
Appeal Decision

Site visit made on 7 January 2026

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2026

Appeal Ref: APP/C3620/W/25/3372027

Jonaki, Oxshott Road, Leatherhead, Surrey KT22 0EN

- 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 R Sinha-Roy against the decision of Mole Valley District Council.
 - The application Ref is MO/2025/0766.
 - The development proposed is Residential development of the site for the construction of max. 9 dwellings following the demolition of the existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application the subject of this appeal was for permission in principle which was refused by the Council. I have dealt with the appeal on this basis, notwithstanding the appeal form indicates the appeal is against the refusal of matters reserved under an outline planning permission.
3. The Planning Practice Guidance (PPG) advises that permission in principle is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first (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 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. The amount of residential development should be expressed as a range, indicating the minimum and maximum number of new dwellings. In this case, the description on the application sought a maximum of nine dwellings. The Council determined the application on the basis of it being for between 6 and 8 dwellings as this is what the submitted plans and written statement referred to. The Council also advised the appellant had the opportunity to object to this amended description which they did not do. The appellant's written statement refers to wishing for the proposal to be assessed on the basis of six dwellings. There was no response from the appellant to a request for clarification that the amended description of development had been agreed. I have therefore assessed the proposal as being for a minimum of 6 and a maximum of 9 dwellings.
5. A representation from an interested party raised concerns with respect to the effect of the proposal on the setting of a nearby listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires

me to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As a result, I have considered this as a main issue and have sought further information and views from the main parties.

Main Issues

6. The main issue is whether the site is suitable for residential development, having regard to its location, land use and amount of development, with particular reference to:
 - the effect of the proposal on the setting of the Grade II* listed building Rowhurst;
 - the character and appearance of the area; 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, including its effects on the openness of the Green Belt and the purposes of including land in it.

Reasons

Setting of Listed Building

Special Interest and Significance

7. Rowhurst is a Grade II* listed building, making it a heritage asset of the highest significance. Its special interest and significance are derived from its architectural interest as a vernacular building altered through time, but with historic fabric dating back to the 14th century. It also has historic interest as potentially a hunting lodge associated with Hampton Court Palace as referenced in the listing description and as a farmhouse as referenced by the Council. It sits away from surrounding development and is served by a long access, reflecting its historic importance.
8. Pertinent to this appeal, its wider setting adds to the appreciation of its historic interest by providing an expansive undeveloped setting which would likely have formed the parkland if the building was used as a hunting lodge and as the surrounding farmland when the building was used as a farmhouse. Additional importance is provided by the generally undeveloped nature of the land along the access road emphasising the importance of Rowhurst.

Effects

9. The appeal site lies adjacent to the access to Rowhurst, partway along its length. Other than Rowhurst and the commercial premises adjacent, only two dwellings, each set in a spacious plot are served by the access.
10. The proposal would introduce dwellings at a much greater density than there is at present along the access road. This would introduce an urbanising form of development which would reduce the undeveloped nature of the surrounding area. It would also alter the character of the access road from one primarily serving Rowhurst and its associated buildings to one more suburban in nature. Both of these factors would undermine the ability to appreciate the historic significance of Rowhurst.

11. I therefore find that the proposal would not preserve the setting of the Grade II* listed building Rowhurst. This would be contrary to the requirements of section 66(1) of the Act and consequently the proposal would harm the significance of the listed building.

Public Benefits and Heritage Balance

12. Paragraph 212 of the Framework sets out that great weight should be given to the asset's conservation, (and the more important the asset, the greater the weight should be). This is irrespective of whether this would amount to substantial harm, total loss or less than substantial harm to significance. Paragraph 213 further advises that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
13. I find that the harm to the significance of Rowhurst would be less than substantial and at the lower end of that range. Nevertheless, these harms carry considerable importance and weight. In such circumstances, paragraph 215 of the Framework confirms that these harms should be weighed against the public benefits of the proposal.
14. The public benefits of the proposal would be the delivery of additional dwellings. However, as the Council can demonstrate the requisite supply of deliverable housing land and the limited number of dwellings proposed, I attach only limited weight to this benefit, and the associated economic benefits that would occur during the construction and occupation stages of the development.
15. The proposal would not preserve the setting of the nearby listed building. This is contrary to the requirements of sections 66(1) of the Act, and the provisions within the Framework which seek to conserve and enhance the historic environment.

Character and Appearance

16. The appeal site is a substantial plot occupied by a single dwelling with an associated garage. It is similar in layout to the adjacent plot which also is substantial and serves a single dwelling. Both of these properties are set quite centrally in the plots, with notable areas of open space to all sides of the property. This is quite distinct from the pattern of development along Oxshott Road. While these properties are mostly also large and set in substantial plots, these are considerably more narrow than the appeal site and the adjacent plot. Given the position of the site at the edge of the settlement, the lower density provides a gradual transition from the countryside to the built up area of the settlement.
17. Development of 6 to 9 dwellings on the appeal site would be at a considerably higher density than the housing along the access road and at a higher density than the prevailing character along Oxshott Road. Consequently, development within the range proposed would have a strongly urbanising effect on the surrounding area. This would be incongruous and uncharacteristic in this location. While this effect would be localised, it would nonetheless be adverse.
18. Given the site is already developed and is set behind the primary route into Leatherhead, further development would not constitute a rounding off of the settlement.

19. The proposal would therefore have an adverse effect on the character and appearance of the area. It would not be in accordance with MVLP Policy EN4 which requires development to make a positive contribution to local character.

Whether Inappropriate Development

20. The site is located within the Metropolitan Green Belt. The Framework identifies at paragraph 142 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Mole Valley Local Plan 2020-2039 (adopted October 2024) (MVLP) Policy EN1 identifies land within the Green Belt and confirms inappropriate development will not be permitted unless very special circumstances are demonstrated. It sets out exceptions to the definition of inappropriate development, some of which contain specific local considerations.
21. Paragraph 154 of the Framework confirms that development is inappropriate in the Green Belt unless it is one of the exceptions listed. These were updated from the equivalent paragraphs in force when the MVLP was examined. Consequently, I have assessed this proposal against the exception set out in paragraph 154 g) of the Framework.
22. The proposal is for the redevelopment of previously developed land. The glossary to the Framework notes that it should not be assumed that the whole of the curtilage should be developed. As a proposal for residential development of the site, it is likely that there would be garden space to serve those dwellings. The extent of the built form would be a matter to be addressed at the second stage of the consent process.
23. The site is located in proximity to existing development along Oxshott Road and on the outskirts of Leatherhead. It is well enclosed by the surrounding vegetation, making it a discrete parcel of land. Access would be taken from an existing road. Consequently, the proposal would not result in urban sprawl. While there would be a loss of spatial and visual openness in comparison with the existing development, the harm to the openness of the green belt would fall below the threshold of substantial harm.
24. I therefore conclude the proposal would not be inappropriate development in the Green Belt. It would be in accordance with the exemption set out in paragraph 154 g) of the Framework.

Other Matters

25. The appearance of the development and its effects, such as the provision of appropriate levels of parking, landscaping and ensuring acceptable living conditions to existing and proposed residents would be a matter for the technical details consent stage and so has not formed part of my assessment of this application for permission in principle. Decisions taken elsewhere on site redevelopment would not affect my assessment of this proposal.
26. As the proposal lies outside the designated rural area, there would be no requirement for a development of this scale to provide affordable housing so this would not represent a benefit of the proposal.
27. The site is well related to nearby services and facilities including public transport. However this would not overcome the adverse effects of the proposal I have identified.

28. The site was considered as part of the site assessment process in the preparation of the MVLP. However, assessment for plan making purposes is not the same as assessing development proposals. The site was not carried forward as an allocation in the MVLP which was recently adopted. These previous considerations would therefore not alter my assessment of the proposal.

Conclusion

29. The proposal would not preserve the setting of the Grade II* listed building and would have an adverse effect on the character and appearance of the area. While I have found that the proposal would not be inappropriate development in the Green Belt, this would not outweigh the harms I have identified. Consequently, the site would not be suitable for the residential development proposed, having regard to its location and the amount of development.
30. For the reasons given above and taking all other matters into account, I conclude that the appeal should be dismissed.

Jennifer Wallace

INSPECTOR