



Appeal Decision

Site visit made on 16 July 2025

by **David Murray** BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th August 2025

Appeal Ref: APP/Y3615/D/25/3362795

Halfpenny House, Halfpenny Lane, Chilworth, GUILDFORD, GU4 8PZ

- 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 Sohaib Safiullah against the decision of Guildford Borough Council.
 - The application Ref is 24/P/01523.
 - The development proposed is extensions and alterations.
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Decision

1. The appeal is allowed and planning permission is granted for extensions and alterations at Halfpenny House, Halfpenny Lane, GUILDFORD, GU4 8PZ in accordance with the terms of the application, Ref 24/P/01523, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the extension shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the approved plans – 1746/P: 301, 302 and 303.

Main Issues

2. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt and the effect on its openness; and
 - Whether other considerations clearly outweigh the harm to the Green Belt and any other harm so as to amount to very special circumstances.

Reasons

Background

3. The appeal site comprises a detached house set in a ribbon of residential development which lies in an area of countryside which also forms part of the Metropolitan Green Belt and the Surrey Hills National Landscape (SHNL). It is also designated as an Area of Great Landscape Value (AGLV). The two-storey house lies to the rear of the main frontage properties.

4. The planning history of the site is relevant to this appeal. The Council refers to various applications to replace the original cottage which were refused. However, an application (ref.94/P/00347) for a replacement dwelling was permitted although a condition was imposed to remove permitted development rights. The Council says that this permission was implemented. Another application for a replacement dwelling (Ref 16/P/00191) was permitted, which although a larger dwelling, it was considered to be proportionate. The Council says that this permission was implemented and it is this dwelling that is on the site today.
5. A further application 20/P/1839 for a single storey side extension was refused and dismissed on appeal. The Council summarises this decision as stating that the Inspector concluded that the dwelling had not been completed at the time and the extension that had been built formed part of the whole replacement dwelling and was not an extension. The inspector also concluded that the claimed fallback position for the extension would be of limited weight.
6. An application 24/P/00930 proposed to link the approved annex to the main dwelling house was refused because of the increase in floor space over the original dwelling.
7. I also note that the Council permitted the erection of a single storey side extension under 22/P/01994 and this would be sited in a similar place to the current proposal but would have a smaller floorspace of 12.7sqm compared to that now proposed at 28.8sqm
8. Finally an application for a Certificate of Lawfulness was approved under ref. 24/P/00673. This accepted that an extension of around 30sqm floorspace was permitted development as it was sited at the rear of the building.

Whether inappropriate development

9. Starting with the development plan, Policy P2 of the Council's Local Plan Strategy and Sites indicates that the construction of new buildings will constitute inappropriate development in the Green Belt unless such building falls within one of the exceptions set out in the National Planning Policy Framework (the Framework).
10. Paragraph 154 of the Framework specifies these exceptions where parts (c) and (d) are relevant to this appeal. Part (c) allows the extension and alteration of a building provided that it does not result in a disproportionate addition over and above the size of the original building. Part (d) relates to the replacement of a building provided that the new building is in the same use and is not materially larger than the one it replaces.
11. In terms of part (c) the definition of the original dwelling is set out in Policy P2 as the building as it existed on the 1st July 1948, or if no building existed then, the first building as it was originally built after that time. This definition is slightly different to that set out in the Glossary of the Framework which refers to it as **the** building as existing on the 1st July 1948, or if constructed after that date, as it was built originally.
12. I do not think it material that the Policy and the Framework refer to different descriptions of the building as 'it' or 'the', whereas the important test when

considering subsequent additions is whether such would be disproportionate over and above the size of the original dwelling. However, neither the Policy nor the Framework deal with the scenario of when the building that existed at the 1st July 1948 has subsequently been replaced by a wholly new building. Similarly the Council's Supplementary Planning Document - Green Belt (November 20023) does not address this scenario explicitly.

13. In the case of the appeal site the original building appears to have been completely replaced twice over the last 20 years. This has resulted in a new dwelling with a floor area of about 420 sq.m compared to the 'original' dwelling of about 110 sq.m. Although the national guidance has changed since 1948, considering that issue under the present Framework, the Council must have been satisfied that the replacements leading to the present dwelling did not result in a materially larger building as per exception 154(d). This must also fall within Policy P2 as all of the exceptions to 'inappropriate development' set out in the Framework are generally referred to in section (2) of the Policy.
14. Although I understand the Council's concern about the incremental growth of the appeal site dwelling over time, the existing building has been judged by the Council to be of an acceptable size related to its predecessors and it lawfully exists as a new building in the Green Belt in its own right. It would be unreasonable to now refer back to the original building, as at 1948, when assessing new additions.
15. In terms of the additional floorspace now proposed, the Council advises that the existing building has a floorspace of about 420sq.m and the proposed extension amounts to about a further 30 sq.m. This would not amount to a disproportionate addition in terms of physical scale. Neither would the proposed addition to the property be disproportionate in visual terms as it would not materially lengthen the main elevation and the single storey element would remain subordinate to the main house.
16. Overall, taking account of all of the aspects concerning additions and the replacement of buildings in the Green Belt set out in Policy P2 and paragraph 154 of the Framework, I find that the proposal is not in conflict with these provisions when read together and as a whole and the proposed extension would not be 'inappropriate development' in the Green Belt. I therefore do not need to consider the effect on openness further.
17. Moreover, given this conclusion I do not need to consider whether there are very special circumstances in this case.
18. As the proposal does not constitute inappropriate development in the Green Belt and there is no other harm involved the appeal should be allowed.

Conditions

19. The Council recommends that only standard conditions are needed concerning the timing of the implementation of the development approved; matching external materials; and implementation in accordance with the approved plans. These are reasonable and necessary in the interests of amenity and to regulate the start of development I will impose them.

Conclusion

20. For the reasons given above I conclude that the appeal should be allowed.

David Murray

INSPECTOR