



Appeal Decisions

Site visit made on 29 January 2026

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP
an Inspector appointed by the Secretary of State

Decision date: 17 February 2026

Appeal A: Ref APP/R3650/X/24/3341846

Mossy Copse, Smithwood Common, Cranleigh, Surrey GU6 8QR

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Pavel Khodak against the decision of Waverley Borough Council.
 - The application Ref WA/2024/00248, dated 31 January 2024, was refused by notice dated 2 April 2024.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The proposed development for which a certificate of lawful use or development is sought is described in the application form as a single storey side extension.
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Appeal B: Ref APP/R3650/D/23/3335874

Mossy Copse, Smithwood Common, Cranleigh, Surrey GU6 8QR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant approval under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Pavel Khodak against the decision of Waverley Borough Council.
 - The application Ref PRA/2023/02553, dated 21 November 2023, was refused by notice dated 20 December 2023.
 - The proposed development is the erection of a single storey side and rear extensions with a depth of 8m, built off the rear wall of the original house.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Appeal A

Procedural Matter

3. Notwithstanding the description of development in the banner heading above, which is taken from the application form, it is clear from the accompanying plans and documents that the LDC was sought for "the erection of two single storey extensions and alterations to openings on south elevation following demolition of existing detached garage (as amended by plans received 24/03/2024)". The Council determined the application on that basis, and so shall I.

Main Issue

4. The main issue in the appeal is whether or not the Council's refusal to issue the LDC was well-founded.

Reasons

5. General planning permission for the enlargement, improvement or other alteration of a dwellinghouse is given by reason of Article 3(1), Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 ('the Order') subject to limitations.
6. One such limitation (A.1.(e)(i)) is that the enlarged part of the dwellinghouse would extend beyond a wall which forms the principal elevation of the original dwellinghouse.
7. It appears from Plan PD-04 (Rev 4) that part of the roof of the proposed extension on the western elevation would overhang a wall on the northern elevation forming the principal elevation of the original dwellinghouse.
8. Accordingly, I am satisfied on the balance of probabilities that the limitation set out in A.1.(e)(i) applies to the proposal.
9. As the proposed development would not benefit from either general or express permission at the time the application was made for the LDC, it would have been unlawful on that date.

Conclusion

10. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development was 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.

Appeal B

Main Issue

11. The main issue in the appeal is whether or not the proposed development is permitted by the Order.

Reasons

12. On an appeal under section 78 of the Act, the Secretary of State may deal with the application as if it had come to him in the first instance. As the appointed Inspector, 'standing in the shoes' of the Secretary of State, I shall deal with it that way.
13. The dwellinghouse to which the application relates has been demolished. As it no longer exists, there can be no exercise of Class A (or other permitted development) rights in respect of it.

Conclusion

14. I therefore conclude that the proposed development is not permitted under the Order. As the proposal does not constitute permitted development, it is unnecessary and inappropriate to proceed to consider the prior approval matter further.

Andrew Walker

INSPECTOR