



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: 29th April 2026

Appeal Ref: APP/R3650/W/25/3376673

Brooklands, Dene Lane West, Lower Bourne, Farnham, Surrey GU10 3PS

- 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 Mr Barry against the decision of Waverley Borough Council.
 - The application Ref is WA/2025/01473.
 - The development proposed is the erection of extensions and alterations to ancillary outbuilding including installation of PV panels and rooflights to provide a dwelling; installation of an access gate.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of extensions and alterations to ancillary outbuilding including installation of PV panels and rooflights to provide a dwelling; installation of an access gate at Brooklands, Dene Lane West, Lower Bourne, Farnham, Surrey GU10 3PS in accordance with the terms of the application, Ref WA/2025/01473, subject to the following 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 the following drawings: Location Plan, 1779/P-201, 1779/P-202 and MW.2507.DLW.TPP.
 - 3) The development hereby approved shall not be first occupied until facilities for the secure and covered parking of bicycles have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved facilities shall be kept available for the storage of bicycles.
 - 4) Prior to first occupation of the development hereby approved, the proposed pedestrian gate onto Footpath 218a shall be erected as shown in plans (1779/P-201). Thereafter the gate shall be retained for its designated purpose for the lifetime of the development.

Application for costs

2. An application for costs was made by Mr Barry against Waverley Borough Council. This application is the subject of a separate Decision.

Main Issues

3. 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,
- whether the proposal meets exemption criteria for biodiversity net gain (BNG), 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

4. 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.
5. Policy RE2 of the Waverley Borough Local Plan Part 1 (LPP1): Strategic Policies and Sites (2018) states that the Green Belt will be protected against inappropriate development, unless development accords with the exceptions listed in national planning policy. Consequently, although this Policy predates the recent changes to National Green Belt policy, it remains consistent with the Framework.
6. Paragraph 154 of the Framework lists certain forms of development that are not inappropriate in the Green Belt; a proposal need only meet one of these criteria. The Council have primarily assessed the proposal against paragraph 154 c) which permits 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.
7. It is not disputed that, in cumulation with previous enlargements of the property, the proposal would result in a disproportionate addition over and above the size of the original building, representing a 147% increase. This puts the proposal in conflict with Policy DM14 of the Local Plan Part 2 (2023) (LPP2). This policy requires, amongst other matters, that extensions and alteration to buildings in the Green Belt are not disproportionate to the original building, and that for development outside of defined settlement boundaries, an increase in floorspace of more than 40% would be considered disproportionate.
8. However, another Green Belt exception, set out in Paragraph 154 g) of the Framework, is limited infilling or the partial or complete redevelopment of previously developed land (PDL) (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
9. The definition of PDL in the Framework includes land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. The appeal site comprises a permanent

structure and associated hardstanding within the existing curtilage of Brooklands. Based on my observations, I am satisfied that the appeal site meets the definition of PDL as set out in Annex 2 of the Framework.

10. The appeal site contains a modest, brick built ancillary outbuilding. The proposal would involve redevelopment of the appeal site by extending and altering the outbuilding to form a dwelling. The issue, therefore, turns on whether the proposal would cause substantial harm to the openness of the Green Belt.
11. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. Planning Practice Guidance (PPG) provides advice on the factors that can be taken into account when considering the potential impact of development on the openness of the Green Belt, with openness being capable of having both spatial and visual aspects.
12. Although the appeal proposal would have a larger footprint than the existing outbuilding, the proposed dwelling would still be of modest proportions relative to the large plot size. It would be single storey in height and no higher than the ridge of the existing building, set substantially back from the road. The site is well contained by the surrounding dense vegetation in a secluded position, ensuring the development is not visually prominent in wider views. I thus find that, despite the increased footprint, it would not be significantly more prominent than the original building nor would it visually or physically dominate the plot. Consequently, any visual and spatial harm to the openness of the Green Belt would be limited.
13. As I have found the harm to the openness of the Green Belt would not be substantial, the proposal would accord with the exception at paragraph 154 g) of the Framework. Accordingly, the proposal would not be inappropriate development in the Green Belt. As Paragraph 154 only requires that one exception is met there is no need for me to assess the proposal against any of the other exceptions or whether any very special circumstances exist. By reason of being in accordance with the Framework, the development would also comply with Policy RE2 of LPP1.
14. Whilst Policy DM14 of LPP2 has been cited on the decision notice in relation to this issue, as this policy relates primarily to exception 154 c) of the Framework, it has not been determinative in my decision.

BNG exemption

15. Schedule 7A of the Town and Country Planning Act 1990 (as amended) (the Act) introduced a statutory framework for biodiversity net gain (BNG), and it applies to all planning applications for non-major development submitted on or after 2 April 2024. Under the statutory framework, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the Biodiversity Gain Condition (BGC), which requires that at least a 10% increase in biodiversity value is met. The proposal is advanced on the basis that, as a self-build dwelling, it is exempt from the BGC. However, the Council consider that it has not been adequately demonstrated the proposal would be self-build.
16. The application form indicates that the proposal would be a self-build dwelling. Reference has also been made multiple times throughout the appellants original submissions that the proposal would be for the current owners of Brooklands to

downsize to. Since the refusal, the appellant has also completed the Council's self-build pro-forma.

17. I acknowledge that a condition was imposed on the extant scheme¹ to secure the dwelling as a self-built unit. However, I am not persuaded that a condition to secure the dwelling as self-build would meet the tests set out in paragraph 57 of the Framework in terms of its enforceability. Moreover, the PPG on conditions makes clear, planning permission usual runs with the land and it is rarely appropriate to provide otherwise.² This is not a case where exceptional circumstances exist which would make it appropriate to depart from this fundamental principle. In my view, a planning obligation would be the most appropriate method of securing the proposal as a self-build dwelling.
18. Notwithstanding the above, the appellant has submitted a planning obligation in the form of a Unilateral Undertaking (UU) dated 27th April 2026. I am satisfied that its content is fit for purpose and secures the dwelling as self-build as per the definition set out in the Self Build and Custom Housebuilding Act 2015 (as amended).
19. With reference to Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 58 of the Framework, the UU is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development. As the obligation secures the dwelling as self-build, the proposal would therefore be exempt from BNG.
20. Given the above, there would be no conflict with Policy NE1 of the LPP1 which seeks to conserve and enhance biodiversity.

Other Matters

21. The appeal site falls within the buffer zones of the Wealden Heaths I Special Protection Area (WHISPA) and the Thames Basin Heaths Special Protection Area (TBSPA), which are designated European sites protected under the Conservation of Habitats and Species Regulations 2017. These areas provide suitable habitats which support important breeding birds including nightjar, woodlark and Dartford warbler.
22. The proposal would result in an increase in people living at the appeal site which could lead to increased recreational disturbance. However, with regards to WHISPA, on the evidence before me, which includes advice from Natural England, the threshold at which proposals for new residential development would be expected to have a significant effect on the integrity of these sites is 20 dwellings. The proposal is for an alteration to an existing ancillary outbuilding and would not result in a dwelling net gain. I am therefore satisfied the proposed development, alone or in combination with other plans or projects, would not have a likely significant effect upon the integrity of WHISPA and no mitigation is required.
23. The appeal site lies within the 5-7km buffer zone of the TBSPA. It has been established that only major development over more than 50 units located between 5-7km of the TBSPA would be capable of affecting the TBSPA and that such development should be assessed on a case by case basis with Natural England.

¹ Ref: WA/2024/02396

² Ref: Paragraph 21a-015-20140306

Consequently, given the nature of the proposal, it would not have a likely significant effect on the integrity of the TBSPA.

24. The Conservation of Habitats and Species Regulations 2017, requires that where a project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, the competent authority must before any grant of planning permission undertake an Appropriate Assessment (AA). As I have found the proposal would not have a likely significant effect, there is no need for me to undertake an AA.
25. The appeal site is within the Surrey Hills National Landscape (NL), where I have a statutory duty to seek to further the purposes of conserving and enhancing its natural beauty. The site is also within an Area of Great Landscape Value (AGLV). The Surrey Hills Management Plan 2020-2025 states that the special qualities and significance of the NL are derived, in part, from its mosaic of farmland, woodland, heaths, downs, and commons.
26. Policy RE3 of LPP1 outlines that new development must respect and, where appropriate, enhance the character of the landscape in which it is situated.
27. The dwelling would be of a modest size, clad in stained timber, set significantly back from the road and screened by dense tree cover. As the existing building is currently used as ancillary accommodation, alongside associated domestic paraphernalia, there would be no further domestication of the site. The use of stained timber cladding would integrate effectively into the woodland setting. Although the development would subdivide the site, both the appeal plot and remaining curtilage of Brooklands would remain spacious.
28. Given the above, there would be no adverse changes to the landscape features of the NL or AGLV. In my judgement, the landscape and scenic beauty of the NL would be conserved and enhanced. I note that the Council reached a similar conclusion on this matter.

Conditions

29. In addition to the standard implementation condition, I have imposed a condition specifying the relevant drawings as this provides certainty. The Council also suggested a condition requiring cycle provision. I deem this is necessary in the interests of promoting sustainable modes of transport. To ensure safe pedestrian access and egress from the site in a flood event, a condition requiring the provision of secondary access prior to occupation is necessary. Finally, the Council suggested a condition requiring a BNG plan. However, as the dwelling has been secured as self-build this condition is not necessary.

Conclusion

30. For the reasons given above, and subject to the attached conditions, the appeal is allowed.

T Bennett

INSPECTOR