



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: 24 SEPTEMBER 2025

Appeal Ref: APP/R3650/D/25/3360095

Waverley Hollow, Sheephatch Lane, Tilford, Farnham, Surrey GU10 2AF

- 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 M Weaver against the decision of Waverley Borough Council.
 - The application reference is WA/2024/01819.
 - The development proposed is erection of extensions and alterations together with erection of detached garage following demolition of 3 existing ancillary outbuildings.
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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.

Preliminary Matter

3. The appellant has submitted amended plans as part of the appeal which include the removal of the proposed detached garage and a reduction in the extensions to the appeal dwelling. The Planning Appeals Procedural Guide is clear that the appeal process should not be used to evolve a scheme, and what is considered by the Inspector at appeal should essentially be the same scheme as was considered by the Council and interested parties at the application stage. No publicity has taken place with respect to these plans, and the Householder Appeal Service does not afford the local planning authority or third parties a chance to comment on the changes. To accept these plans would potentially cause injustice to other parties. Therefore, having regard to the *Wheatcroft* principles and other subsequent case law, I have not taken these amended plans into consideration but have determined the appeal on the basis of the plans originally submitted to the Council.

Main Issues

4. 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 Framework);
 - the effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on trees;
 - The effect of the proposal on protected species, and;

- if the proposed development 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

5. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate development but lists exceptions at paragraph 154. One such exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
6. The existing dwelling, which has seen various alterations over time, is a two storey detached property with a single storey extension to the side and rear and two porches to the other elevations. The proposed garage would have a functional connection to the main house, as well as a close physical and visual relationship to it. As such, the proposal would appear as a normal domestic adjunct and could be considered as an extension in conjunction with the other extensions to the dwelling.
7. Policy DM14 of the Waverley Local Plan Part 2 (2023) (the LPP2) outlines that for development outside of the defined settlement boundaries such as the appeal site, extensions or alterations which would increase floorspace by 40% or more over that of the original building will normally be considered to be disproportionate. There is a dispute between the parties regarding the increase in the size of the dwelling over time. The Council puts the original habitable floorspace of the dwelling at 102.6sqm, while the appellant's figure is 108sqm. The Council then calculates subsequent extensions have increased the gross external area floorspace to 184.2sqm, a 79.5% increase. The appellant's calculation of 183.6sqm is effectively consistent with the Council, though the percentage increase is slightly lower at 69.8%. Either way, it is common ground that existing extensions have already enlarged the building beyond the 40% threshold of the SPD. Moreover, the parties agree that the proposed extensions would result in a total floorspace of 255sqm, an overall increase of 136% (appellant) or 148% (Council). Such increases over and above the original size would be disproportionate by any reasonable measure.
8. The appellant has sought to include the volume of a larger outbuilding for which a lawful development certificate (LDC) exists but has not been constructed. The appellant's evidence also seeks to compare the *existing* visible surface elevational area and volume with the proposed. However, the assessment of disproportionate additions is made against the *original* building, taking cumulative account of extensions already built and those specifically proposed, but not other unbuilt extensions potentially allowed under permitted development rights. I separately address the LDC scheme as a potential fallback later in my decision.
9. Turning to the specific proposals, the single storey extension to the north-western elevation, as well as the two-storey extension to the south-eastern elevation, would notably increase the width of the house on its plot. The bulk at first floor level would be substantially increased to include a new prominent hipped roof feature. The alterations to the dwelling would result in an increase to both its footprint and

volume. They would be read as a substantial increase in size which would envelop the existing building.

10. The proposed garage would be an additional substantial building close enough in proximity to the main dwelling to be regarded as a normal domestic adjunct. Its additional footprint and massing would add to the overall size of additions to the original dwelling.
11. The proposal includes the removal of an annexe building and two other sheds within the wider grounds of the property. These are some distance from the dwelling, and from my observations I am unconvinced that these form normal domestic adjuncts. Nonetheless, whilst their removal would offset against the proposed extensions and garage, this would not change the fact that the cumulative size of extensions would still represent a substantial increase to a dwelling that already significantly exceeds the SPD threshold due to past extensions. Indeed, even on an analysis of the *existing* situation (Appellant's Statement of Case, page 7), the combined increase in volume to the dwelling from the proposed extensions and garage of 355 cubic metres would far exceed the volume of the demolished outbuildings of 186 cubic metres.
12. I have had regard to the appeal and Council decisions on other proposals cited by the appellant, but none present equivalent circumstances to the appeal scheme, and none alter my findings above, which are based on the specific circumstances of this case and the particular approach required of the Framework test.
13. For the reasons given, therefore, the proposal would result in disproportionate additions over and above the size of the original building. It would not conform to the exception to inappropriate development given by the Framework and would be inappropriate development by definition.

Openness

14. Paragraph 142 of 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
15. Waverley Hollow is set in a large plot within a valley with woodland flanking the site. The openness of the area is derived from the generous plot and the space surrounding the dwelling.
16. The proposal would decrease the spatial aspect of the site's openness through increasing the residential footprint and the extent of built form on the site due particularly to the proposed garage's width and depth. The size and scale of the proposed garage would also result in a more sprawling form of development due to it occupying a space that is currently devoid of any buildings. This would decrease the openness of the Green Belt in spatial terms.
17. In addition, the extensions to the dwelling cumulatively would increase its footprint by a substantial margin as well as its volume and bulk at first floor level. This in combination would result in harm to the Green Belt in spatial terms.
18. The plans indicate that a number of existing outbuildings would be demolished in the event that planning permission were forthcoming. Demolition of these buildings could potentially be secured by a condition. However, the nearest of these buildings to the existing dwelling is set well away from the main dwelling and would not on its

own offset the proposed extensions and garage. The other buildings are dispersed in more peripheral parts of the extensive grounds and are discreet, lightweight structures, and their cumulative volume is less than that proposed. Consequently, they are not comparable to the visual or spatial effects on openness resulting from the enlarged dwelling and proposed garage which would be closely located in relation to one another within a more central part of the site.

19. I accept that the site is set back from the highway and is only glanced at certain intervals from a nearby public footpath. The visual impact on openness of the Green Belt would therefore be limited. However, the proposed garage and extensions to the dwelling would provide a greater presence of development in the Green Belt, reducing its openness in spatial terms, even when the removal of the smaller, more peripheral outbuildings is taken into account. The proposal would therefore conflict with the Framework insofar as it relates to this matter.

Impact on trees

20. There are several mature trees to the south-east of the site which contribute positively to the verdant character and appearance of the site and wider area. The appellant has provided the copy of a Tree Survey from 2021 outlining the value of the trees whose root protection areas (RPAs) are within the footprint of the two outbuildings that are to be removed. However, this document was not before the Council at application stage, and it has not been able to comment on it. Therefore, to avoid potential injustice, I have not taken this document into account. The appellant has otherwise suggested that a suitably worded condition could be utilised to secure the provision of an Arboricultural Impact Assessment which would provide an appropriate methodology for the proposed works, in light of the appellant's arborist outlining the risk to the trees being low. However, the information before me is ultimately incomplete, and I cannot be certain that the risk to trees is sufficiently low that outstanding details can be left to a planning condition.
21. Therefore, the proposal would conflict with Policy NE2 of the Local Plan Part 1 (2018) (the LPP1) and Policy DM11 of the LPP2 which both seek amongst other things to protect trees.

Protected species

22. The appellant has provided a Bat Emergence Survey (BES) conducted between May and July 2024 with the application to assess the presence and impact of protected species on the site with particular regard to bats. This survey was derived from a Preliminary Ecological Assessment (PEA) and Potential Roost Assessment (PRA) carried out in June 2021, which was not submitted with the application or as part of this appeal, although the Council has referred to it in its officer report. The 2021 PEA/PRA identified that the main house had high potential to support roosting bats and the annexe/shed/outbuildings to be removed had negligible potential to support roosting bats. Consequently, the BES in 2024 only assessed the main house and not the other buildings on site. The BES recorded the presence of day and maternity roosts supporting pipistrelle bats, and commuting/foraging by several species of bat in close proximity to the house. The report goes on to set out mitigation and enhancement measures including the requirement for a European Protected Species Mitigation Licence to be obtained.

23. I do not doubt the findings of the BES as it pertains to the main house. However, it does not include surveys of the other buildings on the land on the basis of the 2021 PEA/PRA, which was approaching three years old at the time of the first emergence survey in May 2024. Industry guidance cited by the appellant¹ states that surveys of more than 18 months old should be revisited and updated as necessary, with the likelihood of this being needed increasing with time. Surveys over three years old are unlikely to still be valid.
24. I have had regard to this guidance and to Circular 06/2005, which sets out that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted. I find that the evidence is incomplete with regard to the presence of bats on the site and the degree to which they would be affected, particularly from the proposed demolition of the outbuildings and given that the BES acknowledges that they are present on the wider site. Moreover, as the level of information currently available does not present a full picture of the extent to which bats are present on the site, use of a pre-commencement condition to secure further information would not be an appropriate course of action in this case.
25. The absence of sufficient information means that I cannot rule out potentially significant harm to protected species, namely bats. The proposal therefore would fail to accord with Policy NE1 of the LPP1 and Policy DM11 of the LPP2 which amongst other things seek to protect species. There would also be conflict with the Framework which states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Other considerations

26. The evidence before me indicates that the appellant has obtained an LDC for an outbuilding in a similar position to the proposal, with a larger footprint but lower height. I have no reason to doubt that the appellant would seek to erect such an outbuilding in the event that planning permission were not forthcoming on the appeal proposal, and I accept that the fallback, if added to the existing buildings on site, would result in a greater overall volume of built form compared to the volume resulting from the appeal proposal where some buildings would be removed. The appellant has indicated that they would be willing to relinquish permitted development rights to construct the alternative outbuilding in the event that planning permission were to be forthcoming.
27. However, it would not be reasonable for a planning condition to prevent buildings being erected under permitted development, as a condition would only be effective on the implementation of the planning permission, and would not prevent the LDC scheme or other permitted development being erected beforehand. There is no other mechanism before me, such as a legal agreement, that would ensure that the appeal proposal would not be erected in addition to the appeal scheme, which would potentially result in a greater quantum of development overall if, for example, the larger garage of the LDC scheme was undertaken, followed by the extensions to the dwelling, with the smaller permitted garage not built.

¹ Advice Note on the Lifespan of Ecological Reports and Surveys – CIEEM, April 2019 (cited in letter from Wychwood Environmental dated 3 February 2025 (Appellant's Statement of Case, Appendix J)

28. In the absence of a means to prevent implementation of the LDC scheme, I find that the appellant's fall-back position 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.

Conclusion and Recommendation

29. The Framework requires that substantial weight is given to any harm to the Green Belt, including harm to its openness, and states that 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. The proposal would amount to disproportionate additions over and above the size of the original dwelling, such that it would amount to inappropriate development. Harm to the spatial openness of the Green Belt would also arise, along with harm to trees and protected species. I conclude that, other considerations in this case 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. Therefore, the proposed development conflicts with the Green Belt protection aims of Policy DM14 and the Framework.
31. Overall, the proposal conflicts with the development plan 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