



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: 20 JUNE 2025

Appeal B Ref: APP/R3650/D/25/3361743

Tanglewood, Pickhurst Road, Chiddingfold, Godalming, Surrey GU8 4YD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Tristan Clark against the decision of Waverley Borough Council.
 - The application Ref is WA/2024/02106.
 - The application sought planning permission for the erection of extensions and alterations to existing bungalow to form a two storey dwelling without complying with a condition attached to planning permission Ref WA/2019/0189, dated 10 January 2020.
 - The condition in dispute is No 2 which states that: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other Order revoking or re-enacting that Order with or without modification) no development as defined within Part 1 of Schedule 2, Classes A, B, E and F and Part 2 of Schedule 2, Class A and B shall be implemented on the site, without the written permission of the Local Planning Authority.
 - The reasons given for the condition is: in the interest of the character and amenity of the area.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of extensions and alterations to existing bungalow to form a two storey dwelling at Tanglewood, Pickhurst Road, Chiddingfold, Godalming, Surrey GU8 4YD in accordance with the application Ref WA/2024/02106, without compliance with condition number 2 previously imposed on planning permission Ref WA/2019/0189, dated 10 January 2020, and subject to the following conditions:
 - 1) The plan numbers to which this permission relates are 200318 SHT1 (issue 6 24/04/2019), 200318 SHT2 (issue 6 24/04/2019), 200318 SHT3 (issue 6 24/04/2019), 200318 SHT4 (issue 6 24/04/2019), 200318 SHT5 (issue 6 24/04/2019), 200318 SHT6 (issue 6 24/04/2019) and Location Plan. The development shall be carried out in accordance with the approved plans. No material variation from these plans shall take place unless otherwise first agreed in writing with the Local Planning Authority.
 - 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other Order revoking or re-enacting that Order with or without modification), no development as defined within Part 1 of Schedule 2, Classes A and E shall be implemented on the site.
 - 3) The first-floor windows in the north side elevations shall be glazed with purpose-made obscure glazing to the extent that intervisibility is excluded and shall be thereafter retained as such unless agreed in writing with the Local Planning Authority.

Preliminary Matters

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 the comments received have been taken into account in my determination of the appeal.
3. The other appeal on the site regarding the erection of detached double garage following demolition of existing garage (Appeal Ref APP/R3650/D/24/3357767) is the subject of a separate decision.

Background and Main Issue

4. Planning permission was granted for extensions and alterations at Tanglewood. Condition 2 of that permission removed permitted development rights for development under some classes of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) including extensions (Class A), roof extensions (Class B), outbuildings (Class E), hardstanding (Class F), gates, fences and walls (Part 2, Class A) and means of access to the highway (Part 2, Class B). The appellant seeks to vary the wording of this condition.
5. Although the condition was originally imposed also in the interests of the character and amenity of the area, it is clear from the officer report that the Council is concerned about the adverse impact that future extensions to the house and outbuildings in the garden could have on the Green Belt. Therefore, the main issue is whether the condition is necessary and reasonable having regard to local and national Green Belt policies.

Reasons

6. The appeal site lies within an area that forms part of the Green Belt, the Surrey Hills National Landscape (NL) and Area of Great Landscape Value (AGLV). It comprises a detached two-storey dwelling, and small garage set within spacious grounds. The site is enclosed by a post and rail fence and mature hedging on its front boundary with the road.
7. The Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Planning Practice Guidance (PPG) advises on conditions restricting the future use of permitted development rights. It states these may not pass the test of reasonableness or necessity. As such, it is reasonable to assume that permitted development rights should remain in place, unless there is clear justification for such an approach to be taken based on the circumstances and individual merits of the particular case.
8. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and the essential characteristics of Green Belts are their openness and their permanence. 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.

9. Policy RE2 of the Waverley Borough Local Plan Part 1 (WLP1): Strategic Policies and Sites (2018) states that the Green Belt will be protected against inappropriate development unless development meets with the exceptions listed in national planning policy. Policy DM14 of the Waverley Borough Local Plan Part 2 (WLP2): Site Allocations and Development Management Policies (2023) states that Extensions and alterations to buildings in the Green Belt should not be disproportionate to the original building. Replacement buildings should be in the same use and should not be materially larger than the existing building. These policies are broadly consistent with the Framework.
10. The evidence suggests that the planning permission for the first-floor extension was granted on the basis of very special circumstances. At the time, a planning permission¹ for a single storey side extension as well as Certificate of Lawfulness² for a single storey rear extension were presented to the Council as fallback position.
11. In granting planning permission for the first-floor extension, the Council considered that it would preserve the original footprint of the dwelling and result in less spread of development across the plot in comparison to the previously approved single storey extensions to the property. Consequently, in addition to a s106 legal agreement to preclude the permitted extensions from being implemented, the Council utilised a planning condition removing permitted development rights for the construction of other forms of development that would result in both the upwards extension and spread of development across the site.
12. I am mindful of the effect that the works that could be undertaken as permitted development would have on the Green Belt. Therefore, in deciding upon which permitted development rights to remove, it is important to consider the effect the works would have on the Green Belt.
13. The location of the appeal site within Article 2(3) land for the purposes of the GPDO means that there are additional restrictions and limitations for development constructed under Schedule 2, Part 1, Class E. Even so, without any control over permitted development rights under this class, development which could be carried out within the site could still amount to a substantial quantum and spread of built form that could have a detrimental effect on the openness of the Green Belt. This is irrespective of whether any outbuildings may be considered as normal domestic adjunct.
14. Consequently, the reinstatement of permitted development rights under Schedule 2, Part 1, Class E would therefore be at odds with the very special circumstances that justified the planning permission for the first-floor extension, since any structure constructed under such rights would be in addition to the first-floor extension. Furthermore, there is limited evidence before to suggest that the first-floor extension would have been allowed by the Council had the appellant exercised their permitted development rights prior to the planning application for this extension being submitted.
15. I accept that outbuildings are common features within the countryside. However, as set out above, I find that the condition removing permitted development rights for

¹ LPA Ref WA/2016/0764

² LPA Ref WA/2016/1743

the construction of outbuildings is necessary to make the first-floor extension acceptable in planning terms and is relevant to the permitted development.

16. The location of the appeal site within Article 2(3) land for the purposes of the GPDO means that there are already additional restrictions over potential development operations across the site. This includes roof extensions, which are not permitted within Article 2(3) land, and there is no indication that this will change in the future. Consequently, it is not reasonable or necessary to include this restriction within a condition for any reason in this case.
17. Schedule 2, Part 1, Class F relates to hard surfaces and is subject to specific size restrictions. Schedule 2, Part 2, Class A relates to means of enclosure and is also subject to size limitations. Given the nature of such developments, it is unlikely that the implementation of these permitted development rights would have a harmful effect on Green Belt openness. I therefore find no compelling justification for removing permitted development rights for these Classes. Therefore, in this case, it is not reasonable or necessary to include these restrictions within a condition.
18. Schedule 2, Part 2, Class B relates to means of access to a highway. The appellant advises that Pickhurst Road is a C road and therefore a classified road, which is not disputed by the Council. Consequently, permitted development rights for the formation of a means of access onto this road do not exist. In the absence of any indication that this will change in the future, it is not reasonable or necessary to include this restriction within a condition for any reason in this case.
19. I acknowledge that local policy and the GPDO do not specifically withdraw permitted development rights for extensions to dwellings within the Green Belt. Nevertheless, the development plan, like the Framework, seek to safeguard the Green Belt from inappropriate development, which is a matter that attracts substantial weight.
20. The existence of permitted development rights in neighbouring properties is noted. However, the case has not been sufficiently justified why its existence as an option upon some dwellings in the Green Belt outweighs the harm that, for the reasons outlined, could arise from varying the wording of condition 2.
21. Therefore, based on the evidence before me and having regard to the Framework and the PPG, I find that the circumstances at the site are such that a removal of permitted development rights under Schedule 2, Part 1, Class E in relation to Tanglewood is reasonable and necessary to protect the Green Belt from harm.
22. On the other hand, I do not find that removing permitted development rights for roof extensions (Schedule 2, Part 1, Class B), hardstanding (Schedule 2, Part 1, Class F), gates, fences and walls (Schedule 2, Part 2, Class A) and means of access to the highway (Schedule 2, Part 2, Class B) would be reasonable or necessary and these can therefore be reinstated.

Other Matters

23. I have had regard to the examples of appeal decisions provided in respect of development within the Green Belt, where the removal of permitted development rights has been reinstated on appeal. However, many of these examples relate to

different types of development, such as replacement dwellings³ and a barn conversion to residential use⁴ rather householder development, and so are not directly comparable to the proposal before me. Even if similar conditions have been deemed not to be reasonable or necessary elsewhere, this does not alter my observations in respect of the site-specific circumstances of the appeal proposal.

24. The case at Summer Hill House⁵ comprised householder development. I have not been provided with the full circumstances of this case, but it appears that the removal of permitted development rights was not justified by very special circumstances. On this basis, I cannot be certain that the proposal would be comparable with this example.

Conditions

25. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 of the Act should also repeat the relevant conditions from the original permission unless they have already been discharged.
26. Condition 1 of the original permission requires the development to be undertaken in accordance with the approved plans. In the interests of certainty, I have retained this condition. Condition 3 of the original permission requires the submission of samples of materials. Since the extension has been constructed, in this instance I find that this condition is not necessary. Condition 4 of the original permission, related to obscure glazed windows, has also been retained in the interests of protecting the living conditions of the adjoining neighbours.
27. I will vary the planning permission by deleting the disputed condition and substituting a new condition which removes permitted development rights on a narrower range of development.

Conclusion

28. For the reasons given above the appeal should be allowed.

P Terceiro

INSPECTOR

³ Appeal Ref: APP/M3645/W/23/3329121; Appeal Ref: APP/Y3615/W/22/3290698; Appeal Ref: APP/P3420/W/18/3201127; Appeal Ref: APP/H1515/W/21/3284700

⁴ Appeal Ref: APP/K3415/W/18/3208240

⁵ Appeal Ref: APP/P1940/W/21/3275230