



Appeal Decision

by **A Walker MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 December 2023

Appeal Ref: APP/Y3615/X/22/3308900

Suffield Farm, Suffield Lane, Puttenham, Surrey GU3 1BD

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended against a refusal in part to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Oliver Stich against the decision of Guildford Borough Council.
 - The application ref 22/P/01000, dated 9 June 2022, was refused by notice dated 5 August 2022.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is a single storey rear extension.
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Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed operation which is considered to be lawful.

Preliminary Matters

2. The LDC application also included seven porches. In determining the application, the Council made a split decision. The porches were deemed to be permitted development and therefore a certificate was granted for them, whereas a certificate was refused for the single-storey rear extension. The appeal before me is made against the Council's refusal to grant a certificate of lawful use or development for the single-storey rear extension. The description of the development in my banner heading reflects this.
3. Based on the evidence submitted and the matters in dispute, a site visit has been deemed to be unnecessary as it would not provide any material benefit to my determination of the appeal. The parties have been given the opportunity to comment on the proposition that the appeal proceeds in this manner. As no comments were received, I have determined the appeal on this basis.

Main Issue

4. The main issue is whether the Council's decision to refuse to grant an LDC for the single-storey rear extension is well-founded.

Reasons

5. Under class A, Part 1 of Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (the GPDO), the enlargement, improvement or other alteration of a dwellinghouse is permitted development. Under class A.1.(e), such development is not permitted if the enlarged part of the dwellinghouse would extend beyond a wall which (i) forms the principal

- elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse.
6. There is no dispute the extension would not extend beyond a wall which fronts a highway and forms a side elevation of the original dwellinghouse. The crux of the matter is whether the extension would extend beyond a wall which forms the principal elevation of the original dwellinghouse.
 7. The GPDO defines "original" as meaning (a) in relation to a building, other than a building which is Crown land, existing on 1st July 1948, as existing on that date; (b) in relation to a building, other than a building which is Crown land, built on or after 1st July 1948, as so built; (c) in relation to a building which is Crown land on 7th June 2006, as existing on that date; and (d) in relation to a building built on or after 7th June 2006 which is Crown land on the date of its completion, as so built.
 8. The dwelling has undergone a number of extensions and alterations since 1st July 1948. The most notable of these was the conversion of the barn and construction of a link to the dwelling to form a large dwelling, for which planning permission was granted in 1990¹. The survey drawing of the ground floor of the dwelling, which formed part of the drawings submitted with the application, shows the dwelling detached from the 'store' buildings and having a central corridor with a door in both the southern and northern elevations. Based on this drawing alone, it is difficult to ascertain what these elevations looked like. However, the survey drawing of the southern elevation of dwelling for the same application clearly shows an external door with a porch on this elevation. This door would have been accessible off Suffield Lane. This door was later blocked up, as can be seen in the proposed drawing of the southern elevation for planning application 92/P/1072.
 9. Prior to the 1990 planning permission being granted, the dwelling had two external doors, one in the southern elevation and one in the northern elevation. The photographic evidence submitted by the appellant shows that prior to the 1990 planning permission being implemented, the door in the northern elevation had no porch. Given the southern elevation had a porch; was accessed directly off Suffield Lane, albeit vehicular access was likely to the rear; and, directly fronts Suffield Lane, this would clearly have been read as the frontage of the dwelling.
 10. Consequently, based on the evidence before me, the principal elevation of the original dwellinghouse was the southern elevation. I therefore find that the proposed development would fall within Class A of Part 1 of Schedule 2 of the GPDO, and so would constitute permitted development.

Conclusion

11. For the reasons given above I conclude, on the evidence now available, that the Council's refusal in part to grant a certificate of lawful use or development in respect of the single-storey rear extension was not well founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me under section 195(2) of the 1990 Act as amended.

A Walker INSPECTOR

¹ Council ref: 89/P/01403

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 9 June 2022 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposed development would have benefitted from deemed planning permission pursuant to Article 3 of, and Class A of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 as amended.

Signed

A Walker
Inspector

Date: 12 December 2023
Reference: APP/Y3615/X/22/3308900

First Schedule

A single storey rear extension.

Second Schedule

Land at Suffield Farm, Suffield Lane, Puttenham, Surrey GU3 1BD

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.

Plan

This is the plan referred to in the Lawful Development Certificate dated: 12 December 2023

by A Walker MPlan MRTPI

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Scale: Not to Scale

