



Appeal Decision

Site visit made on 18 May 2026

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2026

Appeal Ref: APP/Q3630/X/25/3362191

Westdene, Murray Road, Ottershaw, Chertsey KT16 0HS

- The appeal is made under section 195 of the Town and Country Planning Act 1990, as amended (the Act) against a refusal to grant a certificate of lawful use or development.
- The appeal is made by Mr Richard Lawrence against the decision of Runnymede Borough Council.
- The application ref RU.24/1463, dated 1 November 2024, was refused by notice dated 10 February 2025.
- The application was made under section 192(1)(b) of the Act.
- The development for which a certificate of lawful use or development is sought was described as 'demolition of existing double garage and building of new single storey garaging, storage, and home office/gym space'.

Summary Decision: The appeal is dismissed.

Preliminary Matters

1. The description in the banner heading above is from the application form. The decision notice contains 'erection of an outbuilding that will adjoin the existing detached building' and the appeal form used 'additional garaging, storage, home gym and home office'. I shall use 'proposed outbuilding' for clarity.
2. The single reason in the decision notice is, in essence, that the proposed outbuilding does not comply with Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO) because of conflict with condition 6 of an express grant of planning permission APP/Q3630/W/15/312977. However, this is not a limitation of Class E; the issue here is whether there would be a breach of condition 6. In addition, though not in the reason, the Council's officer report and appeal statement also include that it has not been demonstrated that limitations E1(c) and E1(e)(ii) of Class E would be met or thus Class E as a whole. The application is to ascertain whether the proposed outbuilding would be lawful. I therefore need to consider all matters in dispute.
3. I have determined the appeal on this basis without injustice or prejudice to any party.

Main Issue

4. The main issue is whether the Council's refusal to grant a certificate of lawfulness was well founded.

Reasons

5. For the appeal to succeed, the onus is on the appellant to demonstrate, on the balance of probabilities, that the proposed outbuilding would be lawful. The nub of this is whether it would be in breach of condition 6 and if it would comply with limitations E1(c) and E1(e)(ii) of Class E, thus Class E overall.

Condition 6

6. Condition 6 includes that notwithstanding the provisions of the GPDO, no new buildings shall be erected or constructed where they would be located within 10 metres of the host dwelling. The appellant's amended block plan shows the siting of the host dwelling, Westdene, and the siting of the proposed outbuilding¹. This plan is not marked with a recognised (or any) scale and it is not very large, including when printed on A4 paper.
7. However, the Council agrees that the block plan uses Ordnance Survey mapping. Accordingly, the general arrangement of buildings, plots (including boundaries) and roads appears accurate and can be relied on. The plan can be enlarged on-screen, while maintaining aspect ratio and the proportionate scale bar. Though not individually numbered, it is gradated into convenient (for this purpose) 5 metre segments totalling a 50 metre dimension.
8. Even if the annotated '12.4M' dimension C (between the closest part of the dwelling and the opposing elevation of an existing outbuilding to be retained) is not exact, the scale bar clearly shows this gap would be appreciably wider than two 5 metre segments, so more than 10 metres. This aligns with what I paced out on the site. Given that the east elevation of the proposed outbuilding would follow the plane of this part of the existing outbuilding, further northwards at an increasing angle away from the dwelling, no part of it would be closer to the dwelling than the existing outbuilding.

Class E

9. E1(c) – The block plan also shows a dashed red line running parallel across the plane of (as I saw at my site visit) the principal elevation of the dwelling. This line projects west in this plan on the same straight alignment and shows the southern elevation of the proposed outbuilding level with it. Due to the dwelling's angle on the plot, this part of the proposed outbuilding would be closer to Murray Road than the front of the dwelling. However, it would not project beyond the principal elevation.
10. E1(e)(ii) – The scale bar is too coarse to determine if the block plan accurately shows elevations of the proposed outbuilding 2 metres from boundaries of this residential plot. But 'within 2 metres' for the purpose of E1(e)(ii) includes exactly 2 metres, as intended by the appellant given the annotated '2M' dimensions A and B in the block plan. Relevant guidance sets out that If any part of a proposed building is within 2 metres of the boundary of the curtilage of a house, then the height limit for **the total development** is restricted to 2.5 metres if it is to be permitted development (my emphasis)². The appellant's elevation and 3D plans show that the proposed outbuilding would be 2.5 metres high to eaves but 4 metres high to the ridges of pitched roofs.

Conclusion

11. Considering relevant caselaw and Planning Practice Guidance, I am satisfied that the block plan is sufficiently precise and unambiguous for the purpose of assessment against condition 6 of planning permission APP/Q3630/W/15/312977 and E1(c) of Class E of the GPDO, but not against E1(e)(ii).

¹ Submitted to the Council in the appellant's email dated 6 January 2025

² Permitted development rights for householders - Technical Guidance, September 2019

12. As a matter of fact and degree, there is little evidence to suggest other than that the proposed outbuilding would not result in a breach of condition 6 and would comply with E1(c) of Class E. But it would not comply with E1(e)(ii), or Class E overall.
13. The appellant has not, therefore, demonstrated on the balance of probabilities that the proposed outbuilding would be lawful.
14. For the reasons set out above, and on the evidence now available, I am satisfied that the Council's decision to refuse to grant a lawful development certificate was well founded. Accordingly, the appeal does not succeed and I will exercise the powers transferred to me in section 195(3) of the Act.

Formal Decision

15. The appeal is dismissed.

Robin Buchanan

INSPECTOR