



Appeal Decision

Site visit made on 5 November 2025

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 DECEMBER 2025

Appeal Ref: APP/Y3615/D/25/3373048

Stag Cottage, 94a Broad Street, Guildford Surrey, GU3 3BE

- 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 Evan Leighton-Davis against the decision of Guildford Borough Council.
 - The application Ref is 25/P/00612.
 - The development proposed is single storey rear extension to allow for larger living area, new bathroom and bedroom.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning history at this site includes an appeal ref: APP/Y3615/W/23/3331811 where I was the Inspector. For the avoidance of doubt, I have considered this appeal on its own merits.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2024 (the Framework) and any relevant development plan policies.
 - The effect of the proposal on the openness of the Green Belt.
 - 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

Whether inappropriate development

4. The Framework states that inappropriate development is, by definition, harmful to the Green Belt. Development in the Green Belt is inappropriate and thus should be approved only if very special circumstances exist, unless it falls within one of the exceptions in the Framework. This is broadly echoed by Policy P2 of the Guildford Borough Local Plan: strategy and sites (2019) (LPSS)
5. Of relevance to this appeal, paragraph 154c) of the Framework provides an exception for 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.

Policy P2 of the LPSS also includes detail that the original building should be the building as it existed on 1 July 1948.

6. In this case, the building that existed on this date was a barn with 48sqm of floorspace which was ancillary to Grandview House. Subsequently, the building has been replaced and converted to a two storey self-contained dwelling with 133sqm of floorspace. There was also previously a garage on the plot, however it has been removed. Therefore, the 48sqm barn is the original building in this case, and not the replacement building that now exists, nor the demolished garage. I have considered the appeal on this basis.
7. The proposed development seeks permission for an extension of around 48sqm. It would be single storey with a pitched roof, lower than the ridge of the main house, and would occupy the full width of the property. The overall floorspace of the dwelling would be 180sqm.
8. The resultant dwelling would have an increase in floorspace which the Council states would be 275%. Moreover, it would have a much larger volume, floorspace, footprint and external dimensions than the original building. *Heath and Hampstead Society v Camden LBC [2007]* relates to a proposal for a replacement dwelling which is not the situation before me now, nevertheless in this case I have considered matters of size, not solely the increase in floorspace. Overall, the proposed development would result in a considerable increase in size over and above the original building and would be a disproportionate addition.
9. The proposed development is for additions within an existing residential curtilage and there is no evidence before me that would lead me to disagree with the appellant, or Inspector and the Council in a previous appeal (APP/Y3615/D/25/3364649), that the site does not contribute to Green Belt purposes (a), (b), or (d) in paragraph 143. And that it would not fundamentally undermine the purposes of the remaining Green Belt across the area and is within a sustainable location. As such, the site is grey belt land in terms of the Framework.
10. Where a site is judged to be grey belt, the Framework sets out considerations relevant to the development proposals on the site including whether the development would not be inappropriate development in the Green Belt as set out in paragraph 155. These are specific considerations which must be satisfied, and the finding that a site is grey belt does not permit all development on such sites. Paragraph 155b) includes consideration of whether there is a demonstrable unmet need for the type of development proposed. However, there is little detail or evidence before me that establishes a need for this type of development.
11. Therefore, I am not satisfied that there is a demonstrable unmet need for the type of development proposed. Consequently, the circumstances required by paragraph 155b) do not apply.
12. As such, for the reasons described above, the appeal scheme is inappropriate development in the Green Belt both in the terms of the Framework and Policy P2 of the LPSS, the aims of which are set out above.

Openness

13. Openness has both spatial and visual dimensions. The development is set back from the road, would not be readily visible in public views and a mature evergreen hedge provides screening from the property to the east. However, the proposed extension would be likely to be visible from upper floors and the access to the neighbouring Grandview House. Therefore, there is, albeit modest, harm to visual openness. Moreover, the proposed development would increase the size of the dwelling across an extended footprint for the full width of the property. It would result in development in an area that is currently open and would notably increase the scale, mass and amount of built form in this location. As such there would be clear harm to spatial openness.
14. Consequently, for the reasons above, the proposed development would be harmful to the openness of the Green Belt. As such, it would be contrary to the Framework in this regard.

Other Considerations

Personal circumstances

15. The development proposed would create a dwelling with three bedrooms and four reception rooms including a kitchen/dining room, separate living room, office and gym. The extension would provide more adaptable, additional space for the appellant and his family of two adults, three children and a live in au pair. The proposed extension would provide improved accommodation for the appellant and his growing family and this is an important benefit for these occupants. If planning permission is not granted there is a risk that the family would need to move with disruption to education and harm to wellbeing. However, there is little before me to suggest that the appeal proposal would be the only way to ensure that the family could remain in the area and the children's existing schools. As such, the development is mainly a private benefit for the existing occupiers. Consequently, this attracts limited weight. In line with the appellant's summary of caselaw and an appeal decision I will consider whether these personal needs would amount to very special circumstances.

Fallback

16. Stag Cottage does not benefit from PD rights relating to extensions or outbuildings in order that the Council can consider the effect of future development on the Green Belt's openness. A certificate of lawfulness has been granted for siting of a mobile home for purposes ancillary to the use of the main dwelling within the residential curtilage (LPA reference 24/P/01718). It would be moveable with limited attachment to the ground. Therefore, it did not constitute operational development or a material change of use and planning permission was not required for the mobile home used as described.
17. The mobile home would have a 90sqm footprint, a height of 4.5m and would be 88% larger in footprint, 125% larger in volume and an increased scale than the proposed extension. Although moveable it has a certificate of lawfulness to be sited on a permanent basis and it would be seen from similar viewpoints to the proposed extension.

18. This fallback position would result in accommodation with a separate kitchen, living area and two ensuite bedrooms which would be physically separate from the existing house. The separate house and mobile home would not achieve the larger family home that the appeal scheme seeks permission for and given the separation and the layout of the mobile unit, I am not presented with sufficient evidence that it would be appropriate ancillary accommodation to be occupied by the appellant and his three children. It could be used by the appellant's au pair. However, I am not satisfied that this role would be required in perpetuity, nor that the occupation of a physically separate unit by someone linked to the family only by employment, with facilities for day to day independent living and limited functional links with the main dwelling, would be in line with the terms of the certificate which refers to ancillary use. Overall, given the clear assertion from the appellant that the proposed development is required for the growing family, I am not convinced that the fallback position would provide for these requirements. As such, based on the particular circumstances in this case, there would not be a real prospect that the fallback position would go ahead.
19. In addition, while the certificate of lawfulness relates to the particular mobile home proposed there is no reason why a mobile home described as ancillary in the same way could not be placed elsewhere within the curtilage of the property. There is no mechanism before me that would prevent the proposed development and a mobile home from both occurring. Consequently, this would negate any benefits associated with the size and scale of the fallback position.
20. Following the caselaw that is put to me in *Mansell v Tonbridge and Malling BC & others [2017] EWCA Civ 1314* I have considered the concept of a fallback development. However, the weight attributed to a fallback is for the decision maker and I note that the appellant states that it should have significant weight. Nevertheless, having regard to the evidence and, for the reasons above, I attribute limited weight to the fallback position.
21. The Council has not identified harm with regard to the living conditions of nearby occupiers, ecology, character and appearance or energy or water efficiency. Nor am I provided with detail as to how the proposal would improve the accessibility of the house. However, the lack of harm in these regards is a neutral matter.

Green Belt Balance

22. The Government attaches great importance to Green Belts. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt. I have found harm to the Green Belt by reason of the proposed development's inappropriateness. There is also harm to the Green Belt due to the proposed development's effect on openness. These factors weigh substantially against the proposal.
23. The fallback scheme does not justify the development proposed for the reasons set out above and it attracts limited weight. I have also considered that the extension would provide accommodation which would ensure that this family would not have to relocate with the associated temporary upheaval. However, I am not satisfied that the proposed development would represent the only or least harmful option for the appellant and their family to remain in this area. Dismissing the appeal would interfere with the appellant's private rights to enjoyment of their possessions, to family life and their home and the best interests of the child and I

am mindful of the Human Rights Act 1998 and Article 3(1) of the United Nations Convention on the Rights of the Child and the implications of my decision on the best interests of the child or children. I have also had due regard to the protected characteristics in this appeal for the purposes of the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, including the need to eliminate discrimination and advance equal opportunity and foster good relations between those with protected characteristics and others. Nevertheless, these factors must be weighed against the wider public interest.

24. For the reasons given above, the development harms the Green Belt. I am satisfied that these legitimate aims can only be adequately safeguarded by the refusal of permission for the development proposed. Consequently, dismissing the appeal for these reasons would be a proportionate and justified outcome.
25. The other considerations outlined above do not, therefore, clearly outweigh the totality of the harm. As a result, very special circumstances to justify the development do not exist. As such, the proposed development conflicts with the Framework and Policy P2 of the LPSS, the aims of which are set out above.

Conclusion

26. The proposal conflicts with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR