



Appeal Decision

Site visit made on 12 January 2026

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st January 2026

Appeal Ref: APP/M3645/W/25/3376114

55 Dome Hill, Caterham, Surrey CR3 6EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Raby against the decision of Tandridge District Council.
 - The application Ref TA/2025/776 was approved on 4 September 2025 and planning permission was granted subject to conditions.
 - The development permitted is demolition of garage and rear conservatory and erection of two-storey side/rear addition plus enlarged porch (amended plans).
 - The condition in dispute is No 5 which states that: "Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no further enlargement of the dwelling shall be carried without the express permission of the Local Planning Authority".
 - The reason given for the condition is: "To retain control over the habitable accommodation at this property and ensure that the dwelling is not enlarged contrary to the Local Planning Authority's restrictive policy for the extension of dwellings in the Metropolitan Green Belt in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP10 and DP13 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014."
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Decision

1. The appeal is allowed and the planning permission Ref TA/2025/776 for "demolition of garage and rear conservatory and erection of two-storey side/rear addition plus enlarged porch" at 55 Dome Hill, Caterham, Surrey CR3 6EF granted on 4 September 2025 by Tandridge District Council, is varied by deleting condition 5.

Preliminary Matter

2. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and in reaching my decision, I have had regard to the Framework published in December 2024.

Background and Main Issue

3. Planning permission was granted in September 2025 for the demolition of the garage and rear conservatory and erection of a two-storey side/rear addition and an enlarged porch to the front elevation. Condition 5 of this permission removed the permitted development rights to allow any further enlargement of the dwelling. However it does not specify which classes of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) it is restricting. The Council considers this condition to be

necessary to prevent further cumulative increases in built form that would result in disproportionate additions harmful to the openness of the Green Belt.

4. Taking into account the above background, the main issue is whether the condition is reasonable and necessary, having particular regard to the appeal site's location in the Green Belt, including any effect upon openness.

Reasons

5. The area is characterised by two-storey detached dwellings, set away from the street by substantial front gardens and driveways, giving the area a spacious and verdant character. Due to the rising land to the rear of the dwellings, woodland and some rear gardens are glimpsed over the houses and through the gaps between them.
6. The Framework sets out that development in the Green Belt should be regarded as inappropriate, subject to a number of exceptions. One such exception, set out in paragraph 154(c), is 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. Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 set out the Council's approach to development within the Green Belt. These policies are consistent with the approach of the Framework.
7. The Framework states that planning conditions should not be used to restrict national permitted development rights unless there is a clear justification to do so. The Planning Practice Guidance (paragraph reference 21a-017-20190723) (PPG) states that conditions restricting the future use of permitted development rights may not pass the tests of reasonableness or necessity. Furthermore, it advises that area-wide or blanket removal of freedoms to carry out small scale domestic alterations, which would otherwise not require an application for planning permission, are unlikely to meet the tests of reasonableness and necessity.
8. Permitted development rights can in some circumstances permit sizeable extensions. The Council has not set out what the potential for further development of the appeal site within the relevant classes of the GPDO could amount to on the appeal site. Neither has the appellant indicated any intention regarding future extensions and there is no evidence before me as to whether permitted development rights are likely to be used to their maximum.
9. Nevertheless, the GPDO does not make any concessions for Green Belt land in its allowances for domestic extensions and alterations. Permitted development is subject to controls regarding scale and appearance within the GPDO itself.
10. Openness is an essential characteristic of the Green Belt; it can be perceived both spatially and visually. Viewed from the street, with the approved two-storey side extension in place, there would be virtually no view into the rear garden due to the narrow gap between the appeal property and the neighbouring dwelling. Potential extensions under the GPDO would, in the main, be contained to the rear or would involve a loft conversion, both of which would have a limited effect upon the street scene. Consequently, any loss of visual openness from public viewpoints would be very limited as a result of any future enlargement pursuant to the GPDO.
11. Any additional extension would necessarily have some effect upon spatial openness, though there are restrictions in place within the GPDO regarding the

size and site coverage of any extension or outbuilding. The appeal site is well contained by garden fences and dwellings on either side. Any extension would be contained within the existing domestic curtilage and would not be perceived to be encroaching into the countryside beyond. Given the restrictions already contained in the GPDO, I find that the effect upon spatial openness arising from extensions pursuant to the GPDO would therefore also be limited.

12. I note the Council's concerns over unrestricted permitted development rights undermining the effectiveness of Green Belt policy. I have considered this appeal on its own merits. Based on the evidence before me and in line with national policy and the restrictions contained within the GPDO, I am not of the view that the potential to develop within the parameters of the GPDO would undermine national and local Green Belt policy.
13. For the reasons set out above, and in line with the advice contained in the Framework and PPG, I find that the condition is not necessary or reasonable in the interests of preventing inappropriate development and protecting the openness of the Green Belt.

Other Matters

14. The Council also refer to Tandridge District Core Strategy (Core Strategy) Policy CSP18 in the reason for the disputed condition. This policy seeks to ensure that new development has a high standard of design that must reflect and respect the character, setting and local context, amongst other things. It has not been referred to by the Council in their statement of case, and I do not consider it is directly related to the Council's concerns over the potential for future extensions to result in disproportionate additions which would harm the openness of the Green Belt.
15. In any event, the GPDO also contains conditions regarding the appearance of any extension or alteration carried out. There is no compelling evidence before me that the exercise of permitted development rights for the further extension of the appeal property would cause harm to the character and appearance of the area contrary to CSP18 of the Core Strategy.

Conclusion

16. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition.

L Francis

INSPECTOR