofline on the glazed link between the lodge and the extension, although the eaves on the contemporary addition would be raised when compared with the previously approved plans.
16. The proposal would result in a building of a slightly different shape and form, however, its overall size would be comparable to that which has already been agreed by the Council. It therefore follows that the current appeal scheme would also not be materially larger than the original dwelling.
17. Two other buildings are proposed on the site, a stable block and garage. It is common ground that the proposed stable block would not be inappropriate development within the Green Belt as it would comprise an exception under paragraph 154(b) of the Framework. The proposed stable block would not be oversized, would be appropriately located within the site and is a typical feature of the rural area.
18. The proposed garage would not meet one of the exceptions listed in paragraph 154 of the Framework and would therefore be inappropriate development in the Green Belt. This carries substantial weight against the proposal. The effect of the garage on the openness of the Green Belt must therefore be considered further.
19. The location of the proposed garage would add built development to an area currently devoid of development. I note the Council concerns regarding the siting of the garage extending the perceived spread of development across the plot reducing the sense of spaciousness and increasing the domestic and suburban character of the site. However, the garage would be located in an area currently used for parking so although there is no built development on this part of the site, the site is not open as it forms the main parking area for the dwelling and there is existing hardstanding in this area. The proposed garage would also benefit from screening to three sides and would be seen within the context of residential development which takes a linear form along the southern side of Vann Lane and also the residential development to the south of the site in Warren Lane.
20. The proposed outbuilding would be subordinate to the host dwelling and would be sufficiently screened to not appear intrusive in the landscape. In a previous appeal

on the site for development of a similar nature², the Inspector did not raise objection to the location of the garage on the grounds of impact on the openness of the Green Belt on its own, but in combination with the proposed replacement dwelling, which itself was significantly larger than the appeal dwelling. I am therefore satisfied that the proposed garage in combination with the proposed dwelling would have no effect on the openness of the Green Belt and therefore this would be a neutral factor which does not weigh for or against the proposal.

21. In considering whether other considerations provide very special circumstances for the proposed garage in the Green Belt, the supporting text to Policy DM14 of the WBLPP2 indicates that the Council must be satisfied that very special circumstances exist to justify new outbuildings that do not meet one of the exceptions. It also states that the Council will have regard to the essential needs of householders for garaging, storage and facilities incidental to the enjoyment of their dwelling. Any new or enlarged outbuildings must be clearly designed to be subordinate to their host dwelling and not appear intrusive in the landscape.
22. The appellant has a fallback position in respect of the garage as a Certificate of Lawfulness (WA/2024/02221) has been granted for the erection of a three bay garage. The three bay garage would be in a different location to the proposed garage and is a material consideration as there is a greater than theoretical prospect the fallback garage would be built. However, the fallback garage would be in a more exposed location on the site than the proposed garage and would be larger than the proposed garage, therefore the fallback position would have a greater impact on the openness of the Green Belt.
23. Despite the above, I have not been provided with the means to prevent both the double garage and the triple garage being erected on site or adequate reasons to justify the garages. Therefore, the fallback position does not represent a very special circumstance. Whilst I consider the size and location of the proposed double garage would have less impact on the openness of the Green Belt than the triple garage, the combination of both the double garage and triple garage would cause significant harm to the openness of the Green Belt to which I give considerable weight.
24. In conclusion, whilst the proposed dwelling would not be inappropriate development within the Green Belt, the double garage would be inappropriate development and, in combination with a triple garage on the site, would cause significant harm to the openness of the Green Belt. Therefore, very special circumstances have not been demonstrated for the Green Belt harm. For this reason, the development overall would not comply with policy RE2 of the Waverley Borough Local Plan Part 1 (WBLPP1) and DM14 of the WBLPP2. Policy RE2 follows the approach of the Framework to Green Belt matters.

Self-Build Dwelling and BNG

25. The appellant has submitted information with this appeal that the Council accepts demonstrates the proposal would be a self-build dwelling.
26. BNG is a statutory requirement introduced by the Environment Act 2021. Where applicable, it is secured through a statutory planning condition intended to ensure a minimum 10% increase in biodiversity value. Compliance with this statutory

² APP/R3650/W/20/3255064 (3255064)

regime is a material consideration for the appeal decision maker, as failure to do so could undermine both its effective implementation and the wider biodiversity objectives it seeks to achieve.

27. Article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 requires an application for planning permission to be accompanied by a statement confirming whether the development would be subject to the statutory BNG condition and if not the reasons for that belief. If BNG is applicable, further information relating to BNG is required. This enables the statutory BNG condition to be applied and subsequently discharged.
28. Self-build development is one of the exemptions from the statutory BNG condition.
29. 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. However, the condition would not meet the enforceability test within paragraph 57 of the Framework as the Council would have no knowledge whether the named person would actually live there for the time specified and neither the appellant nor 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 BNG regime and the biodiversity gain objective would not be met. The proposal would therefore also be in conflict with paragraph 187 of the Framework which seeks to secure net gains for biodiversity. This is a significant material consideration.

Surrey Hills National Landscape and Area of Great Landscape Value

30. The site is set within the SHNL and AGLV. In the SHNL great weight is given to conserving and enhancing its landscape and scenic beauty and it has the highest status of protection in relation to these issues as set out in paragraph 189 of the Framework and policy RE3 of the WBLPP1. The primary purpose of National Landscape designation is to conserve and enhance natural beauty.
31. The Levelling-up and Regeneration Act (2023) amended Section 85 of the Countryside and Rights of Way (CROW) Act, to create a new duty on planning authorities to 'seek to further the purpose of conserving and enhancing the natural beauty of the area' when considering developments in National Landscapes. The new duty replaces the previous requirement for relevant authorities to 'have regard' to the purpose of National Landscapes and is intended as a more proactive and strengthened requirement.
32. Policy DM4 of the WBLPP2 requires development to be of high quality and respond to and enhance local distinctiveness.
33. The proposal would retain some elements of the original dwelling which are architecturally of good quality and reflect the more historic origins of the dwelling and its relationship with the wider area.
34. The contemporary approach to the new additions would appear to be high quality and the chosen materials would be appropriate as they would be sympathetic to the retained parts of the existing dwelling. The link between the retained parts of the existing dwelling and the contemporary addition would be a glazed structure providing a visual break between the rebuilt lodge and the new contemporary section.

35. The appeal site is relatively secluded by existing vegetation and an existing high wall and as a result, wider public views of the proposal would be limited to glimpsed views from Vann Lane. In this respect, despite the larger footprint of the proposal than that previously permitted, the alterations to the roof form reduce the bulk and mass of the proposal at roof level therefore the quantum of development would not increase to a level that would dominate more of the site than previously permitted, significantly reduce the open space around the house or be harmful to the SHNL or AGLV.
36. In conclusion, the proposal would not result in harm to the visual amenities of this rural village or the SHNL and AGLV. The proposed development would be of a suitable design and scale and would accord with policies RE3 of the WBLPP1 and policy DM4 of the WBLPP2. The proposal would also align with the statutory purposes of the SHNL.

Hambledon Conservation Area

37. Hambledon Lodge is a non-designated heritage asset located within the HCA. The HCA is a loose grouping of rural cottages, interspersed by greens and with a few larger Victorian and Edwardian houses which is where the significance of the heritage asset is primarily derived. Hambledon Lodge is typical of its period and features in the streetscape and the character of the HCA.
38. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas in the exercise of planning functions. The Framework also advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 212 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
39. Paragraph 213 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
40. Paragraph 215 of the Framework states that where a development proposal would lead to less than substantial harm to the designation of a heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
41. Policy HA1 of the WBLPP1 seeks to conserve or enhance the significance of heritage assets to ensure the continued protection and enjoyment of the historic environment and policy TD1 of the WBLPP1 seeks to ensure the character and amenity of the townscape are protected.
42. The Council Conservation Officer considers the proposed garage would result in a low level of less than substantial harm to the character and appearance of the HCA due to its siting and scale which introduces more built form along an open stretch of Vann Lane. No public benefits are associated with the proposal to clearly outweigh the harm.

43. The Inspector for appeal 3255064 raised no concerns with regards to the impact of a garage in this location on the HCA and due to the subordinate nature of the garage and its location screened from wider views, I have no reason to take a different view to the previous Inspector. As such, there would not be any harm to heritage assets and so justification against public benefits are not required, as set out in the Framework at paragraphs 212, 213 and 215.
44. The proposal would conserve the heritage assets and therefore would be in accordance with policy HA1 and TD1 of the WBLPP1.

Effect of the proposal on tree T1

45. The proposed garage would be constructed within the Root Protection Area (RPA) of tree T1 which is a large, mature specimen of notable age and visual prominence in the HCA.
46. The Council's Tree and Landscape Officer has raised objection to the proposed placement of the detached garage in the RPA and under the canopy of T1 citing the potential for post development pressure to excessively prune the tree and lack of evidence the construction within the RPA could be undertaken without unacceptable harm to the health of T1.
47. The appeal is supported by an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan. The Inspector for appeal 3255064 also considered the impact of a garage in this location on the health of tree T1 and concluded that 'if the recommendations laid out in this report are followed, the proposals will not detrimentally affect the Oak'.
48. The British Standard providing guidance in relation to trees has not changed since the previous appeal. From the evidence before me, the garage itself is unlikely to have much, if any impact to the roots of T1. As such, subject to incorporating the protection and measures recommended in the Arboricultural Impact Assessment and Method Statement, harm to this important tree as a result of the proposed development can be avoided. I have also not been provided with substantive evidence there would be post development pressure on the tree which would unacceptably harm the tree. In any event, any proposed pruning would likely need to be notified in advance to the Council due to the trees size and location within the conservation area. In this respect, the proposal would be in accordance with policies NE2 of the WBLPP1 and DM11 of the WBLPP2 which seek to adequately protect trees during all phases of development to avoid damage including activities causing soil compaction or severance of roots.
49. Policy DM2 of the WBLPP2 was also mentioned in this reason for refusal, however this relates to energy efficiency and I therefore do not consider it relevant to this reason for refusal.

Conclusion

50. I have found harm to the Green Belt from the proposed double garage which would be inappropriate development and, in combination with the triple garage on the site, would cause significant harm to the openness of the Green Belt. The proposal would therefore conflict with the development plan when taken as a whole.
51. No appropriate mechanism has been put forward to secure the development as a self-build dwelling and the minimum information for BNG has not been provided, the development would therefore not be in accordance with the statutory regime for BNG and the BNG objective would not be met.
52. These are significant material considerations which indicates the appeal should be determined otherwise than in accordance with the development plan. For this reason, the appeal should be dismissed.

C Coles

INSPECTOR