



Appeal Decision

Site visit made on 9 March 2026

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th April 2026

Appeal Ref: APP/Y3615/W/26/3377353

Oak Cottage, Gomshall Lane, Shere, Surrey GU5 9HE

- 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 Jack Foster against the decision of Guildford Borough Council.
 - The application Ref is 24/P/00794.
 - The development proposed is erection of a wooden outside dining structure for a period of two years (retrospective application).
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Decision

1. The appeal is allowed and planning permission is granted for erection of a wooden outside dining structure for a period of two years at Oak Cottage, Gomshall Lane, Shere, Surrey GU5 9HE in accordance with the terms of the application, Ref 24/P/00794, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos NRA/PAD2.1, NRA/PAD2.2, NRA/PAD2.3 and NRA/PAD2.4.
 - 2) The structure hereby permitted shall be for a limited period of 2 years from the date of this decision. The structure hereby permitted shall be removed and the land restored to its former condition on or before 30 April 2028 in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.
 - 3) The structure shall only be available for customers between the hours of 9am to 9pm.

Preliminary Matters

2. I have taken the description of development above from the appeal form as it was agreed during consideration of the application for the description to be amended. Notwithstanding, I have removed the words 'retrospective application' from my formal decision as this is not an act of development, although the wooden structure was clearly in place at the time of my site visit.

Main Issue

3. The main issue is whether the proposal would preserve the setting of the nearby listed building.

Reasons

4. The Council's reason for refusal focuses on the effect of the proposal on the setting of La Chaumiere Restaurant¹ (the Restaurant). As required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Special Interest and Significance

5. The Restaurant is a Grade II listed building. Originally a cottage, dating from the 18th century, it is timber-framed with a variety of external finishes including in the infills to the timber frame, and brick cladding. It is now in use as a restaurant. It has a modest garden area which is multi-level and includes planting and a further structure to that the subject of the appeal. Adjacent to the structure is a vehicular access.
6. From the evidence before me, the Restaurant's special interest and significance are mainly derived from its historic interest as a property which has changed uses between residential and commercial, illustrating changing land use patterns and architectural interest from its vernacular architecture and evidence of evolving style and use of materials. Pertinent to the appeal, its special interest and significance are also positively enhanced by its immediate setting which consists of what has the appearance of what would have been its domestic garden, and also by its wider setting along Gomshall Lane which allows the Restaurant to be clearly viewed and appreciated.

Proposal and Effects

7. The proposal is for the temporary siting of the wooden structure that was present at the time of my site visit. It is a single storey structure with a wooden roof supported by pillars, used to provide cover for diners at the restaurant. It has a sinuous form and is open sided.
8. The structure is set slightly further back within the plot than the Restaurant but remains visible in views along the street. However, due to its position, materials, surrounding planting and the slight curves to Gomshall Lane, it is not prominent in those views. The Restaurant retains its primacy as the key building in views along the street and the ability to appreciate its significance is not diminished.
9. The structure is more readily visible in closer views where the more domestic setting of the property can be better appreciated. Notwithstanding the solid roof of the structure, it is of a modest scale, can be readily seen through and makes sympathetic use of natural materials. It appears as a typical ancillary structure to the current use which does not harm the ability to appreciate the domestic scale of the listed building, its changing uses throughout time and its attractive architectural detailing.
10. Furthermore, the structure is not physically attached to the listed building. It is a clearly modern structure which can be readily identified as a further stage in the ongoing use of the building.

¹ List Entry Number: 1029478 Date First Listed: 21 May 1985

11. The proposal would have a neutral effect on the setting and so would preserve the special interest and significance of the Restaurant. The proposal would therefore comply with the requirements of the Act and be in accordance with the provisions of the National Planning Policy Framework (the Framework) with respect to designated heritage assets. It would also comply with Guildford Borough Local Plan: Strategy and Sites 2015–2034 (adopted 25 April 2019) (LPSS) Policy D3 and Guildford Borough Local Plan: Development Management Policies (22 March 2023) (LPDMP) Policies D18 and D19 which require proposals to enable the heritage asset to be conserved and enhanced in manner appropriate to its significance and setting.

Other Matters

12. The site also lies within the Shere Conservation Area (CA) which follows the historic form of the village. Its character and appearance are derived from its development as a rural village nestled in the Surrey Hills and the high quality vernacular buildings it contains. The Restaurant is one such example and adds to this historic interest and thus the significance of the CA as a designated heritage asset.
13. As set out above, the proposal is not prominent in the street scene. Its appearance, while bespoke to its use, is not incongruous and integrates with the surrounding development. The proposal would therefore have a neutral effect and so would preserve the character and appearance of the CA as a whole and not conflict with LPDMP Policy P20. I note the Council had no concern in this regard.
14. The site is within the Surrey Hills National Landscape (formerly Area of Outstanding Natural Beauty) which is designated for the purposes of conserving and enhancing natural beauty and section 85(1) of the Countryside and Rights of Way Act 2000 (CRoW) places a duty on me to seek to further these purposes. Paragraph 189 of the Framework confirms that great weight should be given to conserving and enhancing landscape and scenic beauty of the NL, and that the scale and extent of development should be limited. The Council confirmed the site is surrounded by development and not readily visible from relevant vantage points. I have no reason to disagree with this assessment and agree that there would not be harm to the natural beauty of the area or conflict with LPSS Policy P1.
15. The appeal site also lies within the Green Belt. LPSS Policy P2 confirms proposals will be determined in accordance with national policy. The officer report sets out that the Council consider the proposal meets the exception set out in paragraph 154 e) of the Framework in that it constitutes limited infilling in a village. I agree with this assessment. Given the location and nature of the structure, it also does not harm the openness of the Green Belt.

Conditions

16. As the development has already been carried out, it is not necessary to impose a time limit condition. I have imposed a condition regarding approved plans. It is necessary to impose a condition limiting the permission to a temporary period and to require the structure to be removed after that time. It is reasonable and necessary to impose these conditions to define the planning permission and for the avoidance of doubt.

17. Given the proximity of the structure to residential properties, it is reasonable and necessary in the interests of the living conditions of those residents to limit the hours of use of the pergola. Given the predominantly residential nature of the area, the hours of 9am to 9pm are appropriate.

Conclusion

18. For the reasons given above the appeal is allowed.

Jennifer Wallace

INSPECTOR