



Appeal Decision

Site visit made on 16 March 2026

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date 05 May 2026

Appeal Ref: APP/Y3615/C/24/3342584

Pinewood, Guildford Road, Effingham, Leatherhead KT24 5QF

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
- The appeal is made by Mr G. Evangelos against an enforcement notice issued by Guildford Borough Council.
- The notice was issued on 13 March 2024.
- The breach of planning control as alleged in the notice is '*without planning permission operational development consisting of the erection of a building.*'
- The requirements of the notice are to:
 - i) Demolish the building approximately hatched in black on the attached plan.
 - ii) Remove all debris and materials resulting from compliance with step i).
- The period for compliance with the requirements: 4 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The appeal is dismissed, the enforcement notice is upheld and planning permission is refused.

Preliminary Matters

1. After this enforcement notice appeal was made, an appeal under s78 of the Act was dismissed¹. It concerned the Council's refusal to grant planning permission retrospectively for the erection of a 'detached garage' at Pinewood. The main parties referred to this decision which I am informed relates to the same building as in this current appeal. I have been provided with a copy of that decision and have had regard to it. I have also taken account of comments made by the main parties on the revised National Planning Policy Framework published in December 2024, which was amended by corrections and clarifications in February 2025 (the NPPF).

Ground (a)

2. Ground (a) is that planning permission ought to be granted for the erection of a building. I shall refer to it as the appeal building. The main issues are:
 - whether the appeal building is inappropriate development in the Green Belt, having regard to the NPPF and relevant development plan policy;
 - the effect of the appeal building on the openness and purposes of the Green Belt; and
 - whether other considerations clearly outweigh any harm to the Green Belt and any other harm, so as to amount to very special circumstances.

¹ APP/Y3615/D/23/3333270

Reasons

3. The appellant describes the appeal building as a garage, but also for domestic storage. I saw that it is more than large enough to park a car within it, albeit a wide roller shutter door in one end is set well above ground level and obstructed by a partially finished raised concrete breeze block plinth or retaining wall. It was being used to store a wide range of domestic paraphernalia.

Whether inappropriate development

4. The NPPF sets out that development in the Green Belt is inappropriate unless a certain exception or other relevant provision applies. The appellant promoted the exceptions at NPPF 154(c), 154(d) and 154(g) and the provisions of NPPF 155. The NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Equivalent provisions in Policy P2 of the Guildford Borough Local Plan: Strategy and Sites, April 2019 (the BLP) basically align with the NPPF in these regards.
5. **NPPF 154(c)** includes the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building.
6. I have not been informed that the Council has defined circumstances when a new building is to be treated as an extension of an existing building in the Green Belt. Relevant caselaw has established that the extension of a building can include a physically detached building. This is a matter of planning judgement.
7. I accept that in type, size, design and purpose, a functional relationship has been established between the appeal building and Pinewood, the house where the appellant and his family live. But regardless, it is located some 90 metres away from the house. Such a significant, physical separation means the appeal building is not sufficiently close to Pinewood to be a normal domestic adjunct to it. Nor has it been suggested that it should be treated as an extension to any other building on the land (as edged red in the enforcement notice plan).
8. There is little evidence about whether the appeal building causes disproportionate additions over and above the size of Pinewood, the original building. Nevertheless, as a matter of fact and degree, the appeal building is not an extension of a building, so exception NPPF 154(c) does not apply for this reason alone.
9. **NPPF 154(d)** is for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
10. Planning permission was granted in 1992 for the erection of a detached timber garage with storage and barn facilities (the previous garage)². An approved plan shows it to be in essentially the same position on the land as the appeal building (the site). As I understand it, the appellant claims that the appeal building was constructed on the site on the foundations of the previous garage, which existed for an extensive period of time prior to its removal.
11. I have no reason to doubt that the appeal building is in broadly the same use as should have been the previous garage, given condition No.3. This specified its use as for the storage of private motor vehicles or ancillary domestic storage only and

² 92/P/0649

- for no other purpose. Though larger in some dimensions, the appeal building is basically similar in overall size and form as would have been the previous garage.
12. However, the appellant has not said when the previous garage was actually removed, or if this was as part and parcel of precursory works to erect the appeal building. Between 1999 and 2005, the Council's aerial images show the approved location of the previous garage to be part of a grass field. If the previous garage was erected, these images indicate it had been removed by 1999 and any baseline built form long since lost. The appeal building is not said to have replaced any other building or structure. On this basis, by July 2022, when a Council officer saw the appeal building under construction, the site was devoid of three-dimensional built form and had been for many years.
 13. The appellant has therefore not demonstrated, as a matter of fact and degree, that there was a building to be replaced, so exception NPPF 154(d) does not apply.
 14. **NPPF 154(g)** is essentially for limited infilling or partial or complete redevelopment of previously lawfully developed land (PDL), including the curtilage of such land³. It is subject to the proviso that this would cause no substantial harm to the openness of the Green Belt.
 15. The appellant does not claim the appeal building is lawful development. Instead, that a large central square parcel of the land (the square), which includes the site (thus the appeal building), is lawfully developed as residential garden land. But the enforcement notice does not pursue use of the appeal building or use of any of the land, so there is no hidden ground (c). Nor is there, for instance, a statutory declaration, any photographs taken by the appellant or a lawful development certificate (LDC) to support what is claimed. An application for an LDC would provide a formal determination in this regard.
 16. For the purpose of this appeal, I saw that the square includes a BBQ/dining and sitting out area under a large, covered pergola, other seating and tables, children's play equipment set into the ground, on it or attached to trees and outdoor lighting. The grass has also been maintained by mowing.
 17. The appellant does not say when any of this was established, just that the square (so the site) has been used as residential garden land for more than 10 years, since at least 2014. Nor have I been informed if this use has been continuous and without significant interruption. Albeit showing some unspecified objects that appear to be temporary or intermittent on the land in the square (and may include what has been described as a pergola type of umbrella), there is little to suggest other than that the Council's aerial images show the parcel (and the site) as essentially an undeveloped grass field between 1999 and 2018.
 18. The appellant's submissions are otherwise largely speculative or anecdotal and though do not need to be corroborated by independent or objective evidence, this imprecision casts significant doubt in my mind. The apparent uncertainty regarding the presence or not of the previous garage adds further doubt. There is little else to substantiate, on the balance of probabilities, that the site is lawfully developed by use as residential garden land.

³ NPPF Annex 2: Glossary

19. There is then no dispute that the modest, semi-detached house that is Pinewood is lawful development, including the very long but narrow back garden which is broadly similar in these dimensions to most of the other residential properties along this side and stretch of Guildford Road. Relevant caselaw has established that whether (in this case) the site, thus the appeal building, is in the curtilage of this building is a matter of planning judgement.
20. There is evidence that the square was used in 2005 as a grazing paddock, when the appellant submitted a planning application to erect a stable on it. Then in 2009 in mixed use as a paddock and for siting a caravan. It is fenced off along the boundary of the apparent lawful extent of the back garden of Pinewood, including a pedestrian gate, and an unsurfaced (mainly bare earth) access track in one corner leads to Salmons Road. Albeit that the land has been in the single ownership of the appellant (or his wife) since 2005, physical and visual separation of the square from the back garden by a fence, including hedgerow or trees, is also evident in the Council's aerial images since 1999.
21. Given the functional relationship in respect of the appeal building outlined earlier, and albeit unlawfully, I accept that the site now serves the purpose of Pinewood in a reasonably useful way. Also, that despite somewhat inconveniently set well apart from Pinewood, the site is nonetheless used by the appellant for the comfortable enjoyment of this house. However, the site is innately so distant from Pinewood that it is neither visually nor spatially integrated with this building and does not form one enclosure with it. Fundamentally, it is not intimately associated with Pinewood and does not form part and parcel of this building. Despite the conflicting stance of the Council in what it has considered the curtilage to be, there is little before me to suggest that the site is within the curtilage of Pinewood.
22. Furthermore, the previous garage may have been erected on the site and then removed. But if so, considering the Council's aerial images, any remains of this permanent structure had evidently blended into the landscape long before the appeal building was erected on it.
23. Consequently, while there is no dispute that the land is outside of a built-up area, and even if the appeal building amounts to limited infilling or partial or complete redevelopment and does not cause substantial harm to the openness of the Green Belt, on the evidence before me, as a matter of fact and degree, it did not involve PDL, so exception NPPF 154(g) does not apply for this reason alone.
24. **NPPF 155** includes that other development in the Green Belt is not inappropriate provided all three of the applicable criteria a., b. and c. in this case are met.
25. It is common ground that the site does not strongly contribute to any of NPPF 143 purposes (a), (b) or (d) of the Green Belt. In addition, that policies relevant to NPPF footnote 7 do not provide a strong reason for refusing the appeal building. The site is therefore grey belt land. There is then no dispute that the appeal building does not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the development plan. As a result, criterion a. is met.
26. However, there is little objective evidence of a demonstrable unmet need for this type of development in the Council's area and identified as such for planning purposes, so criterion b. is not met. Nor that the appeal building is in a sustainable location, given that it is in the countryside outside of a settlement, so criterion c. is

not met. Because all three of the applicable criteria are not met, the provisions of NPPF 155 do not apply.

27. For the reasons set out above, as a matter of principle, the appeal building is inappropriate development in the Green Belt.

Effect on openness and purposes of the Green Belt

28. NPPF 142 includes the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open and that openness is an essential characteristic of the Green Belt. NPPF 143 sets out the five purposes of the Green Belt.
29. There is little to suggest other than that the appeal building was erected on a largely undeveloped part of the land, by then without significant three-dimensional built form on the site. On this basis, this part of the Green Belt is no longer open in any equivalent or comparative sense than it was and this part of the countryside is now correspondingly more built-up. Whether harm is caused to the Green Belt by this change is a matter of planning judgement.
30. The main stained black horizontal timber clad elevations of the appeal building complement the black metal roller shutter door and dark grey profiled sheet metal pitched roof. It is not dissimilar in design or materials to some other domestic outbuildings I saw near it, at the ends of the back gardens of adjoining houses to the east and the house to the north. This part of the Green Belt and countryside is not free from houses or domestic outbuildings, which are not unusual or unexpected in these areas given that this is where these residential properties happen to be located, including Pinewood.
31. However, the appeal building is long, wide and tall, notably bigger than most of these other outbuildings and this permanent structure could exist for many years. It is elevated above the sloping ground level at one end and on one side by the concrete breeze block structure. Despite some planting near it, the overall size, form, scale and appearance of the appeal building has notable immediate intrinsic visual and physical presence as observed from the land near it.
32. It has resulted in a small increase in the overall density and extent of this pocket of development but not significantly altered the established pattern of built form relative to undeveloped land in between or around it. As such, it has moderate adverse impact on the openness of this part of the Green Belt and a small infringement into the countryside causes limited encroachment in respect of purpose (c) of the Green Belt. I have no reason to differ with the main parties in that the site does not strongly contribute to any of purposes (a), (b) or (d) and purpose (e), about urban regeneration, is not relevant in this appeal.
33. For these reasons, and on the evidence before me, I consider that the change arising from the appeal building does not result in significant urban sprawl and openness is largely preserved, with limited conflict with the purposes of the Green Belt. Accordingly, there is modest harm to the Green Belt in these regards.

Other considerations

34. There is currently no other garage on the land to park a car, or a secure building, like the appeal building, for domestic storage. Over a wide swathe of countryside, including the land, an article 4 direction (A4D) disapplies permitted development

rights (PDR) in the Town and Country Planning General Development Order 1973 for enlargement, improvement or other alteration of a dwellinghouse. This includes that the erection of a garage within the curtilage of a dwellinghouse shall be treated as the enlargement of the dwellinghouse.

35. I note that this provision for garages is not present in the current Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO). While there is little to suggest other than that the A4D remains in effect, Planning Practice Guidance sets out that local planning authorities should monitor any article 4 directions regularly to make certain that the original reasons the direction was made remain valid⁴.
36. Be that as it may, the appeal building is not, in any event, in the curtilage of Pinewood so these A4D PDR, and GPDO PDR for a building for a purpose incidental to this dwellinghouse⁵, do not apply to the site. Considering some dimensions and its siting relative to boundaries, the appeal building anyway exceeds relevant limitations of the GPDO, so is not permitted development.
37. The A4D does not, on the face of it, disapply PDR to erect a building for some other purpose than a garage, such as for domestic storage. In which case, a similar, or larger building in some dimensions, and potentially different in design (than the appeal building), located within the apparent lawful extent of the back garden of Pinewood for domestic storage could be within the curtilage of this house and may be permitted development.
38. Alternatively, a building in this same position, or elsewhere on the land, might require an express grant of planning permission, including as an extension to the house. The A4D does not prohibit the submission an application to this effect. Such a building could also be a garage to park a car, including by extending the access track which has no significant intrinsic built form.
39. However, much of this assertion by the appellant is with little objective evidence to show whether such development is possible and likely to actually be carried out. For instance, with an LDC, pre-application advice from the Council or a specific alternative scheme, including plans. Notwithstanding this, even if either option were a realistic fallback position, in siting and potentially size or design, it would be a materially different development to what is before me, including therefore its impact on the openness or purposes of the Green Belt, so not directly comparable.
40. Furthermore, if the appeal building were not the only option, these circumstances would contrast with another appeal decision put to me⁶. In that case, 'very few options' for siting a garage in the Green Belt contributed to very special circumstances and a grant of planning permission. But that garage was also within the curtilage of a dwelling, with no harm to the openness of the Green Belt and that development plan embraced the principle of ancillary domestic buildings in the curtilage of dwellings in the countryside in the Green Belt. These circumstances do not exist in this current appeal.
41. The enforcement notice does not require the appeal building to be rebuilt or any replacement building constructed elsewhere at Pinewood. There is no certainty the appellant would pursue the same or a different building in any event. Consequently,

⁴ PPG paragraph 049

⁵ Schedule 2, Part 1, Class E of the GPDO.

⁶ APP/C3620/D/20/3261847

there is little to suggest that there would be profligate use of materials and natural resources by such doubling up or repeat development. But even if this occurred, the amount of waste would be relatively limited and such an outcome is a generally accepted consequence of remedying unacceptable unauthorised development for planning purposes in the wider public interest.

42. There are no conditions which could overcome the fundamental objections to the appeal building outlined earlier.

Green Belt balance

43. As required by the NPPF, I give substantial weight to intrinsic harm to the Green Belt by virtue of the appeal building as inappropriate development and to the modest harm to the Green Belt with respect to openness and purposes.
44. There is no other harm in this case, such as to the character or appearance of the area. The absence of other harm is a neutral factor in my decision.
45. Irrespective of who occupies Pinewood, a garage to park a car by this means or a building to store domestic paraphernalia align with objectives of the NPPF for reasons of residential amenity and the living conditions of those who reside in this house. These are important considerations but personal circumstances or the appellant's preference for the appeal building and for it to be on the site, are private benefits so have limited weight. There is also little to suggest that this is the only way to achieve these outcomes.
46. The other considerations do not, therefore, individually or collectively clearly outweigh the totality of the Green Belt harm. Accordingly, the very special circumstances necessary to justify the appeal building do not exist.
47. In these circumstances, the appeal building is at odds with the relevant provisions of the NPPF for the Green Belt set out earlier. It is also contrary to the equivalent provisions of BLP Policy P2 for the Green Belt.

Other matters

48. The appellant's use of the rest of the square and the presence of other structures on it are beyond the remit of this appeal. It is for the Council to decide if it considers it expedient to take further enforcement action in these regards.

Planning balance and conclusion

49. There are no other considerations to indicate that ground (a) should be determined otherwise than in accordance with the development plan taken as a whole⁷. Consequently, for the reasons given above, the erection of the building is unacceptable and planning permission should not be granted for it. Accordingly, ground (a) fails.

Ground (f)

50. It is clear from the requirements of the enforcement notice – to demolish the appeal building and remove resulting debris and materials from the land – that the purpose of the notice is to remedy the breach of planning control.

⁷ Section 38(6) – Planning and Compulsory Purchase Act 2004, as amended

51. Irrespective of whether the appellant could or would rebuild the same or a similar building elsewhere on the land and re-use materials arising from demolition of the appeal building, sections 173(3) and (4)(a) of the Act provide that an enforcement notice shall specify the steps required to be taken, including in order to wholly achieve restoring the land to its condition before the breach took place. Requirement 5(ii) of the notice is integral to achieving this outcome by removal of all materials resulting from demolition of the appeal building under requirement 5(i).
52. There is little evidence that these materials were on the land, other than likely shortly before or requisite for construction of the appeal building. Even if keeping residual materials on the land was at less cost and disruption to the appellant, such as by not having to take them elsewhere, this would not restore the land, just the site. The appellant's suggested varied requirement 5(ii) – to allow residual materials to be kept elsewhere on the land – does not anyway contain a timing mechanism, so these materials could remain on the land indefinitely. There is little to suggest that the Council seeks to under-enforce in this or any other way. The appellant submitted little else for ground (f), including no other lesser steps.
53. I am, therefore, satisfied that the steps required by the notice to be taken are consistent with remedying the breach of planning control, so are proportionate and not excessive. For these reasons ground (f) fails.

Ground (g)

54. I have not been informed how long it took the appellant to construct the appeal building or if it is comparable to how long it might take him to demolish it and remove all debris and materials from the land. In any event, there is no apparent reason why the appellant would have to (must) do any or all of this himself.
55. Notwithstanding its size, the appeal building is relatively straightforward in design, materials and construction. It is close to boundaries on two sides, but otherwise unobstructed, with convenient means of vehicular access to it using the track from Salmons Road. There is little to suggest that demolition, or the same outcome by careful dismantling, then removing all debris and materials from the land would be unusually difficult or require many workers.
56. While the appellant has had a reasonable expectation of success in this appeal, there is no apparent reason why finding and appointing a suitable, available contractor to undertake this routine work would now take an inordinate amount of time. Nor is there any objective evidence, such as a schedule or programme of works or a specific lead-in time, to justify why this could not then be completed within 4 months, which is the period for compliance specified in the notice.
57. It is also not clear why arrangements could not be made meantime for temporary storage of the domestic items kept in the appeal building and a car could continue to park at the front of Pinewood or temporarily elsewhere on the land. While the Council has discretion under section 173A(1)(b) of the Act to extend the period for compliance, this would be a matter for the parties, whereas the period in the notice must be sufficient to begin with in relation to the requirements. This is the matter in hand, not whether additional time should be allowed for further applications or development.
58. I acknowledge that planning enforcement should be remedial, not punitive. But, in light of the above, the 1 year period sought by the appellant to comply with the

requirements of the notice is an unjustified, disproportionate extension of time. It would be tantamount to a temporary planning permission and unduly prolong the harm caused by the appeal building.

59. Consequently, 4 months to take the steps required by the notice does not fall short of what should be reasonably allowed. For these reasons, ground (g) fails.

Overall Conclusion

60. All three of grounds (a), (f) and (g) fail, so the appeal does not succeed.

Formal Decision

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

Robin Buchanan

INSPECTOR