



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 10 June 2025

Appeal A Ref: APP/Q3630/C/23/3331716

Lyne Hill Lodge, Lyne Crossing Road, Lyne, Surrey KT16 0AT

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended (the Act)
- The appeal is made by Mr David Debus against an enforcement notice issued by Runnymede Borough Council.
- The notice was issued on 18 September 2023.
- The breach of planning control as alleged in the notice is 'Without planning permission the erection of a building'.
- The requirements of the notice are to:
 - 5(1) Demolish the outbuilding.
 - 5(2) Remove all resultant waste and material from the Land.
- The period for compliance with the requirements is: six (6) months.
- The appeal is proceeding on the grounds set out in section 174(2)(b), (e) and (g) of the Act.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld.

Appeal B Ref: APP/Q3630/W/24/3345191

- The appeal is made under section 78 of the Town and Country Planning Act 1990, as amended (the Act) against a refusal to grant planning permission.
- The appeal is made by Mr David Debus against the decision of Runnymede Borough Council.
- The application Ref is RU.24/0119.
- The development proposed was described as 'Retrospective permission for the erection of a detached annexe following the removal of 4 existing structures'.

Summary of decision: The appeal is dismissed.

Preliminary Matter

1. After the enforcement notice was issued and planning permission was refused, the National Planning Policy Framework was revised then subsequently altered (the NPPF). The main parties were given an opportunity to comment on the NPPF. Both confirmed that they did not wish to comment and I am satisfied there has been no prejudice.

Appeal A on ground (e)

2. In this case, for ground (e) to succeed the appellant must demonstrate that a copy of the notice was not properly served on every person with an interest in the Land.
3. The appellant submitted a previous application for erection of the building for storage use. He claims that before retrospective planning permission was refused by the Council, and before the notice was subsequently issued, the building had by then been converted to a residential annexe occupied by one of his daughters. There is little evidence the Council gathered up-to-date information about use of the building or about those with an interest in the Land before it issued the notice, including a fresh internal inspection.

4. However, a copy of the notice was served on the appellant at Lyne Hill Lodge, the dwelling where he lived. He lodged Appeal A against the notice and Appeal B against the refusal of planning permission for essentially the same development. A copy of the notice was also served on the appellant's wife at Lyne Hill Lodge.
5. The appellant refers to the building as 'Lyne Hill Lodge Annexe'. But there is little evidence this was a formally recognised postal address or that the property known as Lyne Hill Lodge did not include the building, which was on part of the Land with it. Nor have I been informed that the building was a separate property for Council Tax or Land Registry purposes.
6. There is, therefore, little to suggest that when the notice was issued, the appellant's daughter was not occupying the building as part of a single-family household at Lyne Hill Lodge; including with other immediate family member(s) who had been served with a copy of the notice. Whether the appellant's daughter was informed at the time about the notice by anyone else who had been served with it was a separate matter for the individuals concerned. In any event, the Council also served a copy of the notice on the 'owners' and 'occupiers' of Lyne Hill Lodge which, on the evidence before me, clearly included the appellant's daughter.
7. Consequently, there is no apparent reason why the appellant's daughter was not properly served with the notice or not aware of it, so she could have made written representations or lodged an appeal if she had wished to. She has not, therefore, been substantially prejudiced by how the Council served the notice.

Conclusion on Appeal A on ground (e)

8. I am satisfied that as an occupier of the building the appellant's daughter had an interest in the Land. But the notice was correctly served for the reasons explained above, including with respect to section 329(2) of the Act. Moreover, having regard to section 176(5) of the Act, it made little practical difference that a copy of the notice was not served on her by specific reference to her name at Lyne Hill Lodge or at the building. Accordingly, ground (e) fails.

Appeal A on ground (b)

9. In this case, for ground (b) to succeed, the appellant must demonstrate on the balance of probabilities that those matters stated in the notice had not occurred by the date of issue of the notice.
10. The appellant argues that when the notice was issued, storage use of the building had ceased for the reasons outlined earlier. However, the alleged breach of planning control and the reasons for issuing the notice were plainly and precisely directed at operational development for the erection of a building; not a material change of use of the building, let alone to a residential annexe. As such, the notice was not reliant on any particular use of the building when it was issued, nor did it need to be. Consequently, the notice is not inaccurate insofar as the Council intended it. There is no dispute that as a matter of fact the building had been erected on the Land when the notice was issued so there is also no misdescription.

Conclusion on Appeal A on ground (b)

11. For the reasons given above the matters stated in the notice had occurred by the date of issue of the notice. Accordingly, ground (b) fails.

Appeal B

Main issues

12. The building is in the Green Belt. The main issues are therefore:

- whether the building 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 building.

Reasons

Whether inappropriate development

13. The NPPF sets out that development in the Green Belt is inappropriate unless, in this case, one of the relevant exceptions at paragraphs 154(c) or 154(g) apply.
14. Paragraph 154(c) 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. This is consistent with the relevant first paragraph of Policy EE14 of the Runnymede Local Plan, July 2020 (the LP).
15. Whether as it existed on 1 July 1948, or if applicable the date it was built thereafter, the appellant does not contest that Lyne Hill Lodge is the original building, including as is shown on the plan at Appendix 3a of the Council's appeal statement (marked 'original dwelling'). It is common ground that the building is a residential annexe and sufficiently close to Lyne Hill Lodge that it is a normal domestic adjunct¹.
16. The appellant claims, though, that the building is a detached 'functional' extension of the use of Lyne Hill Lodge, so does not increase the size of this dwelling, whereas a 'physical' attached extension would. However, this distinction is absent from paragraph 154(c). Moreover, caselaw indicates that detachment is not determinative of what is an extension for these purposes². The appellant's figures show the building has approximately 47sq.m footprint and 137cu.m internal volume. I also saw some additional floorspace in a mezzanine floor. Taken with the elevation and floor plans, its L-shape layout and external dimensions, albeit single-storey, the building is notable in extent and overall form. Consequently, there is little to suggest that it is not an extension of Lyne Hill Lodge and so has increased the size of the original building.
17. The appellant does not dispute the extent of previous attached enlargement of Lyne Hill Lodge or other detached outbuildings developed near it, as set out in the Council's appeal statement; including as shown in the Appendix 3a plan and the Council's Appendix 3b aerial photograph. This essentially reflects what I saw. The Council has no planning history or any more details for some of this development and nor does the appellant.

¹ *Sevenoaks DC v SSE & Dawe* [1997]

² *Warwick DC v SSLUHC, Mr J Storer & Mrs A Lowe* [2022] EWHC 2145 (Admin)

18. However, it includes a large two-storey extension and conservatory added to the dwelling and a large, detached outbuilding on one side of it and two large outbuildings on the other side, around an outdoor pool. There is, as I also saw, little to suggest that these outbuildings are not also normal domestic adjuncts, used for ancillary purposes to residential occupation of Lyne Hill Lodge within its immediate domestic setting – including garages, for storage and a home office or for hobbies, leisure, relaxation and entertaining. Taking the apparent size of this development in combination with the size of the building, there has clearly been a substantial cumulative increase in the size of Lyne Hill Lodge.
19. Consequently, notwithstanding that the building is an extension of a building, 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).
20. Paragraph 154(g) includes that limited infilling or the partial or complete redevelopment of previously developed land (PDL) which would not cause substantial harm to the openness of the Green Belt is not inappropriate development. Although LP Policy EE17 refers to ‘no greater impact’ on the openness of the Green Belt, the thrust of the equivalent relevant part of this policy is otherwise consistent with this exception. The appellant contends that the building or the land it is sited on is PDL.
21. However, PDL is defined in the NPPF glossary and, amongst other things, in order to be PDL the land in question must have been lawfully developed. The appellant agrees that the building is sited outside the residential garden of Lyne Hill Lodge. Even if where it is sited was part of the curtilage of this dwelling when the building was erected, or is now, curtilage is not a use of land so this land cannot be developed land. Furthermore, there is little evidence that the building has been lawfully erected so it cannot be, or result in, developed land. Consequently, despite that the building is a permanent structure, this part of the site is not PDL.
22. Accordingly, the building fails to meet the exception at NPPF paragraph 154(g). I do not, therefore, need to consider whether it causes substantial harm to the openness of the Green Belt for the purposes of this exception.
23. Taking account of all the above, I find that the building does not meet either relevant NPPF exception in this case so it is inappropriate development in the Green Belt. It is also contrary to LP Policies EE14 and EE17 for this same reason.

Effect on openness

24. The building is offset to one side of the access drive serving Lyne Hill Lodge with only a partial, upward fleeting public view of it from passing vehicles using Lyne Crossing Road. It does not manifestly close gaps to other buildings or structures near it nor result in an overdeveloped feel to the site as a whole, which covers quite a large area of land.
25. Nevertheless, openness is one of the essential characteristics of the Green Belt. The building is not insubstantial in form and extent so it has innate spatial presence. There is little to suggest that in whole or in part it replaced a previous building or structure in this same position on the site. I also saw that the well maintained gravel area in front of the building provides some external amenity space including a small, paved area and some patio style furniture with storage. I have not been informed that there is another means of access to the site, so the

building and its internal and associated external use has a visual presence that can be noticed by occupiers of mobile homes elsewhere on the site passing by it along the drive. This part of the site is therefore no longer open in any equivalent or comparative built form or use and activity sense.

26. Consequently, although within the largely secluded environs of Lyne Hill Lodge and scatter of other buildings or structures on the site, this expansion of built form and associated domestic use does not safeguard this part of the countryside from this encroachment, which is a purpose of the Green Belt. The NPPF does not distinguish between 'countryside' and 'open countryside' in this regard.
27. Albeit in a small way compared to the extent of the Green Belt, I find that the building causes limited harm to the openness of this part of the Green Belt, thus the Green Belt overall. Accordingly, it is also contrary to LP Policy EE14 which includes that development should maintain the openness of the Green Belt.

Other considerations

28. As outlined above, the most relevant comparison in this case is the effect of the building on the cumulative size of the original building, rather than comparative change between the building and other buildings or structures on the site. The appellant is, though, willing to remove three largely dilapidated, partly overgrown van bodies and a shipping container on the site used for storage which benefit from lawful development certificates (LDC). This could potentially be secured by a planning condition. As set out in the appellant's figures, the footprint and internal volume of these structures are a notable proportion of the building. They are also near the building, spread slightly apart with a smaller aggregate footprint than the building.
29. Nonetheless, even if they were removed, their individually separate narrow rectangular, essentially flat roofed form is lower and smaller than the building's more extensive external dimensions. By this comparison, the building would still result in an agreed calculated net increase of about 7sq.m (or 17%) and 38cu.m (or 38%) of built form on the site. Also taking account of its L-shape and mainly pitched roof, the building has significantly more tangible bulk. Removing these structures therefore carries limited weight in these respects.
30. There is little objective evidence to substantiate the appellant's claims that the Council generally considers a 30% increase in building volume as acceptable in the Green Belt. But even if it did, this figure would anyway be breached in this comparison between these structures and the building. Similarly, there is little to substantiate that a 30%-40% increase in building volume within the Green Belt is generally acceptable in this part of the country. I am therefore not persuaded that either is a relevant 'guideline' so these contentions have little weight.
31. This trade-off would, though, result in some localised improvement to the character and appearance of this part of the site. However, this benefit would be moderated by the clutter of assorted outside storage strewn around these structures. Even if the appellant was willing to tidy this up, including with a suitable planning obligation or by condition, it would not mitigate the visual or spatial presence of the building and this inappropriate development so this consideration has limited weight.
32. The appellant suggests that Schedule 2, Part 1, Class A permitted development rights (PDR) allow Lyne Hill Lodge to be enlarged at least by a 4m deep, 14m wide

and 3m high attached single-storey rear extension said to result in 50sq.m footprint and 150cu.m internal volume. However, while there is no LDC to this effect, there is equally no scheme before me to demonstrate and give some greater certainty that this development (or any other under Class A) could be achieved and without significant consequences, both of which are relevant to intent or likelihood.

33. For instance, this extension would stretch across most of the rear elevation of the dwelling so have implications for the living conditions of its occupiers – such as the position of existing external doors and fenestration, available natural light or arrangement or function of existing rooms. It would also consume most of the patio area and circulation space behind the dwelling, so make this external space less conducive or more awkward to use. There is also little evidence that it would not necessitate demolition of the large conservatory mid-way along the rear elevation. But even if it was retained, next to or incorporated in this new extension, the net gain in enlargement of Lyne Hill Lodge would as a result be notably less than the appellant claims. Furthermore, an attached extension of this size and proximity to Lyne Hill Lodge, if it were occupied as a residential annexe, would not give the same independent living experience that is said to be a primary purpose of the building because it is further away.
34. Such an extension would, though, consolidate development at Lyne Hill Lodge rather than also at the building. This would result in a less pervading, fragmented pattern of built form across the site. But the potentially similar or even slightly larger size of this extension (compared to the building) would essentially still result in a broadly comparable absolute loss of Green Belt openness overall.
35. In even more general terms, the appellant alleges that he could also ‘fully utilise’ PDR in Class B and Class E. But some of these PDR are more finely dependent on complying with detailed or precise limitations or conditions, including the interplay with previous enlargement of original parts of the dwelling. There is no scheme or LDC to assist me in this regard. Furthermore, a detached building erected with all the day-to-day facilities for use as independent primary living accommodation would not be for a purpose incidental to the enjoyment of Lyne Hill Lodge, so could not be permitted development. That is not to say that such a building could not be erected for another purpose, but it would not be directly comparable in use terms to that which the appellant seeks with the building.
36. Accordingly, I am not satisfied the appellant has demonstrated that the alleged PDR fallback is sufficiently clearly defined or that there is a real prospect or greater than theoretical possibility of any or all of such development being implemented. Nor that it would have a similar or demonstrably worse effect on the openness of the Green Belt than the building. In these circumstances these PDR considerations carry limited weight.
37. Furthermore, the appellant has not indicated that he would be willing to remove any or all of PDR in Class A, B or E to prevent further development at the site if the appeal was allowed. Consequently, subject to the relevant scope, limitations or conditions of such PDR – including establishing the full extent of the curtilage of Lyne Hill Lodge – there could be additional development at the site and further piecemeal loss of Green Belt openness.
38. I appreciate that the building provides useful additional flexible living space, currently for one of the appellant’s daughters. But this is a private benefit, whereas

the planning system operates in the wider public interest. Moreover, the building and potentially this use of it could have some permanence and longevity in the Green Belt. These personal circumstances therefore carry little weight.

39. The building is intrinsically well-designed and complements Lyne Hill Lodge and this rural location. 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. Nevertheless, absence of harm in these regards is a neutral factor in my decision.
40. Taking account of all the above, planning obligations or conditions would not overcome the harm to the Green Belt, including harm to its openness.

Green Belt Balance

41. The building 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.
42. 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 building do not exist.

Conclusion on Appeal B

43. The building conflicts with local and national planning 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 building is unacceptable and Appeal B does not succeed.

Appeal A on ground (g)

44. 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.
45. Evidently this time period was not informed by the building no longer in storage use, but this alone is not sufficient reason to justify an extended time period. I also appreciate that the residential annexe has given the appellant's daughter some independence from living in Lyne Hill Lodge.
46. However, there is little evidence to substantiate that finding affordable living accommodation elsewhere would be unduly difficult or time consuming. Nor that this would significantly undermine the involvement of the appellant's daughter in the family run café not far away in Chertsey. Moreover, Lyne Hill Lodge is on hand and quite a large dwelling. It has not been demonstrated that the appellant's daughter could not easily and conveniently move into it, even if only temporarily while other accommodation was secured. Accordingly, there is little to persuade me that she would be made homeless.

47. The building is discretely sited, single-storey and not overly large. The demolition and clearance works would therefore be relatively moderate in extent and not unduly disruptive to other use and activity that takes place on the Land. This would be the case even if the building was still in storage use. Many of the domestic furnishings, fixtures and fittings that I saw within it are of the sort routinely installed or replaced by householders. As such, their removal would be relatively straightforward and not unduly time consuming. There is little evidence that any necessary contractors could not be secured and this work carried out within the time period specified in the notice.
48. In these circumstances and given that the site is in the Green Belt, 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 no less than the 12 months the appellant seeks from the date the notice came into effect.

Conclusion on Appeal A on ground (g)

49. For the above reasons the six (6) month period given by the notice does not fall short of what is reasonable. Accordingly, ground (g) fails.

Overall Conclusions on Appeal A and Appeal B

50. In Appeal A, grounds (b), (e) and (g) all fail so this appeal does not succeed. Appeal B does not succeed due to harm to the openness of the Green Belt which is not outweighed by other considerations.

Formal Decisions

Appeal A

51. Appeal A is dismissed and the enforcement notice is upheld.

Appeal B

52. Appeal B is dismissed.

Robin Buchanan

INSPECTOR