



Appeal Decision

Site visit made on 2 June 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th June 2025

Appeal Ref: APP/R3650/D/25/3358555

Orchard Cottage, Snowdenham Lane, Bramley, Guildford, Surrey GU5 0DB

- 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 C Perricos against the decision of Waverley Borough Council.
 - The application Ref is WA/2024/01836.
 - The development proposed is a two storey rear extension following demolition of existing conservatory.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties were invited to provide comments on this matter and any comments received have been taken into account in my determination of the appeal.

Main Issues

3. The main issues are:
 - whether the proposal 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 proposal on the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the host dwelling and of the area, with particular regard to the Surrey Hills National Landscape (NL); 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 development

4. The appeal site is located within the Green Belt. The Government attaches great importance to Green Belts. The Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate. Policy RE2 of the Waverley Borough Local Plan Part 1 (WLP1): Strategic Policies and Sites (2018)

seeks to protect the Green Belt will be protected against inappropriate development, unless development meets with the exceptions listed in national planning policy. Thus, it is broadly consistent with the Framework.

5. Paragraph 154c) of the Framework establishes that the extension or alteration of a building is not inappropriate in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building. Policy DM14 of the Waverley Borough Local Plan Part 2 (WLP2): Site Allocations and Development Management Policies (2023) builds on this, and on WLP1 Policy RE2. It explains that for development outside of defined settlement boundaries, extensions or alterations which would increase floorspace by 40% or more over that of the original building will normally be considered to be disproportionate.
6. There is no dispute between the parties that the proposal constitutes inappropriate development in the Green Belt and there is nothing before me to conclude otherwise. This is because the original dwelling has already been significantly extended, such that any further extension would exceed the floorspace beyond the 40% set out within WLP2 Policy DM14.
7. Therefore, the proposed scheme would constitute inappropriate development within the Green Belt which is, by definition, harmful. It would therefore conflict with WLP1 Policy RE2, WLP2 Policy DM14 and with the Framework.

Openness

8. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The matters relevant to openness are a matter of planning judgement, and the openness of the Green Belt has a spatial aspect as well as a visual aspect.
9. While the proposal would in part be located on the footprint of the existing conservatory, the extension would be large and due to its overall size, height and scale, it would take up a substantial amount of space. This would result in harm to the spatial openness of the Green Belt.
10. Despite the change in ground levels between the garden and Orchard Cottage, the additional built form would be evident from within the appeal site, particularly the first floor. However, the proposal would be seen against the backdrop of the existing dwelling, which would limit the harm to the visual openness of the Green Belt.
11. Accordingly, there would be a moderate harmful loss of openness of the Green Belt in this location. The Framework is clear that substantial weight should be given to any harm to the Green Belt.

Character and appearance

12. The appeal site is located within the Surrey Hills NL and within an Area of Greater Landscape Value (AGLV). The Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty within NLs, which have the highest status of protection in relation to these issues. Additionally, Section 85 of the Countryside and Rights of Way Act 2000 (as amended by section 245 of the Levelling Up and Regeneration Act 2023) places a duty upon me to seek to further

the statutory purpose of the NLs, which is to protect and enhance their natural beauty.

13. The Surrey Hills Management Plan (2020 – 2025) sets out that the NL is an intriguingly diverse landscape characterised by areas of woodland, hills and valleys, traditional mixed farming, a patchwork of chalk grassland and heathland, sunken lanes, picturesque villages, and market towns.
14. Snowdenham Lane is a narrow lane with occasional clusters of development on either side interspersed with areas of woodland, open fields and ponds. The lane is bound by trees and hedges. This provides the road with a verdant and rural character.
15. The appeal site is a generously sized plot which lies within a small group of properties, where the dwellings vary in scale, form, and set back from the highway. The site is accessed via a narrow track directly off Snowdenham Lane and the plot is therefore set back from this road. Due to changes in ground levels, the property sits on higher ground than the access track and the dwelling is set at a lower level than much of its surrounding garden.
16. The site is largely enclosed by mature trees and other vegetation along its boundaries which limits views towards the property, save for its frontage where the dwelling can be seen from the access track and from the section of the Public Right of Way (PRoW) that exists along the track. Given its characteristics, the site makes a positive contribution to the Surrey Hills NL.
17. The proposal would involve the construction of a two-storey extension at the rear of the property. The extension would not be set down from the ridge height of the existing dwelling and, due to its size, scale and crown roof design, it would not form a subservient addition to its host. However, due to the orientation of the host dwelling together with its set back from the access track and PRoW, views from public vantage points towards the proposal and landscaped bank in the rear garden would be largely screened by the host dwelling.
18. The PRoW, is set to the east of the site at a lower level, is lined by trees and hedges and crosses the woodland to the north of the site. Consequently, there would be minimal views towards the proposal from the PRoW and from the land to the north of the site.
19. The surrounding area has a rural and verdant appearance and feel but is not devoid of dwellings and associated domestic uses and paraphernalia. Drawing all the above together, the proposal would not harm the landscape and scenic beauty of the NL in which the appeal site lies within.
20. As such, the proposal would have an acceptable effect on the character and appearance of the host dwelling and of the area, with particular regard to the Surrey Hills NL. The proposal would accord with WLP1 Policies TD1 and RE3 and with WLP2 Policies DM4 and DM15 which among other things require new development to be of a high-quality design that responds to the distinctive local character of the area in which it is located, protects the character and qualities of the Surrey Hills NL, protects the AGLV as a local landscape designation and recognises the natural beauty and undeveloped character which is intrinsic to the open countryside.

Other considerations

Fall-back position

21. It has been put forward that the property benefits from a Certificate of Lawfulness¹ for a single storey rear extension and porch granted in May 2024. In assessing the implication of this possibility and its likely effects as a fallback position, I have had regard to established caselaw, including the Mansell² judgement to which the appellant referred. The evidence confirms that there is a real prospect that such development will be implemented in the event that planning permission is not forthcoming for the proposed two storey extension.
22. In this instance the rear extension would be deeper than the appeal scheme and would extend across a wider part of the site. As such, despite its two-storey height, the appeal proposal would represent a more compact form of development. However, the evidence indicates that the Certificate of Lawfulness scheme would provide a comparable floorspace to the appeal scheme. Therefore, the proposal before me would have a similar effect on the spatial aspect of openness as the fall-back position.
23. Despite its footprint, the single storey extension would be less apparent from within the appeal site because of the undulating ground levels. The change in levels would therefore significantly reduce the perceived bulk and massing of the single storey extension when viewed from the rear of the site. This would not be the case with the two-storey extension, which would create bulk and massing at a higher level and would therefore be more prominent. On this basis, I find that the proposal would be more harmful to the visual openness of the Green Belt than the fall-back scheme.
24. The appellant asserts that the design of the appeal scheme would represent a more cohesive form of development when compared to the Certificate of Lawfulness scheme. While this may be the case, the single storey rear extension would have a subordinate appearance to its host, contrary to the proposal before me. As such, I am not persuaded that the appeal scheme would be preferable in terms of its design.
25. Given the above, the Certificate of Lawfulness is a consideration of limited weight.

The appellant's personal circumstances

26. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The Act sets out the relevant protected characteristics and I have had due regard to the Act in undertaking the PSED.
27. The proposal would provide first floor accommodation and would meet the needs of the appellant's family member in terms of safety, comfort and convenience. However, I have no compelling evidence that this scheme is the only way in which the appellant's needs could be met. Furthermore, the extension is likely to remain

¹ LPA Ref WA/2024/00495

² Mansell v Tonbridge and Malling BC & others [2017] EWCA Civ 1314

long after those personal circumstances cease to be material. On this basis, whilst I have given careful consideration to this issue, I can only attribute limited weight to the personal circumstances of the appellant in my consideration of whether very special circumstances exist.

Other Matters

28. The existing conservatory would be removed to accommodate the proposal. However, this structure is not particularly large and while there may be some benefits to the countryside in terms of any potential reduction in levels of illumination, these would likely be very limited. As such, this would not justify the proposed extension.
29. The appellant directs me to an appeal decision³ at Dibdene, Shamley Green. However, it appears that this decision relates to a replacement dwelling, and I do not have full details of the circumstances of this case, as I have only been supplied with an excerpt of this decision. Consequently, I cannot conclude that this example represents a direct parallel to the appeal proposal, including in respect of development plan policy. As such, I have determined the appeal in its own merits.

Green Belt Balance

30. The Framework sets out that very special circumstances to justify inappropriate development 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.
31. The appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. There would be loss of openness. The Framework requires that substantial weight is given to any harm to the Green Belt and any other harm.
32. I have attached limited weight in favour of the scheme to the Certificate of Lawfulness and to the appellant's personal circumstances. With this in mind, very special circumstances to justify the proposal's harm to the Green Belt, by reason of inappropriateness, and any other harm, do not exist.

Planning Balance and Conclusion

33. The proposal would conflict with the development plan as a whole. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
34. Dismissing the appeal would interfere with the appellant's rights under Article 8, since the consequence might be that the appellant would be unable to extend the property. This is a qualified right, whereby interference may be justified in the public interest, but the concept of proportionality is crucial.
35. However, the interference would be in accordance with the law and in pursuance of a legitimate aim which is the regulation of the development of Green Belt land in the public interest. Given the circumstances overall, I find that dismissal of the appeal is both proportionate and necessary.

³ APP/R3650/W/20/3248609

36. Likewise, with regard to the PSED, I have afforded limited weight to the appellant's personal circumstances. Dismissal of this appeal is therefore a proportionate response to the requirements of the Act and the plan led system.
37. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR