



Appeal Decision

Site visit made on 2 March 2026

by **J Pearce MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th April 2026

Appeal Ref: APP/R3650/W/25/3376989

Stone Hall Park Lane, Brook, Godalming, Surrey GU8 5LA

- 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 Ms J Chesterman against the decision of Waverley Borough Council.
 - The application Ref is WA/2025/00831.
 - The development proposed is the erection of a padel court.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. In section E of the appeal form it is stated that the description of development has not changed from that stated on the application form. Neither of the main parties has provided written confirmation that the revised description of development set out on the decision has been agreed. Accordingly, I have used the description given on the original application form. I do not consider that this has prejudiced any of the parties and I have proceeded with the appeal on this basis.
3. The appellant has submitted a completed Unilateral Undertaking (UU) dated 2 March 2026. The UU would prevent the construction of a tennis court that could be implemented under an extant planning permission¹. The appellant has also submitted an Expert Report² with the appeal. The Expert Report suggests the inclusion of a 3-metre-high glazed screen as mitigation. Amended plans have been provided, which indicate that the screen would be installed to the side of the padel court.
4. I have given due consideration to guidance in the 'Procedural Guide: Planning Appeals - England' 2025³, and the judgement in *Holborn Studios Ltd v The Council of the London Borough of Hackney* (2018), which refined the 'Wheatcroft Principles' referred to in the guidance, and addressed the matter of amended plans being submitted with an appeal, in deciding whether to accept the Expert Report and the amended plans.

¹ WA/2014/0332

² Prepared by Peninsular Acoustics, dated December 2025.

³ Section 16 of the *Procedural Guide Planning Appeals – England* advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.

5. I consider the proposal before me, should the UU and the Expert Report be included, is essentially the same as the scheme that was considered by the Council. Therefore, I am satisfied that the revisions do not alter the proposed development to an extent that anyone involved in the appeal would be prejudiced or impacted should I accept the UU and the Expert Report.
6. Interested Parties have had the opportunity of making representations on the amended plans as part of the appeal process such that, procedurally, no party would be prejudiced by my acceptance of them. However, the amended plans would introduce a fundamental change that would evolve the scheme. Therefore, I am unable to take the amended plans into account. I have proceeded with the appeal on this basis.

Main Issues

7. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt for the purposes of development plan policy and the National Planning Policy Framework (the Framework);
 - the effect of the proposed development on the living conditions of occupants of neighbouring dwellings, with regard to noise and disturbance;
 - the effect of the character and appearance of the area, including whether the proposal would conserve and enhance landscape and scenic beauty in the Surrey Hills National Landscape (NL); and
 - if it is inappropriate, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development

Reasons

Whether the proposal is inappropriate development

8. The Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
9. The appeal site comprises a detached dwelling and associated outbuildings. Development at the site is focussed around the dwelling, which fronts Park Lane. The garden extends to the side and rear with open fields on rising land beyond. The site is within a rural area comprising a mix of woodland and open fields with sporadic development fronting the road. The proposal is for the erection of a padel court to the side of an existing outbuilding.
10. Policy RE2 of the Waverley Borough Local Plan Part 1 2018 (LPP1) states that the Metropolitan Green Belt will be protected against inappropriate development in accordance with the Framework and proposals will be permitted where they do not conflict with the exceptions listed in national planning policy.
11. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate. An exception to this is the provision of appropriate facilities (in

connection with the existing use of the land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The proposal is a facility for outdoor sport. Therefore, as long as the facility preserves the openness of the Green Belt and does not conflict with the purposes of including land within it, the development would not be inappropriate.

12. Openness is an essential characteristic of the Green Belt that has both a spatial and a visual aspect. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt. Equally, this does not mean that the openness of the Green Belt has no visual dimension and thus both aspects need to be considered. Policy DM14 of the Waverley Borough Local Plan Part 2 2023 (LPP2) sets out the factors to be taken into account when assessing whether a development preserves the openness of the Green Belt.
13. The padel court would be positioned adjacent to an existing outbuilding to the rear of the frontage hedgerow atop a modest raised bank. The court surface would have a low profile but would be surrounded by an enclosure of a mixture of tempered glass and metal mesh finished in a dark green colour. Whilst the court enclosure would be high, the presence of the existing buildings and the soft landscaping to the front of the site would considerably limit the visual effect of the development.
14. The court would be glimpsed from Park Lane through the hedge and the development would be appreciable in long-distance views from the public right of way. However, the use of a largely transparent material would restrict the visual effect of the development, whilst the dark green colour applied to the metal mesh elements would limit visibility of the enclosure, particularly in long-distance views from the public right of way. The retention of existing vegetation to the rear of the court would further restrict the visual impact of the development from the footpath whilst the additional planting would supplement this screening.
15. The amount of built form proposed is limited but primarily includes the glass and metal mesh forming the enclosure. The glass walls and mesh would lead to a reduction in the spatial openness of the Green Belt at the site. However, the level of this reduction would be limited given that the court would otherwise be open and largely transparent.
16. The development includes substantial glass and mesh enclosures, which would affect the visual and spatial openness of the Green Belt at the site. However, the effect on the openness of the Green Belt would not be harmful given the presence of existing development and landscape features, and the scale and nature of the development proposed. The development would therefore preserve the openness of the Green Belt. Moreover, the limited effects would not be of such a magnitude that the proposal would conflict with any of the five purposes of including land in the Green Belt, as set out in Paragraph 143 of the Framework.
17. The Council has referred to an appeal decision⁴ for a padel court at Spring House, Cranleigh. Although the development was for a padel court, I note that the Inspector considered that, unlike the appeal proposal, the structure would be

⁴ APP/R3650/25/3375405

visible within a currently open field where the openness of the Green Belt was clear to the Inspector. Moreover, the land the court would be sited on formed part of the Green Belt near Cranleigh that clearly assist in safeguarding the countryside from encroachment.

18. Therefore, the proposed development is not inappropriate development, as per Paragraph 154 b) of the Framework. Consequently, very special circumstances do not need to be demonstrated for the proposal to be considered acceptable in Green Belt terms. The proposal accords with Policy RE2 of the LPP1 and Policy DM14 of the LPP2 as set out above and the Framework, which seeks to protect the Green Belt from harm.

Living conditions

19. The proposed padel court would be positioned away from the side boundary of the site, formed by a considerable mature hedge and a timber fence. Beyond the hedge and fence is a row of dwellings, including Boundary Cottage, Rose Cottage and Cherry Tree Cottage. Given the tranquil surroundings, existing noise levels at these properties are typically low. Distant road traffic sound and occasional aircraft noise is audible and partly forms the background noise at these properties.
20. The padel court would generate noise through the striking of balls against the rackets and the glazed and mesh surrounds of the court. In addition, during matches, competitors' voices would add to the noise produced by the gameplay itself. The noise would be irregular, given the varied nature of playing sports, and the sound level would differ depending on players' ability and the composition of the equipment used. The sound produced by the padel court would be markedly different to that of the existing noise in the area.
21. The Expert Report identifies that, without mitigation, discrete noise events, such as individual racket strikes, would be marginally above the existing average sound level. The sound could therefore be audible and may make a slight change to the acoustic character of the area. The report identifies that, without mitigation, individual racket hits would be marginally above ambient levels, in particular at Boundary Cottage, the closest dwelling to the development.
22. Whilst the increase in noise level from the padel court would be limited, the sound, particularly during an intense period of play, would contrast with the generally low background noise and typical rural sounds. The stark difference in sound would be intrusively noticeable and would disrupt neighbours' peaceful enjoyment of their properties. The court would not be used outside of daylight hours and primarily during clement weather. Moreover, the court would be more likely to be used at the weekends, evenings and during the summer months, at a time when residents are likely to be within their gardens. Consequently, the intrusion experienced by neighbouring residents would be amplified.
23. The court would not be used as intensely as a commercial padel court, but use of the court could take place over extended periods of time. Given that the court would be more likely to be used at times when occupants of neighbouring properties would be outside, the low but noticeably intrusive sound produced would harm the living conditions of those properties. The Expert Report suggests that a 3 metre high screen to the side of the court would reduce the noise generated. However, as I have already set out, I am unable to have regard to this.

It would be development in its own right that may well have wider implications that may need to be explored.

24. The Council's Senior Environmental Health Officer did not raise an objection to the proposal. Nevertheless, the response noted that there are several factors that could affect neighbours and, in the event of complaints, restrictions on the use of the court or sound mitigation may be necessary.
25. The site has planning permission for a tennis court, and there are other tennis courts in the area. The appellant has completed a UU that would prevent the implementation of the tennis court if the appeal is allowed. The tennis court, if constructed, would be likely to generate higher noise levels than the proposed padel court as it would be positioned closer to the side boundary. Nonetheless, the extant permission is for a different development to that proposed. Moreover, given the considerable time that has passed since permission was granted, there is no certainty that the tennis court would be constructed. Furthermore, the sound associated with tennis is noticeably different due to the more solid composition of the padel rackets and the frequent striking of the balls against the glass surrounds. This limits the weight that I can attribute to the fallback scheme.
26. I conclude that the proposal would harm the living conditions of the occupants of neighbouring dwellings, with regard to noise and disturbance. The development therefore conflicts with Policy TD1 of the LPP1, Policies DM1 and DM5 of the LPP2 and Policy ND7 of the Witley Neighbourhood Plan (NP), which requires that development proposals should be designed and located in a way which would avoid unacceptable harm to the health or amenity of occupants of nearby land and buildings, including by way an increase in noise.

National Landscape

27. The site is within the Surrey Hills NL. Paragraph 189 of the Framework requires that great weight should be given to conserving and enhancing landscape and scenic beauty in the NL. In addition, Section 245 of the Levelling-up and Regeneration Act 2023 places a duty upon me to seek to further the statutory purposes of NLs, which is to conserve and enhance the natural beauty of the area of outstanding natural beauty.
28. The NL comprises a mosaic of farmland, woodland, heaths, downs and commons. The area is distinctly rural in character and comprises a mixture of woodland and open farmland, interspersed with sporadic residential development, which is typically contained by landscaping features. The land rises considerably to the rear of properties fronting Park Lane, allowing for long-distance views of the surrounding landscape. The relative tranquillity adds to the overall verdant rural character of the area.
29. Development in the area is primarily focussed on the road network and comprises short rows of dwellings and outbuildings. The dwellings are predominantly set back from the roads beyond wide grass verges with hedges and mature trees to the frontages, partly screening development and reflecting the verdant character of the area. To the rear, properties are largely bounded by landscaping features, visually containing development from the open fields beyond.
30. The proposed padel court would be close to the existing development at the site, consisting of the dwelling and its associated single-storey outbuildings. The

rectangular form and predominantly glazed finish of the development would be an overtly urban structure that would, in isolation, jar with the rural character of the area. However, the court would be positioned within the garden of Stone Hall close to existing domestic outbuildings and would not encroach into the open area to the rear of existing development.

31. The discreet position of the padel court close to the existing outbuildings and set amongst existing vegetation including mature trees and hedges, would limit the visual impact on the area. Whilst the existing and proposed vegetation could not be wholly reliable in screening the padel court, it would nonetheless soften the impact of the proposal and allow it to blend within the landscape.
32. The padel court would be within an area that is characterised in part by its relative tranquillity. Noise in the area is typically limited but includes a background of distant road traffic noise and occasional aircraft noise. The noise associated with a padel court, including the sound of the ball against the glass surrounding the court and the rackets, would be inconsistent with the overtly rural qualities of the area. However, the court would be within the domestic grounds of Stone Hall and would not be used for commercial purposes. Consequently, the noise generated would not, on balance, be harmfully intrusive within the wider landscape and would not diminish the overall tranquillity of this part of the NL.
33. I conclude that the proposed development would not harm the character and appearance of the area and would conserve and enhance landscape and scenic beauty in the NL. The development therefore accords with Policies TD1 and RE3 of the LPP1, DM4 of the LPP2 and ND5 of the NP, which collectively seek to protect landscape character and promote high quality design.

Conclusion

34. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR