



Appeal Decision

Site visit made on 12 March 2025

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 MARCH 2025

Appeal Ref: APP/Y3615/D/24/3350834

Warren Cottage, School Lane, East Clandon, Surrey GU4 7RS

- 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 Dr Elena Ghetau against the decision of Guildford Borough Council.
 - The application Ref is 24/P/00501.
 - The development proposed is described on the application form as 'building a summerhouse in the garden.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development relates to the setting of a listed building and lies within a conservation area. Accordingly, I have had special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it may possess, as required under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). I have also paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area under Section 72(1) of the Act.
3. The development has been carried out and therefore I am considering this appeal retrospectively.

Main Issues

4. The main issues are:
 - whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
 - whether the development preserves the setting of the Grade II listed building, Warren Cottage (and attached Hollyhocks), or any features of special architectural or historic interest that it possesses, and the extent to which the development preserves or enhances the East Clandon Conservation Area.

Reasons

Whether inappropriate development

5. The appeal site lies within the Green Belt. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites (2019) broadly conforms to the general thrust of national Green Belt policy, setting out that development will be supported where it is compatible with national policies for protecting the Green Belt. Paragraph 153 of the Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved 'except in very special circumstances'.
6. There are, however, certain exceptions. Detached structures and buildings are not explicitly cited within the exceptions included at paragraph 154. Nevertheless, the appellant argues that the development should be considered against paragraph 154(c). This allows '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'. Noting caselaw¹ and the provisions of the Guildford Green Belt Supplementary Planning Document (2023), whether the development falls under this exception is a question of fact and planning judgement for the decision maker and is case specific. Importantly, a building does not necessarily need to be physically attached to the original building to be considered an extension.
7. I note that the Council's reference to the 20 metre separation distance between the structure and original building is disputed by the appellant. Whatever the precise distance, the development is undoubtedly seen in the context of the original building. It is positioned within the original building's clearly defined, domestic garden, near to a series of outbuildings and buildings (within and outside the site). There is also a clear and ancillary association between the development and original dwelling by reason of the garden setting. From that perspective, the development could reasonably be considered as an extension for the purposes of paragraph 154(c).
8. The Framework defines the original building as a building as it existed on 1 July 1948. The evidence before me demonstrates that several additions have taken place to the original building over time, including a two-storey extension. However, the Framework does not provide a definition of 'disproportionate additions'. Based on the evidence before me, and the limited scale of the development (equating to a floorspace increase of 10.80%), the development could reasonably be described as a proportionate addition to the original building.
9. Overall, I conclude that the development is not inappropriate development in the Green Belt. The development therefore accords with paragraph 154 of the Framework and the relevant provisions of Policy P2 of the Guildford Borough Local Plan: Strategy and Sites (2019) which, in summary, seeks to protect the Green Belt from inappropriate development.

¹ ¹ Warwickshire DC v SSLUHC, Mr J Storer & Mrs A Lowe

Character, appearance and heritage

Heritage assets – special interest and significance

Warren Cottage (and attached Hollyhocks)

10. Warren Cottage (and attached Hollyhocks) is a Grade II listed building² formed of two cottages, dating from the 17th century, with some later alterations and extensions. The cottages are timber framed with brick infill and plain tiled roofs over. Warren Cottage has an unusual open, gabled porch supported by tree-trunks.
11. Based on the evidence before me, the special interest and significance of the listed building is largely derived from its historic and architectural interests. Important contributors in these regards are its age, the use of traditional materials and construction techniques and its visually charming architectural style.
12. The open garden spaces around the building, enclosed by low boundary treatments, form the immediate setting of the listed building. This immediate setting contributes positively to the asset's special interest and significance.

Conservation Area

13. The appeal property is located within East Clandon Conservation Area (the CA). The special interest and significance of the CA is largely derived from the preservation of its historic village core, focussed on a network of lanes and St Thomas of Canterbury Church, all set within wider rural surroundings. Consistent building materials of brick and tile dominate the village and CA.
14. The appeal site positively contributes to the semi-rural character and appearance of the CA and thereby to its significance as a designated heritage asset.

Heritage assets – appeal proposal and effects

Warren Cottage (and attached Hollyhocks)

15. Although the development has not resulted in the removal of any historic fabric from the asset, has a domestic appearance and is setback from the boundary, its design and position within the modest garden of the appeal site is such that it appears as an overly dominant feature, introducing built form to a part of the site where there was previously, and historically, none.
16. The development has harmfully eroded the open and semi-rural immediate setting of the house, diminishing the ability to appreciate the significance of the asset, particularly from School Lane. This has weakened the contribution that the immediate setting makes to the significance of the heritage asset.

Overall, I conclude that the development fails to preserve the setting of the Grade II listed building. Consequently, the development harms the significance of this designated heritage asset. In doing so, it is contrary to the requirements of section 66(1) of the Act.

² List Entry Number: 1180334

Conservation Area

17. Notwithstanding the harm that has been identified above in respect of the listed building, the position, nature and extent of the development are such that it, when viewed from the public realm, appears as relatively modest in the streetscene. Unlike listed buildings, the significance of a CA is dependent upon how it is experienced as a whole. For the reasons above, I consider that the development has a neutral effect on, and therefore preserves, the character and appearance of the CA when taken as a whole.
18. Accordingly, I conclude that the development preserves the character and appearance of the CA and meets the requirements of Section 72(1) of the Act. As such, it does not harm the significance of this designated heritage asset. Nevertheless, the lack of harm in this respect does not weigh for or against the appeal and does not alter my conclusion in respect of the listed building.

Heritage assets – public benefits and balance

19. Paragraph 212 of the Framework advises that when considering the impact of a development or works on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
20. With reference to paragraphs 214 and 215 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the extent of the development relative to the listed building, I find the harm to be 'less than substantial' in this instance. Under such circumstances, paragraph 215 advises that this harm should be weighed against the public benefits of the proposal.
21. I acknowledge the appellant's reference to the Framework's support for development which creates safe, inclusive and accessible places which promote health and well-being. However, this is not at any cost. The primary outcomes of the development, namely the provision of garden accommodation, is a private benefit to the appellant that does not provide clear and convincing justification for the identified harm to the building's significance and thus for allowing the appeal.
22. I am not persuaded by the argument put forward that the scheme before me is fundamentally necessary to secure the optimum viable use of the building, or its garden. No substantive evidence has been put before me which verifies that the property, including garden, would not be useable or viable as a dwelling or that its conservation as a designated heritage asset would be at risk if the appeal was to fail. Moreover, there is no substantive evidence before me to demonstrate that similar benefits could not be achieved via an alternative, and less harmful, scheme.
23. Overall, the weight that I ascribe to the public benefits that accrue from the development is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found. Accordingly, the development fails to preserve the setting of the Grade II listed building. Although I have found the

proposal preserves the character and appearance of the CA, this is a neutral consideration in the balance.

24. Consequently, the development is contrary to the requirements of section 66(1) of the Act and the relevant provisions within the Framework which seek to conserve and enhance the historic environment. The development also conflicts with Policies D1 and D3 of the Guildford Borough Local Plan: Strategy and Sites (2019) and policies H4, D4 and D18 of the Guildford Borough Council Development Management Policies (2023). These policies, in summary and when taken as a whole, seek to achieve high quality design in development that respects context and protects heritage assets.

Other Matters

25. I note the appellant's reference to screening around the development and wider garden, and in respect of the craftsmanship of the development. Whilst I do not doubt the quality of the development's construction, vegetative screening cannot be relied on in perpetuity to provide the same level of screening as at present. The enhancement of planting across the garden more generally is not wholly dependant on the scheme before me.
26. My attention is drawn to nearby developments, including at 11 Back Lane and at Lucerne Cottage. I acknowledge the arguments put forward by the appellant in relation to these schemes, noting that I have found in favour of Green Belt considerations. Nevertheless, those schemes are situated, fundamentally, on different sites. Each site and development must be considered on its own individual site circumstances. The site context, development and planning balance at those other sites, particularly at listed 11 Back Lane, are not directly comparable to those before me. Ultimately, the existence of those other schemes has not led me to an alternative conclusion on the main issues.
27. That a letter of support has been received is noted. However, this, nor the lack of objection from other parties, does not weigh in favour of the appeal.
28. I have noted the Council's reference to locally listed 4, 5, 6 and 7 School Lane, as well as locally listed The Old School House. These properties sit in a prominent position within the streetscene. The lane onto which the properties front forms, in part, the setting of the locally listed buildings. It is from here where they are best appreciated. The appeal site and its garden also contribute somewhat to how these assets are experienced and so add to their significance. However, by reason of the nature, scale and position of the development, in undertaking a balanced judgment, I do not consider the development to result in any harmful effects to the setting, and therefore the significance of these non-designated heritage assets, having regard to Framework paragraph 216.

Conclusion

29. For the reasons given above, having had regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR