



## Appeal Decision

Site visit made on 24 June 2025 by J Reed MPlan

### Decision by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23<sup>rd</sup> September 2025

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### Appeal Ref: APP/R3650/D/25/3360976

### 6 Gong Hill Drive, Lower Bourne, Farnham, Surrey GU10 3HG

- 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 J Lyons against the decision of Waverley Borough Council.
  - The application reference is WA/2024/01935.
  - The development proposed is erection of a garage/gym.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issues

3. The appeal site is within the Green Belt. As such the main issues are:
  - whether the proposal would be inappropriate development for the purposes of development plan policy and the National Planning Policy Framework;
  - the effect of the proposal on the openness of the Green Belt;
  - the effect of the proposal on the character and appearance of the area;
  - the effect of the proposal on protected species, and;
  - if the proposal would be inappropriate development, 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 it.

### Reasons for the Recommendation

#### *Whether Inappropriate Development*

4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. The Framework adds that the construction of new buildings in the Green Belt should be regarded as inappropriate development but lists exceptions in paragraph

154. The appellant has contended that the exception at Paragraph 154(g) is applicable, which relates to limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt.
6. The Framework defines PDL as land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). The definition however specifically excludes land in built-up areas such as residential gardens.
  7. The appeal site lies outside, but adjacent to, the defined settlement boundary of Farnham. However, none of the policy or guidance put to me indicates that this is to be taken as a definitive measure of whether the site is within a built-up area. Indeed, the appellant refers to the site being well-related to the built-up area boundary. An excerpt from the officer report for a preceding application also describes the site as within an urban-rural transition area, due to its proximity and visual relationship with the large settlement of Farnham.
  8. The site forms part of a linear pattern of residential development on both sides of Gong Hill Drive. Although the plots are spacious and verdant, and adjacent to the open countryside to the south, development along the road is also contiguous with residential development to the north that extends into the centre of Farnham. Having observed the site and surroundings on the ground, it is my judgment that the site lies within the built-up area. Therefore, it is excluded from the definition of PDL in the Framework and the proposal would not therefore meet with the exception to inappropriate development at Paragraph 154(g).
  9. I have had regard to arguments made by the appellant regarding the approach to be taken to proposed extensions to buildings in the Green Belt under Policy DM14 of The Waverley Local Plan Part 2 (2023) (the LPP2), although it is not clear that the exception to inappropriate development at Paragraph 154(c) is actually being argued. Nonetheless, I observed on site that a two storey side extension granted under WA/2024/01130 was being erected in place of several outbuildings. Both parties have acknowledged that this extension is above the 40% threshold for extensions within the Green Belt outlined in Policy DM14, and was instead subject to a visual test in line with supporting paragraph 3.15. In this case, the proposed garage would add to development that already significantly exceeds the 40% threshold. Moreover, visually it would demonstrably increase the footprint, spread and quantum of development on site when viewed in conjunction with the existing dwelling and ongoing extension. Therefore, taken together, I find the proposal would result in disproportionate additions over and above the size of the original building, in conflict with Paragraph 154(c).
  10. The evidence does not otherwise suggest the proposal would meet with any other exception to inappropriate development set out in the Framework. Therefore, the proposal would amount to inappropriate development in the Green Belt.

### *Openness*

11. The Framework indicates that openness is an essential characteristic of the Green Belt, with a key objective being to keep land permanently open. Openness has both a visual and spatial dimension.

12. Gong Hill Drive is a residential road consisting of large, detached dwellings set within deep plots. The openness of the surrounding area is derived from the generous plots of the houses including the spaces around them.
13. The proposal would decrease the spatial aspect of the site's openness through increasing the residential footprint and the extent of built form that would occupy a space that is currently devoid of any buildings and result in a more sprawling form of development. Consequently, the proposal would affect the openness of the Green Belt in spatial terms.
14. The appeal site is set back from Gong Hill Drive behind mature evergreen tree planting, such that the dwelling is well screened from the highway and the surrounding dwellings. The proposal would thus have a limited visual impact on the openness of the Green Belt.

#### *Character and Appearance*

15. The appeal site is located within a verdant residential area consisting of a variety of detached properties of varying architectural styles set in generously proportioned plots. This lends a pleasant open feel and strong sense of spaciousness to the area which contributes positively to its character and appearance.
16. The proposed garage and gym would be set forward of the dwelling on site but in close proximity. It would be read as a clearly subservient addition due to both its single storey height and overall size in comparison with the main dwelling. Furthermore, the use of appropriate materials would assist in assimilating the proposal with the host dwelling.
17. Whilst the proposed addition would be forward of the appeal dwelling's principal elevation, the Council acknowledges that garages to the front of plots are a feature of the immediate area. In any event, limited visibility would be gained from the public realm with only glancing views possible from the highway through the thick vegetation screening the residential plots on Gong Hill Drive.
18. I am therefore satisfied that the proposal does not result in unacceptable harm to the character and appearance of the host dwelling or area. No conflict arises with Policies TD1 and RE3 of the Local Plan Part 1 (2018) (the LPP1) or Policies DM1, DM4 and DM15 of the LPP2 which together require development to be compatible with the host property and the surrounding area.

#### *Protected Species*

19. At appeal stage, the appellant has provided a Bat Emergence Survey that was commissioned for an earlier application (Council Ref WA/2024/01130), and which appears to be referenced in the officer's report for this proposal. The survey found that there was evidence of bats within the appeal site. The appeal proposal is directly adjacent to a grouping of trees bordering the site's boundary and I observed that a section of shrubbery would have to be removed to facilitate the proposal. The submitted survey does not specifically address proposed development in this part of the site, but acknowledges that tree lined boundaries and scattered trees could be used by local bat populations for foraging and commuting. As a result, I am not satisfied that sufficient information has been provided in order to demonstrate that the proposal would avoid harm to protected species when previous surveys show there is a presence of bats on the wider site.

20. Moreover, having regard to Circular 06/2005, the use of a condition would not be appropriate where the presence or otherwise of protected species and the extent that they may be affected by the proposed development has not been established. Therefore, the proposal fails to accord with Policy NE1 of the LPP1 which seeks to retain, protect and enhance features of biodiversity.

### *Other Considerations*

21. The appeal site has an extensive planning history including a lawful development certificate (LDC) for the construction of a detached garage/gym to the rear of the property. This constitutes a fallback position that the appellant could choose to implement instead of the appeal scheme.
22. The site plan indicating the relative position and footprint of the LDC garage suggests a more piecemeal and sprawling form of development with the building significantly set away from the existing dwelling at the rear. Furthermore, due to its larger land take than the appeal proposal, it would have a greater impact upon the openness of the Green Belt in spatial terms.
23. The appellant suggests that the LDC garage would not be carried out if the proposed development was implemented. However, from the information before me and my observations on site, there is a distinct possibility that both schemes could be carried out due to their different locations on site.
24. The appellant has indicated that a suitably worded condition could be used to prevent implementation of the LDC scheme, and refers to the Council using this approach previously. However, a condition only takes effect upon implementation of the development, and a planning condition preventing other buildings being lawfully erected under permitted development (PD) rights before commencement of a planning permission would be unenforceable. Moreover, the example condition cited by the appellant is in my view unreasonable as it would effectively nullify the entire permission were the LDC scheme to be implemented first. There is no other mechanism before me, such as a legal agreement, that would ensure that the LDC scheme, or other PD scheme, would not be erected in addition to the appeal proposal, a scenario which would result in a greater quantum of development overall. Consequently, I find that the appellant's fallback scheme would not present an equivalent or greater degree of harm compared to the appeal scheme, and so does not attract weight in favour of the proposal as a material consideration.
25. I have had regard to the appeal decisions referred to by the appellant, wherein the existence of a fallback position was held to clearly outweigh harm to the Green Belt. I note that the Inspectors in these appeals did not countenance the possibility of both the appeal and fallback developments being erected, but I do not have the full particulars of these cases to establish whether the site circumstances were analogous to the proposal before me. Ultimately, these decisions do not dissuade me from my conclusions above, which I have reached having regard to the specific circumstances of this case.
26. Concerns have been raised regarding the conduct and timeliness of the Council's legal department in attempting to secure an appropriate legal agreement. However, an appropriate legal agreement such as a unilateral undertaking could have been provided that would not have relied upon the Council's agreement. Any dissatisfaction with the Council's conduct is a matter for the appellant to pursue with the Council directly.

27. I note the appellant's desire to create a high-quality family home and that there has been some neighbouring support for the proposals. I also note the appellant's argument regarding a need for a garage, as one existed previously on site. However, these would amount to private rather than public benefits. Moreover, the appellant has a fallback scheme that would provide the desired facilities. The proposal represents a personal preference in respect of the garage's location, rather than the only feasible location. Therefore, I afford these considerations limited weight in the overall balance.

### **Other Matter**

28. The appeal site lies within Surrey Hills National Landscape (SHNL) (formerly Area of Outstanding Natural Beauty) and Area of Great Landscape Value. The Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty of National Landscapes. The Council has not argued that the proposal would cause harm to the SHNL. Taking account of the site's location within an area of established residential development and its screening by vegetation, I am satisfied that the proposal would conserve the landscape and scenic beauty of the SHNL.

### **Conclusion and Recommendation**

29. The proposal would amount to inappropriate development in the Green Belt. Harm to the spatial openness of the Green Belt and protected species would also arise. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt, and very special circumstances will not exist unless harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
30. For the reasons set out above, other considerations, taken together, do not clearly outweigh the harm the scheme would cause. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt. As a result, the proposal conflicts with the Green Belt protection aims of Policy DM14 of the LPP2 and the Framework.
31. Overall, the proposal conflicts with the development plan, taken as a whole, and there are no material considerations, including the Framework, which indicate a decision should be made other than in accordance with it. Accordingly, the appeal should be dismissed.

*J Reed*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

32. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

*K Savage*

INSPECTOR