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## Appeal Decision

Site visit made on 11 July 2025

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 September 2025

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**Appeal Ref: APP/M3645/W/25/3359711**

**The Grasshopper Inn, Westerham Road, Westerham, Surrey TN16 2EU**

- 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 Kicking Horse 3 Ltd against the decision of Tandridge District Council.
  - The application Ref is TA/2023/938.
  - The development proposed is Demolition of the existing building and erection of a new 63 bedroom care home.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have used the description of development from the Council's decision notice rather than the planning application as this more accurately describes the proposal.
3. The main parties agree that the proposal would not be inappropriate development within the Green Belt. From the submitted evidence and my observations on site I have no reason to disagree with this conclusion, and I have determined the appeal on this basis.
4. A completed Unilateral Undertaking (the UU) was submitted during the appeal. It includes an obligation towards provision and/or enhancement of primary healthcare services within the primary care network. The Council has had an opportunity to comment on the UU, and I have taken account of this here.
5. The appellant has also submitted updated drawings (within Appendix 7 of their Statement of Case) which detail alternative facing materials on the proposal's elevations. Paragraph 16.1 of the Procedural Guide: Planning appeals – England (June 2025) is clear that the appeal process should not be used to evolve a scheme and there are no provisions within the Rules for amendments to be submitted. It is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the Council and by interested parties at the application stage. For this reason, I have not accepted the amended drawings for consideration as part of this appeal.

### Main Issues

6. The main issues are:
  - the effect of the proposal on the character and appearance of the area, including the Surrey Hills National Landscape; and

- the effect of the proposal on the character and appearance of the local area as a result of the demolition of a non-designated heritage asset and bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby Grade II listed buildings.

## Reasons

### *Character and appearance, including National Landscape*

7. The appeal site is located within a valley adjacent to Westerham Road. It contains a large faux Tudor-style 1950's roadhouse pub and restaurant building. It is vacant and in a state of disrepair, and a previous historic western wing of the building has been demolished. To the east of the building is a large car park area. The building has a striking design which utilises vernacular features creatively, whilst reflecting nearby rural character through its use of historic materials. Opposite the site on raised ground is a small cluster of buildings forming the hamlet of Moorhouse.
8. The site is located within the Surrey Hills National Landscape (NL). The statutory purpose of National Landscapes is conserving and enhancing the natural beauty of the area of outstanding natural beauty. Section 245 of the Levelling Up and Regeneration Act 2023 (the LURA) amended the duty in the Countryside and Rights of Way Act 2000 in relation to NLs to require relevant authorities, in exercising or performing any functions in relation to, or so as to affect, land in a NL to seek to further the purpose of conserving and enhancing the natural beauty of it.
9. Paragraph 189 of the National Planning Policy Framework (the Framework) also states that great weight should be given to conserving and enhancing landscape and scenic beauty in NLs which have the highest status of protection in relation to these issues. In this case, the National Landscape covers a large area. The Surrey Hills Management Plan (2020 – 2025) sets out that the NL is a diverse landscape characterised by areas of woodland, hills and valleys, traditional mixed farming, a patchwork of chalk grassland and heathland, sunken lanes, picturesque villages, and market towns.
10. In so far as it is relevant to the appeal, I consider the character of the landscape is, in part, derived from rolling hills either side of Westerham Road which are surrounded by areas of woodland and which form a valley which the appeal site sits within. The varied Tudor style form of the appeal building and the small, raised grouping of vernacular buildings within Moorhouse are also positive features within the landscape. Whilst currently in a state of disrepair, the site makes a locally important, positive contribution to the landscape and scenic beauty of the NL.
11. Whilst the proposal's roof form would feature variation in its design, it would largely be dominated by a crown roof with expansive areas of flat roof. I acknowledge that the roof design enables a suitable internal layout for the proposal. However, the crown roof would appear as a large, heavy and somewhat unrelenting mass. It would be highly visible in views along Westerham Road in both directions and in elevated positions on Moorhouse Road. My attention has not been drawn to other local examples of crown roofs, and this factor would exacerbate its prominence as an uncharacteristic feature.
12. Some articulation to the roof form is proposed through a series of mock gable features fronting Westerham Road. These features would be particularly prominent in views in both directions along this straight section of the public highway. From

these viewpoints, and due to their uncharacteristic design, the largely flat gable features would appear as surprising and incongruous elements.

13. Notwithstanding the Council's findings in relation to its effect on the openness of the Green Belt, the proposal would have a large footprint which would spread across much of the width of the site. A range of features would be employed to visually break the mass of the building. These include the gable features, a 'dog leg' building line, variation of materials, and a central element of the building which would be taller than the two side wings. Despite these features the proposal would appear as a sprawling and unrelenting feature. This would contrast negatively to the varied and visually interesting form of the existing building on site.
14. The appellant refers to the National Design Guide and National Model Design Code. However, given my findings above, the proposal would not satisfactorily respond to local character and distinctiveness, which both documents encourage.
15. The appellant indicates that proposed facing materials would include red brick, local stone, timber boarding, render and clay tiles. Examples of these materials can be found within vernacular buildings locally. However, the impact of the development, when viewed in its context, due to its incongruous roof form and unrelenting facade, would cause harm to the rural character and appearance of the area.
16. The changing ground levels within the valley means that visibility of the site is generally limited to the local area. As a result, the visual effects of the proposal would be fairly well contained. However, the visual harm of the proposal would, in my judgement, not conserve or enhance the landscape and scenic beauty, or further the purpose of conserving and enhancing the natural beauty of the NL. Despite the appeal building's disrepair, the site does not currently detract from the NL whereas, for the reasons outlined above, the proposal would be harmful development.
17. The proposal would, therefore, be contrary to Policies CSP18, CSP20 and CSP21 of the Tandridge District Core Strategy (2008) (TCS), Policy DP7 of the Tandridge District Local Plan Part 2: Detailed Policies (2014) (TDLP) and Policy TNP04A of the Tatsfield Neighbourhood Plan (2024). Collectively these policies seek to ensure high quality design which contributes to local distinctiveness, and requires development within the NL to conserve and enhance the special landscape character, whilst outlining that particular attention will be paid to impacts on public views.
18. I also find conflict with paragraph 189 of the Framework, the aims of which are outlined above. The Surrey Hills Management Plan (2020-2025) does not form part of the development plan but is a material consideration for planning purposes. For the same reasons, the proposal would conflict with Policies P1, P2 and P3 which require development to conserve and enhance the character and qualities of the NL.

#### *Designated and non-designated heritage assets*

19. The Council's assessment of the appeal building identifies it as a prominent 1950's faux-Tudor roadhouse which was previously attached to a seventeenth century building which has since been demolished. Partial reconstruction works at this end

of the building, as part of a recent planning permission, have commenced but appear to have stopped.

20. The Council indicate that the building features on the Tandridge District Council Buildings of Character List (2013). Furthermore, a Tandridge local list is currently under review, and a draft of the document has been prepared, albeit it has not been consulted on. Regardless, I have no compelling evidence that the building will not appear on the final adopted list, which is supported by a draft assessment of the significance of the building. As a consequence, on the evidence before me I am satisfied that the building has a sufficient degree of significance, because of its heritage interest, to be given due regard as a non-designated heritage asset (NDHA).
21. The proposal would result in the complete loss of the NDHA. Whilst the property is not statutorily listed, paragraph 216 of the Framework states that the effect of an application on the significance of a NDHA should be taken into account in determining the application. In weighing applications that affect directly or indirectly NDHA, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
22. The appellant, within the Heritage Statement, contends that the appeal building has a low level of significance. Whilst it may be a later example of a roadhouse, it still remains a notable example of a roadhouse building which has historic interest through its role as a former landmark for travellers in the mid-20th century. Indeed, it seems to me, factors such as its rarity as a late example of a roadhouse augment the significance of the building.
23. The appellant indicates that the architectural quality of the building is low and that later additions to the building have compromised its original form. However, whilst the building may have been extended a number of times, the additions are generally sympathetic and employ traditional materials and forms. In my view, these have not eroded the building's key features which reveal its architectural interest, including its steeply pitched roofs, asymmetrical form, mix of gables and half hipped roof forms and small-scale dormer windows.
24. The appellant indicates that compared to other examples of this type of building, the appeal building does not match the architectural quality or cohesive design of other examples provided within the Heritage Statement. Regardless, this does not mean that the appeal building is not architecturally significant in its own right as a NDHA.
25. I acknowledge that much of the interior decorative scheme and associated fixtures have been removed. The appellant also points to the previous demolition of the original seventeenth century section of the building which means that no part of the structure dates from pre-1949. Taking these factors into account, I agree with the Council that the building has moderate local significance. Its demolition would result in a complete loss of significance. I therefore conclude that the proposed development would result in unacceptable harm through the total loss of the NDHA. Given my findings in relation to the replacement building, the loss of the building would cause harm to the character and appearance of the area.
26. The appellant indicates that the building is in a poor state of repair. It is not in dispute that extensive remedial works would be required to bring the building back into use. There is also compelling evidence before me that demonstrates that the

building is no longer suitable for continued public house use, and it is unlikely to be possible to bring it back into an economically viable entertainment venue use. However, the submitted evidence does not assess the potential to convert the building into an alternative use, and it has therefore not been demonstrated that it is not possible to bring it back into an economically viable alternative use.

27. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require me, in determining this appeal, to have special regard to the desirability of preserving listed buildings, or their setting, or any features of special architectural or historic interest which they possess.
28. There are Grade II listed buildings (LBs) at 1 and 2 Moorhouse Cottages and 7 and 8 Moorhouse Cottages/Moorhouse Farmhouse. The List description confirms that 1 and 2 Moorhouse Cottages date from the sixteenth century with nineteenth century alterations. They are two storeys in height and timber framed on rubblestone and render plinth, with brick quoins and dressings below, and tile hung above.
29. The List description describes 7 and 8 Moorhouse Cottages/Moorhouse Farmhouse as a house with cottages dating from the sixteenth century with nineteenth century alterations. The main farmhouse is two storeys with basement below, whilst the cottages are two storeys and positioned at a right angle to the farmhouse.
30. From my observations on the site visit and the evidence before me, the significance of the LBs is derived mostly from their age, architectural quality and their contribution to the rural character of the area as part of a small grouping of historic agricultural properties.
31. There is limited historic associative link between the appeal building and the cluster of buildings forming Moorhouse. During my site visit, the trees between the appeal building and Moorhouse were in full leaf. However, the appeal building remained clearly in sight in raised views of the LBs from Moorhouse Road and the small lane adjoining 7 and 8 Moorhouse Cottages. This visibility is likely to be heightened during periods of the year when the trees are not in full leaf. The Farmhouse is also particularly visible in direct views from the appeal site, at the junction of Moorhouse Road with Westerham Road. Overall, I consider that the appeal site forms part of the setting of the LBs.
32. Due to the distance and woodland screening, the appeal building is not a prominent feature in the setting of the LBs. As a result of its vernacular style and use of traditional materials it is a sensitive feature within the valley which, in my view, does not detract from the wider setting of the LBs. In direct contrast, and as a result of its uncharacteristic roof form and unrelenting front façade, the proposal would appear as a significantly more prominent and ungainly feature within the rural setting of the LBs. For this reason, it would have a harmful effect on the significance of the designated heritage assets, namely the Grade II listed buildings at 1 and 2 Moorhouse Cottages and 7 and 8 Moorhouse Cottages/Moorhouse Farmhouse.
33. Therefore, in this respect, the proposal would be contrary to Policy DP20 of the TDLP which requires that assets are conserved or enhanced and that heritage assets, including NDHA, are retained, where possible. I also find conflict with the principles of the Framework which for applications affecting non-designated



heritage assets, require a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.

*- Heritage Balance*

34. Taking account of the separation and screening provided by the intervening trees, the harm to the designated heritage assets would be less than substantial. Nevertheless, I have attached considerable importance and weight to the desirability of avoiding such harm, in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
35. In failing to preserve the setting of the LBs, I find that the proposal would, in the words of the Framework, result in less than substantial harm to the significance of the designated heritage assets. In such circumstances, the Framework requires that the less than substantial harm should be weighed against the public benefits. The proposal would provide benefits such as making an efficient use of the site and contributing to local housing supply. The development would have temporary economic benefits through the creation of construction jobs during the construction phase. The proposal's visitors and employees would provide economic benefits through expenditure in local shops and services. Whilst limited due to the size of the proposal, these also weigh in favour of the development. The appellant also indicates that planning conditions could ensure the retention of identified features of interest which could be retained in any future building. In addition, the appellant has reached agreement with the Brooking Museum, for a number of architectural items which could be made available to the museum, in the event that the appeal building is demolished. These matters weigh in favour of the development.
36. That being the case, while I have had regard to the benefits of the development, in the particular circumstances of this case, the public benefits do not outweigh the considerable weight attached to the harm to designated heritage assets. In addition, the proposal would result in harm to the significance of the NDHA, which would result from its total loss.

**Other Matters**

37. The Framework seeks to significantly boost the supply of homes. Paragraph 73(d) supports the development of windfall sites. The proposal would involve the re-use of the appeal site and paragraph 124 supports the effective use of land.
38. The proposal would provide 63 residential care home beds for older people, providing both general purpose and dementia care, with 24-hour care and supervision for residents aged 65+ years. The proposal would also provide generous, good quality internal and external amenity areas which could be utilised by residents.
39. The appellant's Planning Need Assessment identifies an estimated under-supply of 87 additional standard wetroom care home beds within a five mile market catchment area. The shortfall is anticipated to increase to 148 by 2032. It is outlined that the proposal would address nearly 75% of the shortfall up to 2027.
40. The need to provide housing for older people nationally is critical as set out in the National Planning Practice Guidance (PPG). There is no doubt that there is a clear need for this type of development in Tandridge. Consequently, the cumulative

benefits associated with the provision of a care home providing general needs and dementia care are afforded substantial weight.

41. The proposal would create employment, and would also give rise to some economic benefits during the construction phase and would provide support to local services. Therefore, the economic benefits are afforded moderate weight. The appellant has referred to environmental benefits, however as these have not been quantified I have afforded them limited weight.
42. The appellant indicates that weight should be afforded to the donation of existing building fabric to the Brooking Museum and retention of some architectural materials in the new building, However, given the heritage harm that I have identified, this factor is afforded limited weight.
43. Compliance with the development plan in relation to issues such as landscaping and amenity of neighbouring occupiers are expectations for all development. These weigh neither for nor against the proposal and are therefore considered neutral in the planning balance.

### **Planning Balance and Conclusion**

44. The proposal would cause harm to designated and non-designated heritage assets and the character of the area including the NL. The TCS and TDLP are both older than five years. However, the weight to be attached does not hinge on their age. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework.
45. According to the Framework the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The Framework also requires great weight to be given to conserving and enhancing landscape and scenic beauty in National Landscapes, and great weight should also be given to heritage assets' conservation.
46. Therefore, the conflict between the proposal and Policies DP7 and DP20 of the TDLP and Policies CSP18, CSP20 and CSP21 of the TCS should be given significant weight in this appeal.
47. The proposal would provide 63 care beds, addressing a need for this type of residential accommodation in the Tandridge area. The appellant states that the Council's Housing Land Supply is 1.57 years. This suggested figure has not been challenged by the Council and is a notable shortfall against the five year housing land supply sought by the Framework.
48. In these circumstances Paragraph 11(d) of the Framework is relevant. However, for the reasons set out above, the application of policies in the Framework that protect National Landscapes and heritage assets provide a strong reason for refusing the development proposed. Consequently, the presumption in favour of sustainable development, as set out in paragraph 11(d) of the Framework is disengaged and the scheme should be considered under a normal planning balance and on that basis, I find that the harm clearly outweighs the benefits.
49. The proposal would be contrary to the development plan and the Framework taken as a whole. There are no other material considerations which indicate that the decision should be determined other than in accordance with the development

plan. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

*B Pattison*

INSPECTOR