



Appeal Decision

Site visit made on 10 December 2025

by **L Douglas BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date 24 December 2025

Appeal Ref: APP/Y3615/C/24/3354328

Land at High Ryde, Old Lane, Mays Green, Cobham KT11 1NJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
- The appeal is made by Mr Mark Reid against an enforcement notice issued by Guildford Borough Council.
- The notice was issued on 24 September 2024.
- The breach of planning control as alleged in the notice is Without planning permission operational development comprising the construction of three extensions to the property on the south-east, south-west and north-west elevations including associated alterations to the roof and the dormers on the north-east elevation.
- The requirements of the notice are: i) Demolish the unauthorised extensions to the property on the south east, south west and north west elevations including associated alterations to the roof and the dormers on the north-east elevation; ii) Reinstall the affected walls and roof of the dwellinghouse to that which existed prior to the works commencing, as per plan PL/47 on application 04/P/01447 which is attached to this Notice, using materials to match the existing dwellinghouse; iii) Permanently remove from the Land all materials, rubble, rubbish and debris arising from steps (i) to (ii).
- The period for compliance with the requirements is 12 months after the notice takes effect.
- The appeal is proceeding on the ground set out in section 174(2)(f) of the Act.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with a variation in the terms set out below in the Formal Decision.

Preliminary Matter

1. During my site visit, I noted that the elevation plans on Drawing Number PL/47 attached to the notice are incorrectly labelled. This is a basic and obvious error on the plans which is easily identifiable when comparing each elevation to the dwelling. I shall therefore vary the second requirement of the notice by providing clarity on this point, without causing injustice to any parties.

Main Issue

2. The appeal is under ground (f) only. For the appeal to succeed, the appellant needs to show that the steps required to be taken exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy any injury to amenity caused by the breach.

Reasons

3. The notice requires the demolition of the extensions and alterations to the dwelling specified in the description of the breach, the reinstatement of the affected walls and roof, and the removal of the resulting waste from the land. Compliance with the notice would therefore restore the land to its condition before the breach took place. With this in mind, the purpose of the notice is to remedy the breach, rather than any

injury to amenity it may cause. I am not aware of any obvious alternative or lesser steps which would achieve the purpose of the notice with less cost and disruption.

4. Notwithstanding the above, it has been suggested that there would be no material difference between what has been built and what could have been built if the appellant relied on other planning permissions, including that granted by The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). However, there would be significant differences between the external appearance, design, volume, bulk, and roof form of the building as it currently exists and the version claimed to be possible if lawful and previously approved extensions were carried out¹. The size and shape of their footprints would also vary significantly. These are relevant to important planning considerations including Green Belt policy, and as such they are material differences.
5. I note claims that plans approved as part of a certificate of lawfulness for proposed development² issued by the Council in 2016 (the 2016 LDC) show a two-storey rear extension which would have measured 3.5 metres (m) deep. I have not been provided with all documents relevant to the 2016 LDC, and it remains unclear how a 3.5m deep two-storey rear extension may have been lawful. In any case, as set out above, it is clear that two-storey rear extension would have been materially different to the two-storey rear extension the subject of the notice.
6. It is likely that, following compliance with the notice, the appellant would be entitled to lawfully extend the building to a greater extent, which could have a more harmful effect on the openness of the Green Belt compared to the breach of planning control. Be that as it may, there is no valid appeal under ground (a) before me, and the purpose of the notice is to remedy the breach. The planning merits of the breach are not therefore directly relevant to this appeal. Moreover, the proposed single storey side extensions referred to³ do not form part of the breach.
7. It has been suggested that future extensions likely to have a greater effect on the Green Belt could be avoided through the use of planning conditions and a legal agreement, if the requirements of the notice were to be varied. However, as there is no valid appeal under ground (a) and no deemed application for planning permission, I am unable to attach any such conditions. Furthermore, there is no legal agreement before me.
8. I am also unconvinced that the requirements of the notice could be varied to allow the retention of parts of the extensions which are consistent with any lawful and/or previously approved schemes. This is because the examples provided relate to a planning permission which appears to have expired⁴, and a planning permission granted by the GPDO which does not apply retrospectively and is subject to detailed limitations and conditions. Varying the notice in this manner would not remedy the breach, but it would instead effectively grant planning permission for such development under the provisions of section 173(11) of the Act. It is therefore unlikely in this case that the requirements of the notice could be varied in a precise, reasonable and enforceable manner to allow the building to be altered to reflect any other form of lawful and/or acceptable development.

¹ Plan reference 20042/27, Certificate of Lawfulness of proposed development reference 16/P/01670, and planning permission reference 16/P/02587.

² The Council's ref: 16/P/01670.

³ The Council's ref: 24/P/01118.

⁴ The full details planning permission reference 16/P/02587 have not been provided, but page 6 of the appellant's Grounds of Appeal refer to the appellant being capable of re-applying for planning permission for the two-storey front extension.

Conclusion

9. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation.

Formal Decision

10. It is directed that the enforcement notice is varied by the insertion of the text '(where the South elevation shows the front elevation of the building; the West elevation shows the side elevation; the North elevation shows the rear elevation; and the East elevation shows the side elevation)' immediately after the text 'PL/47' within the second requirement at section 5 of the enforcement notice. Subject to the variation, the appeal is dismissed and the enforcement notice is upheld.

L Douglas

INSPECTOR