



Appeal Decision

Site visit made on 5 June 2025

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 JUNE 2025

Appeal Ref: APP/Y3615/D/25/3362045

Copperkins, Burrows Cross, Shere, Surrey GU5 9QF

- 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 Vince against the decision of Guildford Borough Council.
 - The application Ref is 24/P/01256.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development used in the banner heading above is taken from the Council's decision notice since it more concisely describes the proposed development.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal 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 the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate

4. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework establishes that development in the Green Belt is inappropriate unless one of the exceptions it lists applies. One such exception is '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'.
5. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2019 (the LPSS) states, among other things, that the Green Belt will be protected against inappropriate development in accordance with the Framework. Policy P2 also contains a definition of 'original building', being either i) the building as it existed on

1 July 1948; or ii) if no building existed on 1 July 1948, then the building as it was originally built after this date.

6. Based on the evidence before me, Copperkins replaced a house which formerly existed on the site. The planning history shows that development described as 'erection of two storey house following demolition of existing house and garage' was approved in January 2008¹. The appellant reports that works were completed in 2011 and it is not disputed that there was a former house which existed on the site in 1948. Therefore, for the purposes of Policy P2 the original building should be that which existed on 1 July 1948. While this definition differs from that in the Framework, I am mindful of local caselaw in this respect which confirmed the Local Plan policy should be the starting point².
7. The appellant has not disputed the figures provided by the Council which suggest the original building comprised approximately 187.2sqm and the replacement building comprised 391sqm. The proposed extension would therefore result in a building which would be 119% larger in floorspace than the original building. While floorspace is only one way to measure size, this uplift is substantial. While the size of the extension now proposed is modest, the Framework nonetheless requires that it is considered alongside earlier enlargements.
8. For these reasons, the proposed extension, together with the earlier increase in the size of the house on the site, would result in disproportionate additions over and above the size of the original building. The proposal would therefore be inappropriate development.

Openness

9. The courts have established that the openness of the Green Belt has a spatial aspect as well as a visual aspect³. Therefore, the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt.
10. Burrows Cross has a rural character and comprises predominantly detached properties set within generous plots and behind mature trees and hedgerows. The disperse pattern of development is appreciated from the road and this contributes strongly to the appreciation of openness in the area.
11. Views of the extension from any public and private viewpoints would be extremely limited given its position at the back of the building and enclosure by mature landscaped boundaries. As such I do not find harm to the visual aspect of openness. The proposal would decrease the spatial aspect of the Green Belt's openness through increasing the size of the property and the extent of built form on the site. The proposal would therefore cause harm to the spatial aspect of the Green Belt's openness, although this would be at the lower end of the scale given its size. There would also be some conflict with the Green Belt purpose to assist in safeguarding the countryside from encroachment, again at the lower end of the scale.

Other Considerations

¹ Council reference 07/P/02448 – 14 Jan 2008

² Guildford BC v SSLUHC & Mr C Weeks [2023] EWHC 575 (Admin)

³ Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466

12. The proposal has been found to be inappropriate development by definition and would cause some low-level harm to the openness and purposes of the Green Belt. The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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. The Framework requires that substantial weight is given to any harm to the Green Belt.
13. The proposal would provide an extended guest bedroom or a bedroom suite suitable for the owners to use as a master bedroom which would avoid the need to use the stairs. Within their appeal statement, the appellant refers to the reoccurrence of a serious health condition, which is requiring consideration of how future health needs will be met. They describe that the proposed extension would help them to live comfortably downstairs and be cared for at home. While this is capable of being an important benefit to the appellant, there is otherwise little evidence regarding these circumstances or how they would necessitate the proposed extension. As such I can only attach moderate weight to the appellant's need for the proposal.
14. The Design and Access Statement also refers to additional planting in the garden and associated biodiversity enhancements. Materials used in the construction of the extension could also be reclaimed and the extension fitted with energy and water saving measures. While these constitute benefits, I give these only moderate weight given the scale of the development and extent of information on those matters. While the development may be acceptable in other respects, for example in terms of its appearance and effects on the designated Surrey Hills National Landscape, these are neutral matters rather than weighing in favour of the development.
15. Overall, while acknowledging there would be some benefits of the appeal scheme, taken together these do not amount to considerations of sufficient weight which would *clearly* outweigh the harm to the Green Belt, as set out in the Framework. As a consequence, the very special circumstances necessary to justify the development do not exist. The proposal would conflict with Policy P2 of the LPSS insofar as it refers back to the provisions of the Framework.

Conclusion

16. For the reasons given, the proposal would conflict with the development plan as a whole and there are not material considerations of sufficient weight which indicate that a decision should be made other than in accordance with it. The appeal is therefore dismissed.

C Shearing

INSPECTOR