



Appeal Decisions

Site visit made on 6 May 2025

by **Robin Buchanan BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date 22 May 2025

Appeal A Ref: APP/Q3630/C/24/3352265

Willow Cottage, Lyne Close, Virginia Water, Surrey GU25 4EA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Ms Li Birnie against an enforcement notice issued by Runnymede Borough Council.
- The notice was issued on 19 August 2024.
- The breach of planning control as alleged in the notice is 'Without planning permission, the erection of a single-storey rear extension'.
- The requirements of the notice are to:
 - 5.1 Demolish the single storey rear extension.
 - 5.2 Remove all resultant waste materials from the Land.
- The period for compliance with the requirements: six (6) months.
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended).

Summary Decision: The appeal is dismissed and the enforcement notice is upheld with correction.

Appeal B Ref: APP/Q3630/D/24/3358173

- 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 Ms Li Birnie against the decision of Runnymede Borough Council.
- The application Ref is RU.24/1343.
- The development proposed was described as 'Retrospective single storey rear extension, installation of rear rooflight to existing loft room, alterations to front dormer roof'.

Summary Decision: The appeal is dismissed.

Preliminary Matters

1. After the enforcement notice was issued and on the same day planning permission was refused, the National Planning Policy Framework was revised then subsequently altered (the NPPF). This does not materially affect my determination of either appeal so there is no injustice to the main parties.

Enforcement Notice

2. The appellant highlighted that the notice does not explain how Willow Cottage is to be restored after the rear extension was demolished, so there is uncertainty about what needs to be done, including whether a suitable scheme would need to be agreed with the Council. I shall therefore add an appropriate requirement to provide clarification and am satisfied that no injustice will be caused to the main parties.

Appeal B

Main issues

3. Willow Cottage is in the Green Belt and the Council only objected to the rear extension. The main issues are therefore:
 - whether the rear extension is inappropriate development in the Green Belt;
 - if it is inappropriate development, its effect on the openness of the Green Belt; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to very special circumstances required to justify the rear extension.

Reasons

Whether inappropriate development

4. The NPPF sets out that development in the Green Belt is inappropriate unless an exception applies. The appellant relies on the exception at paragraph 154(c). It includes that the extension of a building is not inappropriate development provided that it does not result in disproportionate additions over and above the size of the original building (as it existed on 1 July 1948 as defined by the NPPF). This is consistent with the relevant first paragraph of Policy EE14 of the Runnymede Local Plan, July 2020 (the LP).
5. The original building at Willow Cottage was constructed in 1939 with approximately 65m² floor area and 242m³ building volume, which is not contested by the appellant. After 1 July 1948 it was enlarged prior to the rear extension being built, including with planning permission granted under previous national and local planning policy for the Green Belt. However, the relevant comparison is not between what exists now and existed immediately before the rear extension was built. The issue is the cumulative in-combination effect in order to control further piecemeal erosion of the Green Belt.
6. Despite limited external dimensions and that it adds about 10.5m² and 27.6m³ to Willow Cottage, with the rear extension the original building has now more than doubled in floor area and almost doubled in building volume. By either measure there has therefore been a substantial increase in the size of this dwelling.
7. Notwithstanding that the rear extension is an extension of a building, I therefore find that it results in disproportionate additions over and above the size of the original building. As a result, it fails to meet the exception at NPPF paragraph 154(c) and is inappropriate development in the Green Belt. It is also contrary to LP Policy EE14 for this same reason.

Effect on openness

8. The rear extension occupies part of a raised patio behind the dwelling with no apparent public view of it. It has not reduced the main area of undeveloped back garden lawn, is narrower than the dwelling and does not significantly lessen the separation distance to the rear boundary of the site. Domestic activity within it can flow onto the patio through bi-fold doors but there is little evidence this is materially different to how the dwelling was used before the rear extension was built.

9. However, openness is one of the essential characteristics of the Green Belt. While there is present-day evidence about the modest consequence of the rear extension for site coverage (plot ratio), there is little comparative historic evidence in this regard. In any event, with a flat roof and angular external form, the rear extension projects in-depth off the rear elevation of the dwelling as the back garden narrows in width. As such, this part of the land is no longer open in any equivalent or comparative sense. While the visual presence of the rear extension is not intrusive, it has a permanent spatial presence and this can be noticed by occupiers of dwellings either side. As a result, though within a garden and part of a row of dwellings, this expansion of built form does not safeguard this part of the countryside from this encroachment, which is a purpose of the Green Belt.
10. Albeit in a small way compared to the extent of the Green Belt, I find that the rear extension causes limited harm to the openness of the Green Belt. It is, therefore, also contrary to LP Policy EE14 which includes that development should maintain the openness of the Green Belt.

Other considerations

11. Some other dwellings in Lyne Close, in the Green Belt and similar in age to Willow Cottage, have been extended with planning permission or permitted development rights (PDR) since they were built. It is not my remit to remedy alleged inconsistencies between these previous decisions and there is anyway little evidence that the full circumstances of those cases are comparable to this appeal, which I have considered on its individual planning merits. PDR have been removed at Willow Cottage by a planning condition and it is not for me to determine whether this was justified; but consequently, the PDR scheme suggested by the appellant is not a realistic fallback position. Researching planning history prior to acquisition is a private matter for the appellant or a competent person, such as a suitably qualified professional. These considerations therefore have little weight in this appeal.
12. Copies of the two appeal decisions referred to are not in the evidence¹. Aside from in the same Council area, there is little else to persuade me that those cases are comparable to this appeal, including with regard to alleged findings of minimal harm to the openness of the Green Belt by the Inspector(s). I therefore give little weight to this consideration.
13. The rear extension provides useful additional, flexible living space. But this personal preference is a private benefit whereas planning operates in the wider public interest so this consideration carries little weight.
14. The rear extension is intrinsically well-designed and complements the dwelling. The Council did not object to it for reason of adverse impact on the character and appearance of the area or the living conditions of occupiers of neighbouring dwellings; nor with regard to parking and access. The absence of harm in these regards are neutral factors in my decision.
15. Taking account of all the above, planning conditions or obligations would consequently not overcome the harm to the Green Belt, including harm to its openness.

¹ APP/Q3630/C/23/3324289, APP/Q3630/C/23/3324290

Green Belt Balance

16. The rear extension is inappropriate development in the Green Belt which by definition, as set out in the NPPF, is harmful to the Green Belt and should not be approved except in very special circumstances. These will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
17. As required by the NPPF, I give substantial weight to the harm to the Green belt in this case, including harm to its openness. The other considerations outlined earlier do not, therefore, individually or collectively clearly outweigh the harm. Consequently, the very special circumstances necessary to justify the rear extension do not exist.

Conclusion on Appeal B

18. The rear extension conflicts with local and national policy to protect the Green Belt. There are no other considerations to indicate that the appeal should be determined otherwise than in accordance with the development plan taken as a whole. Consequently, for the reasons given above the rear extension is unacceptable and Appeal B does not succeed.

Appeal A

19. For ground (g) to succeed, the appellant must demonstrate that the six (6) month period specified in the notice to take the steps required by it falls short of what should be reasonably allowed.
20. Like Willow Cottage, many other dwellings have no direct rear access. But the site location plan shows the rear extension to be significantly closer and more convenient to Lyne Close at the front than the claimed over 100m. There is little evidence that it was not constructed in these same circumstances, including using the narrow side access path between the dwelling and a boundary of the Land. It is also not extensive in form so the demolition works and resulting mass of materials would be relatively modest. Making good the original rear elevation would also be relatively straightforward and not require a scheme to be agreed with the Council.
21. The site is in the Green Belt so any period longer than six (6) months would otherwise unnecessarily perpetuate the breach of planning control. Little else has been suggested which might justify extending the period for compliance to at least 9 months from the date the notice came into effect.

Conclusion on Appeal A

22. I therefore find that the six (6) month period given by the notice does not fall short of what is reasonable. Accordingly, ground (g) fails.

Formal Decisions

Appeal A

23. It is directed that the enforcement notice is corrected by:
 - In schedule 5.1, after ‘... attached Plan B) and...’ insert ‘...make good in matching external facing materials or fenestration and’

24. Subject to that correction, Appeal A is dismissed and the enforcement notice is upheld.

Appeal B

25. Appeal B is dismissed.

Robin Buchanan

INSPECTOR