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## Appeal Decision

Site visit made on 3 November 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13<sup>th</sup> January 2026

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**Appeal Ref: APP/M3645/W/25/3370698**

**Gardenia, Tandridge Lane, Lingfield, Surrey RH7 6LL**

- 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 and Mrs Gatty Saunt against the decision of Tandridge District Council.
  - The application Ref is TA/2025/418.
  - The development proposed is demolition of dwelling. Construction of replacement dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for demolition of dwelling and construction of replacement dwelling at Gardenia, Tandridge Lane, Lingfield, Surrey RH7 6LL in accordance with the terms of the application, Ref TA/2025/418 subject to the conditions in the attached schedule.

### Preliminary Matter

2. During the course of the appeal, a Unilateral Undertaking (UU) was submitted dated the 13<sup>th</sup> December 2025 to secure the dwelling as a self-build dwelling under the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). The Council have had the opportunity to comment on the UU therefore I am satisfied the cases of the main parties would not be prejudiced by accepting the UU. I will return to this matter later in my decision.

### Main Issues

3. The main issues in this appeal are:
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policies; and
  - The effect of the proposal on the character and appearance of the area.

### Reasons

*Whether the proposal would be inappropriate development*

4. The appeal site comprises a substantial plot, containing a detached two-storey dwelling, detached garage and store and a detached outbuilding. The site is located outside the settlement boundary and is within the Green Belt. The proposal is for the demolition of the existing dwelling and the erection of a replacement dwelling.

5. Paragraph 142 of the Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. Development in the Green Belt is inappropriate and thus should be approved only if very special circumstances exist, unless the development comes within one of the categories in the closed list of exceptions in paragraph 154 of the Framework or utilises Grey Belt Land and satisfies the criteria in paragraph 155.
6. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies 2014 (TLP) supports the fundamental aim of keeping land permanently open and restricts inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except where very special circumstances exist. Policy DP10 reflects the provisions of paragraph 153 of the Framework which resists inappropriate development in the Green Belt.
7. Policy DP13 of the TLP identifies certain forms of development that are not inappropriate in the Green Belt. Of particular relevance is criteria (F) which supports development of replacement buildings within the Green Belt where the proposed development is (1) in the same use as the building it is replacing; (2) is not materially larger than the building it is replacing, except where an alternative siting within the curtilage demonstrably improves the openness of the Green Belt.
8. The Council compared the volume of the proposed dwelling with the volume of the original dwelling and not the building it would be replacing when assessing the application. The Council typically looks for an increase in volume of not in excess of 40% and calculates that the volume increase of the proposal from the original volume of the dwelling would be 158.35%. The appellants state the volume increase of the proposal from the existing dwelling would be 91% and that the amount of additional volume is primarily due to the slightly higher ground and first floor ceiling heights and the taller ridge and resulting loft space.
9. Both of these figures are in excess of the 40% volume increase the Council typically considers to be acceptable. However, neither the Framework or the TLP provide a definition of 'materially larger'. Consideration of mathematical calculations alone does not take into account any specific site circumstances, wider details of the proposal or actual visual impact. There is no identified metric to assess what constitutes 'materially larger' and this is a matter of judgement.
10. The proposal would be sited in the same location on the site as the existing dwelling and would retain a similar footprint to the existing dwelling. There would be no encroachment of built form into undeveloped parts of the residential curtilage. Overall, the proposed dwelling would have a compact appearance and would not be considered materially larger than the dwelling it would replace in visual terms.
11. I therefore conclude that the proposed development would not be inappropriate development in the Green Belt. There would be no conflict with policies DP10 and DP13 of the TLP or the Framework which seek to prevent inappropriate development in the Green Belt, except where very special circumstances exist.

### *Character and appearance*

12. The appeal site is partially screened from the road by existing mature hedgerows with a gap in the hedgerow to allow access. The site is well screened to the northern and southern side boundaries but is largely open to the fields to the rear (west). Overall, the screening to three sides of the site gives it a contained appearance which does not appear open or exposed, especially from public viewpoints on the main road. The site itself is large and can comfortably accommodate a dwelling of the size proposed without causing harm to the character of the area.
13. Whilst the existing building has some architectural merit and interest it is not listed or locally listed and therefore whilst its loss maybe regrettable, it has no statutory protection.
14. The proposed dwelling would be set into the site, back from the road frontage which would ensure the proposal would not appear unduly prominent in the street scene. There would be only one immediate neighbour to the proposed dwelling and the nature of the sporadic residential development in the area means there is no uniform building type or architectural features which provide local distinctiveness within which the proposed development would need to conform.
15. The proposed dwelling would have a compact, contemporary appearance, but the materials would reflect the existing building through the use of render, timber cladding, brick and slate roof tiles. The overall appearance of the dwelling would not appear alien in the landscape.
16. In conclusion, the proposal would not harm the character and appearance of the area and would comply with Policies DP7 of the TDLP and policy CSP18 of the Tandridge District Core Strategy 2008 which require new development to be of a high standard of design that reflects and respects the character, setting and local context of the area and does not result in over development or unacceptable intensification.

### **Other Matters**

17. The appellant has submitted a UU dated the 13 December 2025 which secures the dwelling as a self-build or custom build dwelling as defined under the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). This is necessary to secure the exemption from providing Biodiversity Net Gain (BNG) and meets the tests as set out in paragraph 58 of the Framework. The Council have had the opportunity to comment on the UU and raise no objection.
18. Due to the separation distance between the proposal and neighbouring properties and the small scale of the proposal, I do not consider the process of building out the development would have any significant effect on the amenities of the occupiers of neighbouring properties.

### **Conditions**

19. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents.

20. The standard time limit for implementation is attached and in the interests of certainty, a condition to define the plans with which the scheme should accord.
21. A condition requiring an additional survey following the submission of the Preliminary Roost Assessment is required to protect ecology. This is a pre-commencement condition as it is necessary to determine what mitigation measures are required prior to development commencing on site.
22. A condition requiring the protection of trees on site is required to prevent damage to the trees in the interests of visual amenity. This is a pre-commencement condition to ensure the protection of the trees from the start of the development.
23. A condition requiring the installation of the solar panels is required to enable the development to actively contribute towards the reduction of carbon dioxide emissions and comply with development plan policy.

**Conclusion**

24. For the reasons given above the appeal should be allowed.

*C Coles*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos L01 Rev A, BP02 Rev C, SP01 Rev A, SP02 Rev D, 02 Rev D, 03 Rev E, 03b Rev C, 04A Rev E, 05 Rev C received 7<sup>th</sup> April 2025, 25-1953-TPP received 8<sup>th</sup> May 2025.
- 3) No development shall take place until the additional surveys outlined within the Preliminary Ecological Appraisal dated 24th February 2025 have been undertaken and submitted to the Local Planning Authority for approval. Thereafter the development shall be carried out in accordance with the recommendations and mitigation measures set out the in the Preliminary Roost Assessment and any other recommendations or mitigation within the subsequent submissions.
- 4) No demolition or building operations shall start until the tree protection measures detailed within the approved arboricultural report 'Canopy Consultancy Arboricultural Impact Assessment and Method Statement' have been implemented.

Thereafter these measures shall be retained and any specified staging of works strictly adhered to throughout the course of development, and shall not be varied. In any event, the following restrictions shall be strictly observed:

- (a) No bonfires shall take place within the root protection area (RPA) or within a position where heat could affect foliage or branches.
  - (b) No further trenches, drains or service runs shall be sited within the RPA of any retained trees.
  - (c) No further changes in ground levels or excavations shall take place within the RPA of any retained trees. The development hereby approved shall be constructed in accordance with a Tree Monitoring Program.
- 5) Before the development hereby approved is occupied the solar panels as specified in the application details shall be installed and this system shall thereafter be retained in perpetuity in accordance with the approved details.

**\*\*End of Schedule\*\***