



Appeal Decision

Site visit made on 7 January 2025

by **Lewis Condé BSc, MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 January 2025

Appeal Ref: APP/Q3630/D/24/3338010

Mount Pleasant, Spratts Lane, Ottershaw, Surrey KT16 0HU

- 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 & Mrs Corby against the decision of Runnymede Borough Council.
 - The application Ref is RU.23/1347.
 - The development proposed is erection of extensions and alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Main parties have been given the opportunity to comment on the changes to national policy and their implications for the appeal scheme. Where received comments have been taken into account.

Main Issues

3. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the development on the openness of the Green Belt;
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

4. The appeal site is located within the Green Belt. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 154.

5. Paragraph 154 c) of the Framework is of relevance to the appeal scheme. It provides an exception for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
6. In consistency with the Framework, Policy EE17 of the Runnymede 2030 Local Plan (adopted 2020) (the Local Plan) also identifies that the extension of a building is not inappropriate development provided it does not result in disproportionate additions over and above the size of the original building. The policy further indicates considerations that will be taken into account in its application. This includes what constitutes the 'original building' and other aspects of built form that may also cumulatively impact on the openness of the Green Belt.
7. Neither the Local Plan nor the Framework provides a definition of what constitutes 'disproportionate additions' when considering proposals against the size of the original building. It is therefore a matter of planning judgement.
8. The appeal building has previously been extended. Cumulatively the proposed extensions, together with the previously undertaken works at the site, would result in the dwelling having approximately 93% greater floor space than the original building. The proposal would also add to the bulk and mass of the appeal building. Given this almost doubling of floorspace, I find that the proposal would result in disproportionate additions over and above the size of the original building.
9. Consequently, the proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with Local Plan Policy EE17 and the Framework.

Openness

10. The appeal property is a detached dwelling located in a rather secluded plot, largely surrounded by mature and semi-mature woodland. As such, the proposed single storey extensions would not be particularly visible from public vantage points.
11. Nonetheless, the concept of openness has both visual and spatial aspects. The spatial aspect does not relate directly to visibility or visual harm but to the absence of building and development. It follows that openness can be harmed even when development is not readily visible from the public domain.
12. Accordingly, whilst the proposal's harm to the visual aspect of openness would be negligible, the harm to the spatial aspect through the proposed increased level of built form would be moderate. In any case, the Framework establishes that any harm to the Green Belt should be given substantial weight.

Other Considerations

13. The appeal scheme is intended to provide private space for use by the appellants' family member who suffers from a medical condition. Additionally, the proposal would also future-proof the dwelling in order to potentially accommodate an elderly relative in the near future. I have only limited details of the medical condition of the appellants' family members and their specific needs. Still, these are personal circumstances, which are likely to change over time. Personal circumstances therefore rarely outweigh general planning matters as the impacts of development would likely remain long after the personal circumstances no longer apply.

14. The appellants have secured a certificate of lawfulness for the proposed use or development (CLOPUD)¹ for the development of two outbuildings within the garden of the appeal property under Class E of Part 1, Schedule 2 of the General Permitted Development Order (GPDO).
15. I do not have the full details of the CLOPUD scheme. Still, from the available evidence, the outbuildings would involve a very slight reduction in floorspace compared to the current appeal scheme, whilst they would also be positioned in broadly similar locations as the proposed extensions. The outbuildings subject to the CLOPUD would, however, have an overall greater height, bulk and mass than the appeal scheme. While from the information before me it is unclear whether the current proposal would significantly consolidate built form on the site compared to this stated fallback position. As such, regardless as to whether the outbuildings should be considered as extensions², I am not convinced that the appeal scheme represents any significant benefits to the openness of the Green Belt compared to the identified fallback option.
16. Notwithstanding that other alternative internal layouts may be possible, the appeal scheme would provide an extension for an en-suite bedroom. The permitted development rights (PDR) conveyed under Class E of Part 1, Schedule 2 of the GPDO, relates specifically to buildings etc incidental to the enjoyment of a dwellinghouse. Where a building within the curtilage of a dwellinghouse would contain primary living accommodation, such as bedrooms, it would be in residential use, not in use for purposes incidental to a residential use. Consequently, the fallback option suggested by the appellants would not be able to serve the intended purposes of the appeal scheme and so is not a realistic alternative to it.
17. The appellants have also raised the case of *Uttlesford DC v SSE & White* [1992], in which the Court considered that, even if the use of a detached outbuilding within the curtilage of a dwelling provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling; it would instead be a matter of fact and degree. However, in this instance the issue of the appellants' fallback position being a separate planning unit is not a matter of contention, but instead that under the terms of Class E of the GPDO the use of the outbuildings would need to be incidental to the enjoyment of the dwellinghouse.
18. Based on the above factors, I give limited weight to the appellants' CLOPUD fallback position.
19. The appellants further highlight that PDR could also be utilised for alternative development options, which would be capable of having a more harmful effect on the openness of the Green Belt than the appeal proposal. No precise details of what such works would entail have though been provided, so I cannot make accurate comparisons with the scheme before me. Additionally, several of the alternative PDR options that the appellants cite would not address the appellants' intended reason for the appeal proposal (i.e. to provide living accommodation for family members). Accordingly, they do not represent a comparable fallback option, nor am I convinced that they would realistically be undertaken. I therefore afford these alternative PDR options very limited weight.

¹ LPA Reference: RU.23/0913 – Approved August 2023.

² As per *Warwick District Council v Secretary of State for Levelling Up, Housing and Communities* [2022] EWHC 2145 (Admin) (12 August 2022).

20. The appeal decision³ for development in the Green Belt in Waverley, referred to by the appellants, was for a link extension between two existing outbuildings to provide a single self-contained ancillary building. Notably, the extension that was allowed under that appeal involved a smaller footprint than the scheme before me. It also only accounted for an approximately 25% increase over and above the size of the original buildings it was extending. The appeal decision is therefore again not comparable to the scheme before me. Nor does this decision establish a principle for the linking of any outbuildings to the appeal dwelling.
21. Compliance with other development plan policies, for example in respect of the living conditions of neighbouring residents, ecology matters or highway safety, do not provide suitable justification for the appeal proposal.

Green Belt Balance

22. The proposal is inappropriate development in the Green Belt and it would result in moderate harm to openness. The Framework states that substantial weight should be given to any harm to the Green Belt, including harm to its openness, and should not be approved except in very special circumstances. The Framework further advises that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
23. I find that the other considerations in this case, together, do not clearly outweigh the harm that I have identified. Consequently, very special circumstances do not exist which justify the proposal.

Other Matters

24. The appellants indicate that they would have been willing to reduce the scale of development during the course of the planning application, but that the Council was uncooperative on this matter. This, however, does not alter my findings with the appeal having been determined based upon the scheme before me.

Conclusion

25. For the reasons outlined above, the proposal conflicts with the development plan when taken as a whole and other material considerations, including the provisions of the Framework, do not indicate that the appeal should be determined otherwise. Accordingly, the appeal is dismissed.

Lewis Condé

INSPECTOR

³ APP/R3650/D/19/3234490 - The Hut & The Stables, 14 Sweetwater Lane, Wormley, Godalming GU8 5SS