



Appeal Decision

Site visit made on 7 October 2025

by **David Murray** BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2025

Appeal Ref: APP/Y3615/W/25/3366697

Amberwell, Newlands Corner, GUILDFORD, GU4 8SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mrs Linda Dymore-Brown against Guildford Borough Council.
 - The application Ref is 24/P/01738.
 - The development proposed is the erection of a new dwelling to replace the existing dwelling and kennels.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council indicates that there are some inconsistencies and missing details within the submitted plans of the proposed dwelling. The appellant's agent has rebutted these in his final comments. I am satisfied that the submitted plans do not have substantial errors or missing elements and the proposal can be considered on the basis of these plans.

Main Issues

3. The appeal is against non-determination, however, the Council has set out in its representations why the proposal should be refused. From these the main issues are:
 - Whether the proposal would cause substantial harm to the openness of the Green Belt and therefore constitute inappropriate development;
 - The effect on the landscape and scenic beauty of the Surrey Hills National Landscape and the general countryside character of the area; 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

Background

4. The appeal site comprises a modest, detached dwelling which lies in an elevated position on the slopes of the Surrey Hills. It has a slate roof and mainly slate covered elevations although it is in a poor state of repair and some of the slates

are missing. There are also a number of timber outbuildings and the planning history of the site indicates that these were previously used as kennels. The outbuildings are in various states of repair and some have almost collapsed. The lower part of the site has been planted as a vineyard and there is a high deer-proof fence around the overall site.

5. The site lies off a private road accessed off the A245 and there is a Public Bridleway (No.78) which lies to the west and north of the site. The site occupies a relatively isolated position although well to the south is the complex of Guildford Manor House Hotel. The site lies in the Surrey Hills National Landscape (SHNL) (formerly called an Area of Outstanding Natural Beauty), the metropolitan Green Belt and an Area of Great Landscape Value (AGLV).
6. It is proposed to demolish the existing house and kennel outbuildings and erect a new dwelling. This would have a mainly horizontal format of a contemporary design with two levels of accommodation and be raised up above and cut into the sloping site. The prime living spaces and master bedroom would be at first floor. There would also be a garage at the front of the property and a parking area at a higher level close to the access road.

Whether inappropriate development and the effect on openness

7. Guidance in paragraph 153 of the National Planning Policy Framework (as issued in December 2024) (the Framework) indicates that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. New development is considered to be inappropriate unless it falls within one of the exceptions set out in paragraph 154.
8. The proposal is put forward as complying with part 154(g) which relates to (in essence) partial or complete redevelopment of previously developed land (PDL) provided that it would not cause substantial harm to the openness of the Green Belt. The definition of PDL is set out in the Glossary to the Framework. From this the Council accepts that the part of the appeal site with the dwelling and the kennel buildings involves permanent structures and falls within that definition and I agree. The critical question over inappropriate development is whether there would be substantial harm to openness.
9. Development in the Green Belt is also referred to in Local Plan Policy P2 which refers back to the Framework for its consideration of inappropriate development. The Council also refers to a related SPD on Green Belts but this is no longer wholly consistent with the 2024 version of the Framework especially in the wording of paragraph 154(g) which limits the weight that can be given to this part of the SPD. Nevertheless, the general guidance is still relevant in the consideration of openness.
10. It is established by case law that openness in the Green Belt has both spatial and visual aspects. In terms of the comparison between the buildings that exist and what is proposed to replace them the Council assesses that there would be an increase in footprint of 65% and 149% in floor area.
11. The appellant's schedule indicates that the existing dwelling has a volume of about 195m³ and with the various outbuildings to be demolished give rise to a total volume of buildings about 540m³ compared to a volume of 665m³ for the

- proposed dwelling. This would result in a floorspace increase of about 18% and 23% increase in volume.
12. The appellant also makes provision within additional calculations for the volume of a detached outbuilding (as set out in Certificate of Lawfulness 23/P/02119) and a single storey rear extension to the house (as referred to in Certificate of Lawfulness 23/P/02118) which could be built at the property as a 'fallback'. However the initial judgment on the effect on openness should be made on what exists at the moment and I will consider the potential 'fallback' additions as part of whether there are other 'very special circumstances'.
 13. The difference in figures between the appellant and the Council appears to relate to the issue of whether based on footprint, floor space or volume of building. It appears to me that the appellant's breakdown is more comprehensive and should be taken as the percentage increase in building bulk in mathematical terms when considering the initial spatial aspect.
 14. However, the simple mathematical calculations do not paint a complete picture of the existing site and proposed house. I noted at the visit that the timber outbuildings were very small in scale. Some had felt roofs and open sides enclosed by wire mesh for dogs to roam within and it was possible to see through the buildings. The buildings were generally set apart across the width of the site and they also followed the slope of the land. Overall they had very little effect on the general openness of the site in spatial terms.
 15. This arrangement has to be compared with the form of the new dwelling proposed. The calculations on floor space and volume do not appear to take into consideration that the dwelling would be wholly raised up to cope with the sloping site. The existing land level is shown on the submitted sections A-A and B-B and at the northern end the new dwelling would be raised up by the equivalent of at least an additional storey. At the southern end the land would also have to be raised up to form the elevated walkway to the front door. These aspects of the design of the dwelling proposed add significantly to the scale of the new building in spatial terms.
 16. In visual terms, when viewed from the private road to the south, the spread of the building mass across the site would be considerably greater than the present 1.5 storey dwelling where it is viewed with much space around it. I also assessed the difference from Bridleway 78 alongside part of northern boundary of the overall site. From here the existing dwelling has a minor effect on openness alongside the spread of the very low-key timber outbuildings. Compared with these, the spread across the site, height above ground level and associated bulk of the new dwelling proposed would visually dominate the space. It would greatly impose on the degree of openness that the appeal site currently contributes to the Green Belt.
 17. Taking account to the mathematical calculations put forward but considering the comparison in the round I find that the proposed dwelling would cause substantial harm to the openness of the Green Belt in both spatial and visual terms. The proposal would not accord with the exception set out in paragraph 154(g) of the Framework. The proposed dwelling should therefore be regarded as inappropriate development.

Effect on the landscape of the SHNL

18. The site forms part of the Merrow and Clandon Wooded Downs character area within the SHNL and the Council points out key features of the local landscape which the site is said to display. These features are also set out in the Landscape and Visual Impact Assessment (LVIA) undertaken by James Blake Associates and submitted with the proposal.
19. Local Plan-Strategy and Sites Policy P1 indicates that the SHNL (AONB) will be conserved and enhanced to maximise its special landscape qualities and scenic beauty. I have also kept in mind the legal duty on me under the Countryside and Rights of Way Act 2000 (as amended) to seek to further the purpose of conserving and enhancing the natural beauty of the AONB.
20. In the LVIA conclusion it is accepted that there will be localised visual and landscape effects but it says that as the site is already recognised as a residential plot the replacement dwelling will consolidate the built form of the site surrounded by an existing mature woodland. The influence of the proposals on the SHNL is not judged to be harmful.
21. At my site visit I considered the effect of the proposal from around the site itself, from the private road to the south and from Bridleway 78. I also noted that from around the existing dwelling there were some clear long-distance views to open countryside to the north. There is likely to be reciprocal views from this area to the appeal site which lies in an elevated position on the hillside, although I accept that the spread of these views is limited by the enclosing effect of the mature woodland to the east and west of the part of the site planted with vines.
22. From the private road I concluded that the scale and form of the dwelling proposed would be considerably greater than the existing dwelling and the array of small outbuildings. The long two storey spread of the new house together with the access leading down to the ground floor garage and raised walkway with glass balustrade would have a very urbanising effect on views from the road compared to the present buildings, notwithstanding their current dilapidation. This would be harmful to the character and appearance of the area although the extent to which this harm would be seen would be local to the site because of the general topography of the land.
23. Viewed from Bridleway 78 which runs close to the northern boundary of the site, the existing dwelling together with the wooden sheds are seen as low-key rural features in a small open enclave enclosed by mature trees. The appeal proposal would result in a considerably greater form of built development and the scale of the dwelling proposed would be very noticeable. In particular the black rendered rectangular form of the building together with the extensive areas of glazed walls and glass balustrades set at a raised level above the natural ground level would be visually prominent from this public footpath. It would visually dominate the general woodland setting rather than consolidate what exists at the moment.
24. Overall I find that the scale, form height and projection of the dwelling proposed would be at odds with the present development on the site and would be visually imposing in the local landscape. As such it would harm rather than preserve or enhance the sensitive local landscape.

25. In terms of the impact viewed from the wider landscape to the north, I note that the LVIA considers this from various viewpoints around this visual envelope and assesses the impact as none or negligible. However the LVIA accepts that the field survey was undertaken in the summer and demonstrates a 'best case scenario' when vegetation was in full leaf. It accepts that visibility will typically be greater in the winter. My concerns about the impact of the new house in an elevated position in the SHNL in the autumn and winter time when viewed from the wider countryside therefore remain.
26. I conclude on this issue that the proposed dwelling would not preserve or enhance the landscape character of the SHNL and the proposal would conflict with the provision of Policy P1.

Planning and Green Belt balance

27. On the main issues I have found that the proposal constitutes inappropriate development in the Green Belt as the comparative scale and bulk of the new house would cause substantial harm to the openness of the Green Belt. The Framework indicates that substantial weight must be given to this harm. Neither would the proposal conserve or enhance the landscape character and scenic beauty of the SHNL and the Framework indicates that great weight should be given to these issues which have the highest status or protection.
28. The proposal for the new dwelling therefore conflicts with the parts of the development plan set out above. This has to be balanced with other considerations to see if very special circumstances arise.
29. I have taken account of the appellant's submitted 'fallback' position where a Certificate of Lawfulness was granted on appeal relating to an application for the erection of a detached outbuilding incorporating a swimming pool, garage and study at the existing dwelling. The appellant also refers to a Certificate of Lawfulness for the erection of an extension to the existing dwelling. Taken together and added to the calculations for the existing buildings these are said to give rise to potential total volume of development. When compared to this, it is said that the proposed house would result in a 46% reduction in floor area and 35% reduction in volume.
30. However, few details of the size and location of these permitted works have been submitted with the appeal and I have no information to demonstrate that there is a real possibility that the appellant would carry them out. Nor am I able to assess whether such work would be more harmful to the openness of the Green Belt and/or to the landscape character of the SHNL than the current proposal. Moreover, if reliance is placed on the exercise of 'permitted development rights' in association with the existing dwelling there is no certainty that the same rights would not be exercised in the future for the proposed dwelling. Considered in the round, I am not able to place much weight on the 'fallback' position in effecting the scale of the proposed dwelling to replace the existing buildings and other potential additions.
31. In terms of other considerations, I acknowledge that the proposal is put forward as an individual piece of contemporary architecture and the proposal would be likely to tidy up the site with removal of the dilapidated structures. The proposed house would be highly energy efficient delivering carbon and energy savings and the overall scheme includes measures to enhance biodiversity and ecology. These

measures are all positive benefits but they are relatively common features in modern new development.

32. Overall I find that the positive factors set out above, and including the appellant's 'fallback' position, do not outweigh the identified harm to the Green Belt or to the SHNL when these are both given the weight identified in the Framework. Very special circumstances therefore do not arise in this case.
33. The conflict with the development plan and to the national guidance, when both are read as a whole, is not outweighed by other considerations and this indicates that the appeal should not be allowed.

Conclusion

34. For the reasons given above the appeal should be dismissed.

David Murray

INSPECTOR