



Appeal Decision

Site visit made on 21 July 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th August 2025

Appeal Ref: APP/R3650/W/25/3360758

Cedar Croft, Hale House Lane, Churt, Farnham, Surrey GU10 2JG

- 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 and Mrs J Cheese against the decision of Waverley Borough Council.
 - The application Ref is WA/2024/02060.
 - The development proposed is the construction of a replacement detached dwelling following the demolition of the existing detached dwelling and detached garage.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr and Mrs J Cheese against Waverley Borough Council. This application is subject to a separate decision.

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; 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. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless one of the exceptions listed applies. One such exception, of relevance in this case, at paragraph 154d) is the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces.
5. Policy RE2 of the Waverley Borough Local Plan Part 1 (LPP1): Strategic Policies and Sites 2018 and Policy DM14 of the Waverley Borough Local Plan Part 2 (LPP2): Site Allocations and Development Management Policies 2023 are broadly consistent with the Framework, setting out that development is

inappropriate in the Green Belt unless very special circumstances are demonstrated, and that proposals will be permitted where they do not conflict with the exceptions listed in national planning policy.

6. The Framework does not define 'materially larger'. However, LPP2 Policy DM14 states that whether a development is materially larger will be assessed by considering changes in scale, mass, height, and floorspace.
7. The appeal site accommodates a detached bungalow, as well as a detached single garage with a flat roof design and a storage outbuilding. The proposal would involve the demolition of these buildings and their replacement with a detached dwelling.
8. There is no dispute between the parties that the proposal would be considerably larger in terms of floorspace and footprint than the existing bungalow and, consequently, it would constitute inappropriate development in the Green Belt. There is no compelling evidence before me to demonstrate otherwise.
9. Therefore, the proposed scheme would constitute inappropriate development within the Green Belt, which is, by definition, harmful. It would therefore conflict with LPP1 Policy RE2, LPP2 Policy DM14 and with the Framework.

Openness

10. The Framework notes that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of the Green Belt are their openness and permanence. The openness of the Green Belt has a spatial aspect as well as a visual aspect.
11. The existing bungalow is a single storey modest building with a limited scale and height. The proposal, given its first-floor accommodation, would have a substantial half-hipped roof with gable features and there would be an uplift in footprint. Therefore, the proposal would be greater in terms of bulk and mass when compared with the dwelling it would replace. As such, in spatial terms, the proposal would reduce openness.
12. The existing dwelling is an unassuming structure, with a shallow pitched roof design and the existing outbuildings are of a modest scale, bulk and height. The site is enclosed by mature hedging on its boundaries which helps limit the overall presence of the existing built form in terms of bulk. The street scene elevation provided shows that the proposed dwelling, due to its height, would loom large in in public views from Hale House Lane above the existing boundary treatment. As such, the proposal would be visually more prominent than the existing buildings and therefore would reduce openness in visual terms.
13. Therefore, the proposal would cause moderate harm to the openness of the Green Belt, in conflict with LPP1 Policy RE2, LPP2 Policy DM14 and with the Framework, which all seek to preserve the openness of the Green Belt.

Other considerations

Fall-back position and demolition of existing outbuildings

14. It has been put forward that the property benefits from two Certificates of Lawfulness for the construction of a single storey rear extension and front porch¹ and for the construction of a garage with extended driveway² granted in 2024. In assessing the implications of these alternative possibilities and their likely effects as a fallback position, I have had regard to established caselaw, including the Mansell³ and Zurich⁴ judgments to which the appellant referred.
15. The evidence indicates that the existing dwelling is a prefabricated structure that is in poor condition with a number of significant structural issues, alongside water damage, mould and a general tiredness to the building. The building further contains asbestos within the soffits, verges and ceiling boards. The appellant asserts that, in its current condition, the building is unsuitable for habitation. Therefore, I am not persuaded that there is more than a merely theoretical prospect that the above developments would be implemented by the appellant, were I to dismiss the appeal.
16. Nevertheless, the evidence suggests that the proposal would result in approximately 11% less floorspace, some 9.5% less volume and would be roughly 47% smaller in footprint, when compared with the totality of the fall-back scenario and accounting for the demolition of the existing outbuildings.
17. While the proposal would have a lesser effect on openness purely in spatial terms, the existing outbuildings are limited in size and their siting close to the boundaries limits their impact on the visual openness of the Green Belt. Moreover, the single storey rear extension would be positioned discreetly behind the dwelling and the single storey detached garage would likely be largely obscured from public views behind the existing boundary treatments.
18. By contrast, whereas the amount of hardstanding would not be substantially different to that already established within the relevant approved Certificate of Lawfulness, the proposed dwelling would appear more prominent due to its roof form and increased height. So, the proposal would appear visually larger than the extended bungalow and have a visually greater impact on openness. The reduction in spread would not wholly offset the increased visual presence of the proposed development. Therefore, even if the fallback option is feasible, it carries no more than moderate weight given the comparable harm of the appeal proposal.

Other examples

19. I have been referred to other properties in the area where replacement dwellings have been approved by the Council. However, I do not have the full details of the circumstances that led to the proposals at Highbank Cottage and Airlie Lodge being accepted. Consequently, I cannot conclude that they represent a direct parallel to the appeal proposal, including in respect of development plan policy.
20. The planning permissions for the developments at Lovett and Li Yuan pre-date the Framework, which was first published in 2012. Further, the Council's current local

¹ LPA Ref WA/2024/01663

² LPA Ref WA/2024/01292

³ Mansell v Tonbridge and Malling BC & others [2017] EWCA Civ 1314

⁴ R (on the application of Zurich Assurance Ltd) v North Lincolnshire [2012] EWHC 3708

plan is more recent than these permissions. Thus, such proposals would have been assessed against a different policy context.

21. The proposal at The Cottage, Crossways comprised the construction of a new dwelling within that property and associated plot sub-division. The evidence provided indicates that that proposal was assessed against a different test within the Framework, the limited infilling in villages at paragraph 154e), which is not the case of the proposal before me. Therefore, this example would not be comparable to the scheme before me.
22. For the above reasons these examples would carry limited weight in my consideration of this appeal.

Essential need

23. The appellant asserts that the current condition of the appeal dwelling is such that its replacement would be more reasonable. While the proposal would be energy efficient and would utilise solar panels, efficient glazing and provide charging points for electrical vehicles, there is no compelling evidence to demonstrate that the proposal before me is the sole means to achieve this. As such, I afford this matter limited weight.

Other Matters

24. The scheme would be acceptable in terms of development requirements including the effect on the character and appearance of the area and would provide satisfactory living conditions for its future residents. However, these are neutral factors that neither weigh for or against the development.
25. The appeal site is located within the Surrey Hills National Landscape (NL). 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. The Council is satisfied that the proposal would not harm the NL, given the architectural design and materials of the proposed dwelling. Based on the evidence before me, I see no reason to disagree.

Green Belt Balance

26. 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.
27. The appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. In addition, there would be loss of openness. The Framework requires that substantial weight is given to any harm to the Green Belt. Even taken together, the other considerations presented in this appeal carry no more than moderate weight. Therefore, very special circumstances to clearly outweigh the proposal's harm to the Green Belt, by reason of inappropriateness, and harm to openness, do not exist.

Conclusion

28. 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