



Appeal Decision

Site visit made on 13 January 2026

By A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2026

Appeal Ref: APP/Q3630/C/24/3344981

Loch Fyne, 28 Laleham Reach, Chertsey, Surrey KT16 8RR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Wassim Kassar against an enforcement notice issued by Runnymede Borough Council.
- The notice was issued on 29 April 2024.
- The breach of planning control as alleged in the notice is the erection of a detached car port shown edged and hatched blue on the Plan and the erection of a three (3) tier pergola structure shown edged and hatched green on the Plan.
- The requirements of the notice are to:
 - 1) Demolish or remove from the Land the car port shown edged and hatched blue on the Plan.
 - 2) Demolish or remove from the Land the three (3) tier pergola structure shown edged and hatched green on the Plan, and
 - 3) Remove all resultant waste and material from the Land.
- The periods for compliance with the requirements is 6 (six) months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended).

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld.

The appeal on ground (a)

1. The ground of appeal is that planning permission should be granted. The main issues are:
 - i. Whether the development is inappropriate development in the Green Belt having regard to the development plan and the National Planning Policy Framework (the Framework);
 - ii. The effect on the openness of the Green Belt; and
 - iii. If the development is inappropriate development in the Green Belt, whether any harm by reason of inappropriateness, or any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Whether inappropriate development

2. The Government attaches great importance to the Green Belt and its essential characteristics of openness and degree of permanence. Substantial weight should be given to any harm to the Green Belt, including harm to its openness.
3. Policy EE14 of the Runnymede Local Plan 2030 Adopted 16 July 2020 (the LP) relates to extensions, alterations and replacement buildings in the Green Belt. It is consistent with the latest Framework stating that in all cases development proposals should maintain the openness of the Green Belt and not conflict with the purposes of including the land in the Green Belt.

4. The Framework states that the construction of new buildings is inappropriate in the Green Belt apart from a few exceptions, including paragraph 154c) relating to extensions and alterations to buildings. The extension or alteration of a building is not inappropriate development provided that it does not result in a disproportionate addition over and above the size of the original building.
5. There are different ways of assessing and measuring proportionality. In this case the LP does not contain specific limits in terms of floorspace and/or volume. However, the Framework refers to size. Consequently, in cases such as this it is suitable to look at the overall increase in terms of volume, floorspace, footprint and external dimensions.
6. In *Warwick DC v SSLUHC, Mr J Storer & Mrs A Lowe* [2022] EWHC 2145 (Admin) the judge concluded that paragraph 154 (c) "... is not to be interpreted as being confined to physically attached structures but that an extension for the purposes of that provision can include structures which are physically detached from the building of which they are an extension." (paragraph 52). In other words, it would be unlawful to find that an outbuilding should not be treated as an "extension" for the purposes of paragraph 154 (c) solely on the basis that it was not linked to another building. Whether a detached structure would amount to an extension of the existing building is a matter of fact and degree.
7. For residential outbuildings, it would be reasonable to take into account whether the proposal was a "normal domestic adjunct" (an expression used in the judgment of *Sevenoaks DC v SSE & Dawe* [1997]). In addition, consideration could be given to the purpose and use of the proposed building, its relationship with the original building and its size.
8. If a curtilage building is held not to be an "extension" then it would not fall within paragraph 154 (c) and so would be inappropriate development. If it does amount to an "extension" then an assessment should be made as to whether it would result in disproportionate additions over and above the size of the original building.
9. In this case both parts of the alleged breach; the detached car port and three tier pergola structure can therefore reasonably be described as normal domestic adjuncts given their purposes and use and unseverable relationship with the original building on-site. As such, as a matter of fact and degree both amount to an extension of the existing building and should be considered as such for the purposes of this decision.
10. In terms of their footprint, I see from the evidence before me and my own site observations that the development is disproportionate to the original building in terms of additional footprint; very significantly adding to the footprint of built development on-site to an unacceptable degree. Furthermore, there is a disproportionate amount of physical bulk and scale of development above and beyond the dwelling that has recently been completed.
11. Although the dwellinghouse is located in a relatively large plot, that does not mean that a disproportionate addition over and above the original building is acceptable. In fact, in terms of what is before me the overall size of development is clearly disproportionate. As such it constitutes inappropriate development in the Green Belt which is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

12. Openness is an essential characteristic of the Green Belt. The north side of Laleham Reach is dominated by residential development and other buildings. However, by introducing additional significant built form where previously there was none the development reduces the openness of the Green Belt to some extent.
13. I am mindful that visual impact is implicitly part of the concept of openness and note in this regard that the development is clearly visible from the surrounding area, including from the opposite side of the River Thames and thus is experienced visually. I recognise that there is a broad range of development in the locality, including different styles, materials and sizes, but the development the subject of the current appeal is clearly perceptible in its Green Belt surroundings. As such it has a harmful effect on the openness of the Green Belt.

Other considerations

14. The appellant has stated that it is not incumbent to demonstrate that very special circumstances exist and therefore none have been demonstrated. The appellant contends that the development represents sustainable development; however, due to the conflict I have found with policy and guidance on the Green Belt that cannot be the case. Therefore, the very special circumstances necessary to justify the proposal do not exist in this case.

Conclusions

15. The proposal comprises inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. To be added to that harm is the harm to openness that I have identified. The Framework indicates that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist, unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The very special circumstances necessary to justify the development have not been demonstrated. Accordingly, for the reasons set out above, I conclude that the development conflicts with Policy EE14 of the LP, the LP as a whole and the Framework. The appeal on ground (a) does not succeed.

The appeal on ground (g)

16. The ground of appeal is that the time given to comply with the requirements is too short. I am satisfied that six months would be sufficient to demolish and remove from the Land the car port and demolish and remove from the Land the three tier pergola structure. The appellant argues that the period does not allow the appellant sufficient time to appoint a contractor to carry out the works and it does not allow a contractor to programme or schedule carrying out the necessary works and the removal of associated waste and materials. It is suggested that a period of twelve months would strike a more practical, reasonable and proportionate balance. However, given the ongoing harm I have identified to the Green Belt I do not agree that more time should be given. The six month period runs from the date of this decision.
17. Therefore, the appeal on ground (g) fails.

Formal Decision

18. The appeal is dismissed and the enforcement notice upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

A A Phillips

INSPECTOR