



Appeal Decision

Site visit made on 3 February 2026

by **Robert Naylor BSc (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 February 2026

Appeal Ref: APP/C3620/X/24/3348659

Orchard House, Water Lane, Little Bookham, Surrey KT23 3QH

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (the 1990 Act) as amended against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr George Allen against the decision of Mole Valley District Council.
- The application ref MO/2024/0383, dated 7 March 2024, was refused by notice dated 2 May 2024.
- The application was made under section 192(1)(b) of the 1990 Act (as amended).
- The development for which a certificate of lawful use or development is sought is a proposed 4 No. bay carport.

Formal Decision

1. The appeal is dismissed.

Preliminary Matters

2. For the purposes of obtaining a LDC the burden of proof lies with the appellant, and the standard of proof is the balance of probabilities¹. The relevant date for ascertaining whether the proposed development would be lawful is the date of the application. Consequently, the planning merits of the case are not relevant.

Main Issue

3. The main issue is whether the decision of Mole Valley District Council to refuse to grant the LDC for a proposed 4 No. bay carport was well-founded. The question is therefore whether, at the time of the application, the proposed development would be permitted development (PD), and thereby granted planning permission, by Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO).

Reasons

4. Schedule 2, Part 1, Class E of the GPDO confirms that buildings, enclosures, swimming or other pools that are incidental to the enjoyment of a dwellinghouse are considered PD subject to criteria. Criterion E.1(c) states that development is not permitted if *“any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse.”*
5. It is imperative to first establish which elevation would constitute the ‘principal elevation’ of the ‘original dwellinghouse’ at Orchard House, and the Technical Guidance² (TG) assists in the interpretation of these terms. The TG highlights that usually, but not exclusively, the principal elevation will be what is understood to be

¹ *Thrasivoulou v SSE & Hackney LBC (No 1)* [1984] JPL 732

² “Permitted development rights for householders” - Technical Guidance dated September 2019

the front of the house. The TG further indicates that where there are two elevations which may have the character of a principal elevation, for example on a corner plot (as in this appeal), a view will need to be taken as to which of these forms the principal elevation.

6. In most cases the TG advises that the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as bay windows or a porch serving the entrance to the house.
7. In considering the definition of the principal elevation as contained in the TG, the Council found, on the balance of probability, that the north façade would be defined as the principal elevation. In reaching this conclusion the Council considered that the northern side was accessed via the main highway (Water Lane) serving the house and contained the main architectural features such as the entrance to the house, and an open decorative porch. Furthermore, the postcode and the address of the property refer to Water Lane rather than Lower Road.
8. From my site observations, it was clear that the appeal site was accessed from Water Lane via a gated access route, leading to a pea-shingled hardstanding where the development subject to this appeal is proposed. There was an additional access from Water Lane located further north adjoining the existing outbuildings in the corner of the site.
9. The property itself exhibited an entrance door, including a letter box under a classic styled flat roof portico supported by two pillars, facing the hardstanding. In comparison, the elevation fronting Lower Road appeared more subservient and less inviting than that of the northern elevation. I acknowledge that the Lower Road elevation does contain a large set of French doors, however these serve a dining room, and this façade as a whole, appears to be the rear of the property. Furthermore, there was no access route to the highway along Lower Road. Consequently, I would therefore concur with the Council that the northern elevation is the principal elevation.
10. The appellant draws my attention to a previous permission³ granted at the site for the demolition of the existing single storey side element and erection of a two storey side extension and entrance porch, although they provide little information in respect to the permission details. Nevertheless, the appellant alleges the northern elevation was the rear of the 'original dwellinghouse'. However, from the evidence before me, the 'original' property prior to the permission, already contained an access and entrance hall in the northern elevation, lending further credence to this part of the property as the principal elevation.
11. Overall, I would conclude that the principal elevation is the northern elevation accessed via Water Lane. Given the proposed carport would be located forward of the wall forming the principal elevation of the original dwellinghouse, I conclude that the scheme would not comply with the limits and conditions of PD, as set out in Schedule 2 Part 1 Class E.1 (c) of the GDPO and subsequently planning permission is required.

³ Mole Valley District Council Planning Ref: MO/2008/0885

Other Matters

12. The appellant makes references to other LDC decisions taken by the Council in the vicinity⁴, however I am not bound by these decisions. Furthermore, from the limited details before me, these developments appear to relate to carports located to side elevations rather than forward of the principal elevation and thus are not directly comparable. Nevertheless, I can only consider whether the development before me is lawful, based on the submitted evidence, which for the reasons stated above, does not benefit as PD.

Conclusion

13. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful development for a proposed 4 No. bay carport is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

Robert Naylor

INSPECTOR

⁴ Mole Valley District Council Planning Refs: MO/2022/0172 and MO/2021/1542