



Appeal Decision

Site visit made on 16 July 2025

by **G Ellis BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Appeal Ref: APP/A3655/D/25/3363344

Hoe House, Prey Heath Road, Woking, GU22 0RW

- 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 Sanjay & Jasma Patel against the decision of Woking Borough Council.
 - The application Ref is PLAN/2024/0669.
 - The development proposed is the erection of a two-storey front extension and single-storey rear infill extension. Rear dormer. Alterations to the roof and fenestration.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Sanjay & Jasma Patel against Woking Borough Council, and this is the subject of a separate Decision.

Preliminary Matters

3. The Council changed the description of development from that on the application form, and the revised wording has been subsequently referenced by the appellant on the appeal form. In my view, this more accurately describes the proposal and has been used in the header above.

Background and Main Issues

4. Policies CS6¹ and DM13² of the Woking Local Development Documents seek to protect the Green Belt from harmful development. They broadly reflect the approach set out in paragraph 153 of the National Planning Policy Framework (the Framework) which indicates that inappropriate development is, by definition, harmful to the Green Belt and should only be approved in very special circumstances.
5. The property lies within the Green Belt. The parties agree that the proposed development would constitute disproportionate additions to the original building and therefore would not accord with paragraph 154(c) of the Framework and would be inappropriate development in the Green Belt. I see no reason to reach a different view.
6. The main issues are therefore:

¹ Woking Core Strategy - October 2012

² Development Management Policies, Development Plan Document - October 2016

- the effect of the development on the openness of the Green Belt; and
- whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Effect on openness

7. The proposal would add substantially to the size of the property, increasing the spatial scale, mass, volume and spread of built form. Set within a large and enclosed plot at the end of Prey Heath Road, the property is not visible from the road or neighbouring properties. The impact would therefore be localised and would have a limited effect on the wider Green Belt. Nonetheless, having regard to the essential characteristics of openness and permanence, there would be a loss of openness, which adds to the Green Belt harm.

Other considerations

8. The appellant's case is based on a fallback position which comprises a number of elements (hereafter collectively referred to as the fallback). Firstly, a large two-storey extension to the front of the property, which is supported by a lawful development certificate³ confirming that the development had commenced in 2015 and that the extension accorded with the provisions of Class A of the General Permitted Development Order 1995 (as amended 2008). Additionally, there is a lawful development certificate in relation to single-storey side extensions⁴ and a prior notification in relation to a single-storey rear extension of a maximum depth of 8m⁵.
9. The Council do not dispute these details or the ability of these elements to be implemented. While the full documentation pertaining to the planning history is not before me, I have no reason to doubt the parties' position on these details, and that these represent a material fallback.
10. The appellant's figures indicate that in total the floor area of the fallback would be 670m² with a volume of 2009m³, compared to 456m² and 1681m³ for the proposed scheme. Thereby equating to a 186% increase in volume compared to the original for the proposed development compared to 242.2% for the fallback. The Council reference these figures and acknowledges the greater footprint, floor area and volume. I have not been provided with any detailed plans of the fallback elements, and therefore, I am unable to fully assess the spatial and visual effects of the volume, massing and built form of the fallback on openness. It is, however, clear that the fallback would extend the property in all directions with a significant spatial spread of built form. While the appeal proposal would also substantially increase the size of the property, it would be less than the fallback and would effectively result in a rectangular building with variations to the roof height and form. The fallback would therefore be larger and result in a greater loss of openness to the Green Belt.

³ Council reference PLAN/2015/0567

⁴ Council reference PLAN/2015/0566

⁵ Council reference PLAN/2015/1144

11. The fallback requires the construction of four separate extensions. Work has only commenced on one of the extensions in 10 years, via a trench for the front extension, in relation to which permitted development rights no longer permit the same scale of extension. The appellant has provided an explanation, due to personal circumstances, why the fallback has not progressed, and I recognise that just because time has passed, it could, in theory, still happen at any time. I have nonetheless been provided with no firm evidence that the appellant is prepared to implement the fallback in the event that the appeal is dismissed.
12. The proposed development is effectively a reconfigured version of the front and rear extensions, which the appellant refers to as tweaks to create an attractive dwelling. The fallback would, on the other hand, create a disjointed layout with gaps between the various projections. In the absence of evidence, I cannot make any comparative assessment of aesthetic merit. However, given the number of elements, different locations and lack of cohesion, the fallback would be unlikely to provide the same arrangement of rooms. Moreover, the appellant clearly prefers the appeal proposal. This increases doubt that the fallback would be implemented if the appeal was dismissed, either by the appellant or by anyone else.
13. The appellant acknowledges the significant increase in size of the property proposed and offers the removal of permitted development rights. However, any removal of permitted development rights would be tied to the implementation of the planning approval. It would therefore be possible for elements of the fallback, and/or other extensions and alterations to be built in line with permitted development limitations, before any work commenced on the approved scheme. This could, for example, result in the side extensions as well as the proposed scheme being built, which would result in a substantially larger property with associated spatial and visual impacts and an increased loss of openness.
14. The appellant's planning statement refers to potential discussions in relation to a legal agreement that would prevent the implementation of the side enlargements and restrict permitted development rights, but no document is before me. There is therefore no mechanism to control the extent of development. A planning condition cannot be used to revoke a planning permission, and, in any event, these are works pursuant to permitted development rights where planning permission is not directly required.
15. Therefore, even if I accept that there would be a greater than theoretical possibility of the fallback being implemented in the event that the appeal was dismissed, allowing the proposed scheme would not necessarily provide any betterment in terms of impact on the openness of the Green Belt. Therefore, for the reasons set out above, I attach moderate weight to the fallback as a consideration in favour of the appeal proposal.
16. I acknowledge that the existing property would benefit from aesthetic enhancements and that the proposed contemporary design would be appropriate for the setting. However, the existing property does not have a negative or intrusive impact on the character of the area, and alterations with a more modern appearance could be achieved in a variety of ways, not necessarily through the scale of development proposed. As such, this is not a matter to which I have attached weight.

Green Belt Balance and Conclusion

17. The development would be inappropriate in the Green Belt, causing some localised but limited harm to its openness. I attach substantial weight to the overall harm that would be caused to the Green Belt.
18. The other considerations advanced in favour of the development attract moderate weight. These other considerations do not therefore clearly outweigh harm by reason of inappropriateness and any other harm, or therefore demonstrate the existence of the very special circumstances necessary to justify approval. The scheme consequently conflicts with Policies CS6 and DM13 as outlined above.
19. Material considerations do not indicate that this proposal should be determined other than in accordance with the development plan.
20. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

G Ellis

INSPECTOR