



Appeal Decision

Site visit made on 22 July 2025

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2025

Appeal Ref: APP/R3650/W/25/3363511

Land Centred Coordinates 500833 137030 Between Chennels Cottage And 1 Burdocks, The Green, Dunsfold, Surrey, Godalming GU8 4NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by JAM Pension Plan against the decision of Waverley Borough Council.
 - The application Ref WA/2024/02467 sought approval of details pursuant to conditions 1 and 2 of planning permission APP/R3650/WW/22/3300262 (WA/2021/03081) granted on 2 December 2022.
 - The development proposed is a reserved matters application for the erection of five self-build/custom build dwellings with associated works.
 - The details for which approval is sought are appearance, landscaping, layout and scale.
-

Decision

1. The appeal is invalid and therefore I am unable to proceed to consider the reserved matters.

Preliminary matters

2. The description of development in the application form has been amended to align with the outline permission. This is because the reserved matters must be within the ambit of this permission.

Background and Main Issue

3. Outline planning permission for the site was granted at appeal¹ in 2022 with all matters, apart from access, reserved for future consideration. The description of development was the erection of five self-build/custom build (SBCB) dwellings with associated works.
4. Condition one of this permission, requires details of the reserved matters to be submitted for approval within three years of the date of the permission. Condition two requires an application for the approval of the reserved matters to be made before the expiration of two years from the date of the permission. The reserved matters application has been submitted to comply with these conditions.
5. Condition 17 of the permission is a pre commencement condition seeking to control the impact of the development on trees. It requires the submission of a Tree Protection Plan and Arboricultural Method Statement prior to any work on site.

¹ APP/R3650/WW/22/3300262

6. Condition 22 of the permission requires the development to be constructed as SBCB dwellings as detailed in the description of development and defined under the Self Build and Custom Housebuilding Act 2015² (The Act).
7. The Council has not considered the reserved matters in the determination of the application and alleges that the proposal does not constitute SBCB housing. They refer to the absence of any substantive evidence identifying the individuals or groups who intend to occupy the dwellings. This is reflected in the first reason for refusal which alleges failure to comply with condition 22. The two remaining reasons focus on compliance with condition 17 and the effect of the proposal on protected species.
8. Whilst the application has been submitted to seek approval for the appearance, landscaping, layout and scale of the proposal, an application for reserved matters must be consistent with the terms of the outline permission. Based on the evidence before me, the parties do not agree that the reserved matters sought are consistent with the terms of the permission. As a result, the main issue is whether, the details submitted for reserved matters approval are within the ambit of the outline permission, and if so whether the details submitted, comply with the development plan and national policy.

Reasons

9. As detailed in the Act, SBCB housebuilding means the building or completion by (a) individuals, (b) associations or individuals, or (c) persons working with or for individuals or associations of individuals of houses to be occupied as homes by those individuals. The Planning Practice Guidance provides further guidance and advises that when considering whether a home is a SBCB, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout. In addition, it states that off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of SBCB housing.
10. Whilst Condition 22 does not require the submission of further information nor a binding mechanism to secure SBCB housing, the description of development and Condition 22 require the dwellings to be constructed as SBCB homes. It is apparent that SBCB homes was a significant consideration in the appeal decision as the identified demand was a main issue in the hearing. The provision of dwellings matching this definition is therefore a fundamental aspect of the permission and one that the reserved matters must align with.
11. The proposed plans illustrate two similarly designed properties (A or B) with no evidence of who will occupy them or whether they have had primary input into the final design and layout. In addition, neither the application form nor the planning statement address SBCB homes, and it has not been demonstrated, that the applicant is working with or for individuals, or associations of individuals of houses to be occupied, as homes by those individuals. As a result, the plans appear to illustrate off plan housing which could be purchased prior to construction, including a comprehensive layout comprising landscaping, cycle storage, lighting and ecological mitigation across the site. Accordingly, despite no changes to the approved access, the submitted details do not demonstrate SBCB housing and

² as amended by the Housing and Planning Act 2016

therefore the proposal would fail to be consistent with the terms of the outline permission.

12. Whilst the reserved matters cannot override the principle of providing self-build units, the appearance and scale would need to identify how individual owners have had primary input into the final design and layout of each dwelling. Given that properties 1,3 and 5 are identical and 2 and 4 would be identical, it has not been demonstrated that each owner has had primary input into the final design and layout of the properties.
13. To address this, the appellant has suggested conditions. The first, would require an occupant, prior to occupation to demonstrate that the SBCB requirements have been met, and that they have been involved with the design and construction of their dwelling. This condition would neither be reasonable nor enforceable if the reserved matters detailing the appearance and scale of the dwellings have already been approved.
14. Further conditions referring to design codes, plot passports and purchasers having control over external finishes are suggested. The suggested conditions highlight that owners of each property have not had primary input into the reserved matters application. This demonstrates that the details submitted are not within the ambit of the outline permission. In addition, the ability to alter external finishes would result in minor differences in finish but would not give occupiers primary input into the design and layout of a property as required by SBCB housing. As a result, the suggested conditions would not address the reserved matters failing to be consistent with the terms of the outline permission.
15. Due to the application being invalid, it would not be appropriate to consider the reserved matters detailed.
16. For the reasons given above I conclude that the appeal should not continue.

V Goldberg

INSPECTOR