



Appeal Decision

Site visit made on 14 April 2026

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2026

Appeal Ref: APP/D3640/D/25/3374712

Newlyn, Highams Lane, Chobham, Woking, Surrey GU24 8TD

- 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 Mrs Natasha Gambrell against the decision of Surrey Heath Borough Council.
 - The application Ref is 25/0782/FFU.
 - The development proposed is demolition of existing outbuildings and part of the existing dwelling. Erection of part single, part double storey front, side and rear extensions and alterations to fenestration.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing outbuildings and part of the existing dwelling. Erection of part single, part double storey front, side and rear extensions and alterations to fenestration at Newlyn, Highams Lane, Chobham, Woking, Surrey GU24 8TD in accordance with the terms of the application, Ref 25/0782/FFU, subject to the conditions in the attached schedule.

Main Issues

2. The main issues in the appeal are:
 - whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt, and
 - if it is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

3. The appeal site is located within the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
4. My attention has not been drawn to any local development plan policy which restricts residential development in the Green Belt but reference has been made to the Framework.

5. Paragraph 154 of the Framework outlines that development in the Green Belt is inappropriate, other than in specific exceptions. One such exception to this, set out at Paragraph 154 c), is for the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. In this context, the original building means the dwelling as originally built or as the building existed on 1 July 1948 (whichever is the later).
6. The Framework does not define what a disproportionate addition would be. As such, it is a matter of judgement for the decision-maker, but the overall size of the building (either in terms of footprint, floor space or volume) is clearly an important factor.
7. The proposal would result in a significant increase of at least 120% in floor space, footprint and volume compared to the original dwelling. In the context of the original building this would represent a disproportionate addition and would not therefore fall within the exception identified at paragraph 154 c) of the Framework. I note that both parties also agree that it would amount to a disproportionate addition.
8. For the above reasons, the proposal would be inappropriate development in the Green Belt, which by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would therefore conflict with the Framework.

Openness

9. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness has both spatial and visual aspects.
10. The host dwelling sits within a generous open plot that spans northwards for approximately 45 metres along Highams Lane, bordered by mature hedging. Although the proposal would be no higher than the main ridge of the existing dwelling, the part single, part two storey side extension would add significant bulk and massing. This would be highly visible from within the street scene, particularly at first floor. Overall, the increased scale of the dwelling would adversely affect both spatial and visual openness.
11. However, I am mindful that as a result of the proposal, the three existing single-storey outbuildings dispersed across the large site would be removed, concentrating built form in the southwestern corner of the site. Furthermore, a large proportion of the increase in the dwelling arises from the single storey wrap around extension to the rear and northern elevations, views of which would be limited from the public realm. Taking these factors into account, I find that the proposal would result in moderate harm to the openness of the Green Belt.

Other Considerations

12. My attention has been drawn to an extant permission for the erection of a two-storey side extension¹, certificates of lawful development (CLD) for a proposed detached outbuilding, detached car barn, single storey side extension and rear

¹ Ref: 23/1080/FFU

extension² and to a decision that has confirmed that prior approval is not required for the enlargement of the dwellinghouse³. It has therefore been accepted that such extensions could be built without planning permission. As the appellant has made the effort to obtain such decisions it is evident that the appellant wishes to extend and alter the existing dwelling, irrespective of the fact that these have not yet been carried out. If I was minded to dismiss this appeal, I am satisfied that there is a reasonable likelihood that such developments would be implemented to cater for the needs of the family and these can be considered to be a realistic fallback position.

13. The appellant has submitted visual representations comparing the fallback position to the appeal proposal. I acknowledge that the appeal proposal would increase the massing and bulk of the dwelling at first floor level; however, compared to the extant permission (23/1080/FFU), it would not appear substantially larger in views toward the principal elevation. Furthermore, compared to the fallback, the appeal proposal would also ensure that development is set away from the shared boundary with New Cottage, retaining the existing spacious gap.
14. Overall, the appeal proposal would result in a notable reduction in built form in terms of footprint, volume and floor space compared to the fallback position. This is due to the removal of the existing outbuildings and the appellant's offer to relinquish the outbuildings approved under permitted development, which includes the carport in the middle of the site and detached outbuilding to the north. Consequently, built development would be consolidated in one area, rather than sprawled across the large site. Although the existing and proposed outbuildings are, and would be, separate from the main dwelling, they would nevertheless be viewed in the context of the main dwelling, and collectively, they would be highly visible and would increase the spread of development along Highams Lane. Considering these factors, I find the appeal proposal would have significantly less impact on the spatial and visual dimensions of the openness of the Green Belt compared to the fallback position. I therefore attribute very substantial weight to the fallback position.
15. The Council has drawn my attention to a dismissed appeal⁴ where the principle of a fallback position was considered by the Inspector. However, in that appeal, the fallback position was found to be less harmful to the Green Belt than the appeal proposal. As I have reached the opposite conclusion in this case, I do not find the cited appeal to be directly comparable to the scheme before me, and I therefore give it very limited weight.

Green Belt Balance

16. Paragraph 153 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt, including harm to its openness and very special circumstances will not exist unless that harm, and any other harm, is clearly outweighed by other considerations.

² Refs: 23/1261/CES, 24/0144/CES, 24/0374/CES & 24/0649/CES

³ Ref: 24/0534/GPE

⁴ Ref: APP/D3640/W/23/3323938

17. The appeal scheme has harmful implications for the Green Belt in terms of inappropriate development and the erosion of the openness of the Green Belt. However, I give very substantial weight to the fallback position which may be implemented. This would have a more harmful effect than the appeal scheme. Overall, I find that the other considerations clearly outweigh the Green Belt harm and very special circumstances therefore exist which justify the development.

Conditions

18. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. In addition to a time limit condition, I have considered it necessary to attach a condition specifying the approved plans, in the interests of certainty.
19. To ensure no adverse impacts on the character and appearance of the area and to the host property, a condition is necessary requiring matching materials.
20. The Council has suggested a condition removing permitted development (PD) rights as well as relinquishing recent approvals, to ensure no adverse impact to the open character of the site. I am mindful of the advice in the Planning Practice Guidance that highlights restricting the future use of permitted development rights may not pass the test of reasonableness or necessity and should only be used if there is clear justification.
21. In this specific instance, as the proposal is for a large dwelling and given the open plot, future works with deemed permission could likely result in significant increases in built form leading to a significant reduction in the openness of the site. This is particularly the case for extensions and outbuildings. I therefore concur with the assessment of the Council in this regard and find that a restriction on carrying out the extant permissions and restricting PD rights is reasonable and necessary to ensure there is control on any further development to safeguard the area's character and appearance, in the interests of the openness of the Green Belt.
22. A condition requiring the removal of the existing outbuildings is necessary to protect the open character of the site. However, I have removed the Council's requirement that outbuilding D should be removed, as by virtue of the footprint of the development hereby approved being implemented, it would in any case have to be demolished.
23. Given the imposition of the forementioned conditions, the appellants suggestion of a unilateral undertaking to restrict the implementation of PD rights is not necessary.

Conclusion

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

T Bennett

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 HA/2327/P7/1 Rev 1b, HA/2327/P7/3 Rev 1b, HA/2327/P7/4 Rev 1b and HA/2327/P7/5 Rev 1b.
- 3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.
- 4) Notwithstanding the provisions of Class A, B, E and AA of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) no further extensions or outbuildings (including the developments agreed under permissions 23/1261/CES, 24/0144/CES, 24/0374/CES, 24/0534/GPE, 24/0649/CES) shall be erected or undertaken on the site.

Any development under the Classes stated above undertaken or implemented between the date of this decision and the commencement of the development hereby approved shall be demolished and all material debris resulting permanently removed from the land within one month of the development hereby approved coming into first use.

- 5) Within one month of the development hereby approved coming into first use, the outbuilding (ref assumed original outbuilding 1 (store) 'C' as shown on drawing No HA/2327/P7/4 Rev 1b as being demolished on the proposed site plan (drawing no. HA/2327/P7/3 Rev 1b)) shall be demolished and all material debris resulting permanently removed from the land.

****End of Conditions****