

Authorisation for Enforcement Action

Enforcement Officer's report

Reference: EN/23/00067

Case officer: [REDACTED]

Date: 24th September 2024

Land registry title numbers: SY787898

Type of notice to be served: Enforcement notice

Statutory Power: Section 172 of the Town and Country Planning Act 1990 (as amended)

Location/address of land to which the notice will relate:

[REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]

Date complaint received: 27 February 2023

Notice to be served on:

- Mr [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]
- The Occupier, [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]
- The Owner, [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]
- The Company Secretary, [REDACTED] (Co. Regn. No. [REDACTED]), [REDACTED]
[REDACTED], London, [REDACTED]
- The Company Secretary, [REDACTED] (Co. Regn. No. [REDACTED]) [REDACTED]
[REDACTED], [REDACTED], [REDACTED].

The alleged breach:

Without planning permission operational development comprising the construction of three extensions to the property on the south-east, south-west and north west elevations including associated alterations to the roof and the dormers on the north-east elevation.

The site and surrounding area:

The dwelling [REDACTED] is a brick and tile dwelling that is set on a generous plot. The wider area is rural in character. The surrounding built form is established, loose-knit development that is surrounded by pastures and fields and scattered woodland.

The Land is located in the Green Belt to one side of [REDACTED] behind established hedging. [REDACTED] runs to the north of the dwelling. The Land is also within the 400m – 5k buffer zone of the Thames Basin Special Protection Area.

Relevant planning/enforcement history:

Reference:	Description:	Decision summary:	Appeal:
91/P/01662	Outline application for the erection of an agricultural dwelling house	Approved	N/A

Reference:	Description:	Decision Summary:	Appeal:
97/P/0901	Erection of a three-bedroom detached agricultural workers house with double garage, details pursuant to planning permission 91/P/1662 dated 18/07/94	Approved	N/A
Reference:	Description:	Decision Summary:	Appeal:
13/P/00723	Certificate of Lawfulness for existing use, to establish whether the wall which has been constructed to the north, south and east of the dwelling house falls under permitted development, and whether the land bounded by this wall has been in residential use for the last ten years.	Part Approved, Part Refused 06/01/2014	N/A
Reference:	Description:	Decision Summary:	Appeal:
16/P/01670	Certificate of lawfulness for a proposed development to establish whether a two storey rear extension would constitute permitted development.	Approve 04/10/2016	N/A
Reference:	Description:	Decision Summary:	Appeal:
16/W/00084	Prior notification under part 3, schedule 2 of the Town and Country Planning (General Permitted Development) Order for change of use from agricultural building to a dwellinghouse (use class C3) and associated operational development.	Refuse 14/11/2016	N/A
Reference:	Description:	Decision Summary:	Appeal:
16/W/00110	Prior notification under part 3, schedule 2 of the Town and Country Planning (General Permitted Development) Order for change of use from agricultural building to a dwellinghouse (use class C3) and associated operational development.	Refuse 13/01/2017	ALLD 08/06/2017
Reference:	Description:	Decision Summary:	Appeal:
16/P/02587	Erection of a two-storey front porch extension	Approve 15/02/2017	N/A
Reference:	Description:	Decision Summary:	Appeal:
22/P/01537	Retrospective application to incorporate as-built amendments to lawful development certificate 16/P/01670, approved on 04/10/2016 and planning	Refuse 25/02/2023	DISM 15/11/2023

permission 16/P/0258, approved on 14/02/2017; proposed two storey side extension, extension to approved two storey rear extension and loft conversion to habitable accommodation.

Reference:	Description:	Decision Summary:	Appeal:
EN/21/00479	Alleged extensions to dwelling not as shown on the approved plans - 16/P/01670 and 16/P/02587	Closed 29/09/2022	N/A
Reference:	Description:	Decision Summary:	Appeal:
EN/23/00067	Refusal of 22/P/01537 "Retrospective application to incorporate as-built amendments to lawful development certificate 16/P/01670, approved on 04/10/2016 and planning permission 16/P/0258, approved on 14/02/2017; proposed two storey side extension, extension to approved two storey rear extension and loft conversion to habitable accommodation."	Pending – current file	N/A

The relevant evidence/issues:

18th July 1994 – Planning application 91/P/01662 (Outline application for the erection of an agricultural dwelling house) approved with conditions including an agricultural occupancy condition and condition 5 which stated;

"The dwelling hereby approved shall not exceed 140 square meters (1500 square feet) gross floor area excluding external walls and excluding garage accommodation."

The reason for the condition was to prevent over-development of the site out of keeping with the character of the area.

4th September 1997 – 97/P/0901 (reserved matters application for erection of a three-bedroom detached agricultural workers house with double garage, details pursuant to planning permission 91/P/1662) approved on the 4th September 1997. Condition 5 of 91/P/01662 was reapplied as condition 3 of 97/P/0901 which stated;

"The dwelling hereby approved shall not exceed 140 square meters (1500 square feet) gross floor area excluding external walls and excluding garage accommodation."

The reason for the condition was to prevent over-development of the site out of keeping with the character of the area.

21st July 2004 – application 04/P/01447 for single storey infill extension between house and garage approved. The calculation for the floor area of the dwelling as extended at that time (excluding the garage) was 150.4m². The original dwellinghouse was calculated at 136.9m² (excluding the garage). The officer report states;

“...despite the existence of a Planning condition limiting the size of the development to 140 square meters, as it is not disproportionate in scale. This condition was attached to the approval to control and not restrict development.”

Officer floor area calculations;

Extensions / Replacement Dwelling Floor Area Calculations: Ref. No. 04/P/1447
(please retain on file)

• Original dwelling (as in 1948 or as new if later)

Ground floor - 70.4m^2

First floor - 66.5m^2

Other - 36m^2 (Garage)

Floor Area of Original Dwelling: 136.9m^2 (excluding garage)

10th August 2016 – Certificate of lawfulness for a proposed development to establish whether a two-storey rear extension would constitute permitted development was granted. (**Officer note:** The extension as built and the subject of this report is not in accordance with this and extends further from the original rear wall of the dwelling.)

23rd December 2016 – Application 16/P/02587 approved for the erection of a two-storey front porch extension. (**Officer note:** The extension as built and the subject of this report is not in accordance with this.)

12th December 2021 – Observations from the complainant confirm two-storey front porch extension does not conform with the application(s) approved under 16/P/02587 (and or permitted development rights). Complaint regarding unauthorised development.

14th December 2021 – The Council received a complaint that works undertaken at [REDACTED] were not in accordance with the those approved under application 16/P/01670. This was set up as enforcement file EN/21/00479. The complaint alleged:

1. additional gable ends were added,
2. a second floor had been created, and
3. the porch being built was potentially larger then approved.

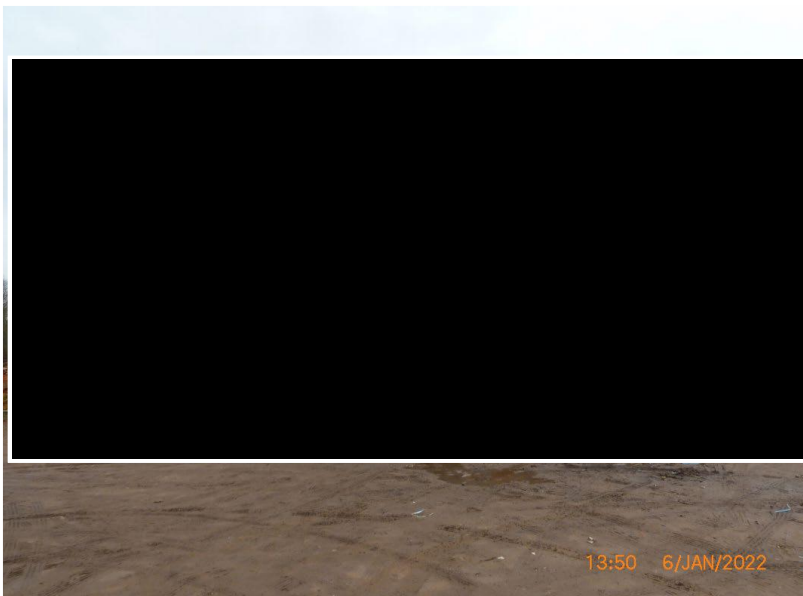
The following image was provided with the complaint:



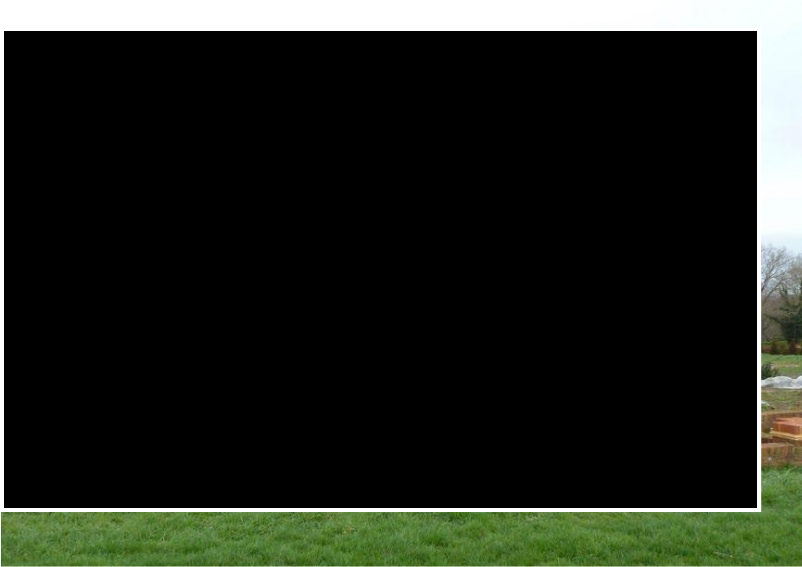
6th January 2022 – Further complaint received advising the roof with the two windows was different to plans approved under applications 16/P/01670 and 16/P/02587.

6th January 2022 – Site visit conducted. Owner out of the country on holiday but the work was continuing. The contractors on site were advised that if a breach was established the owner and agent would be contacted. The images taken on this site visit are included below:

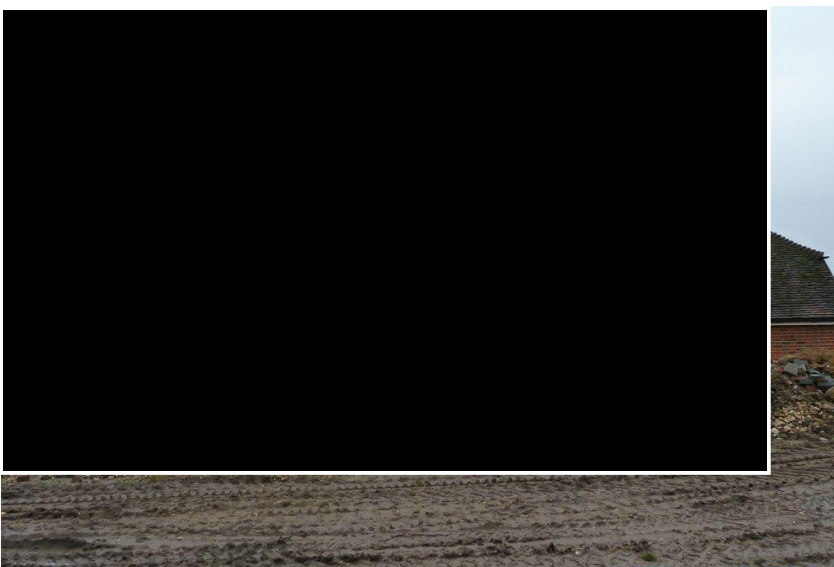
North-west elevation:



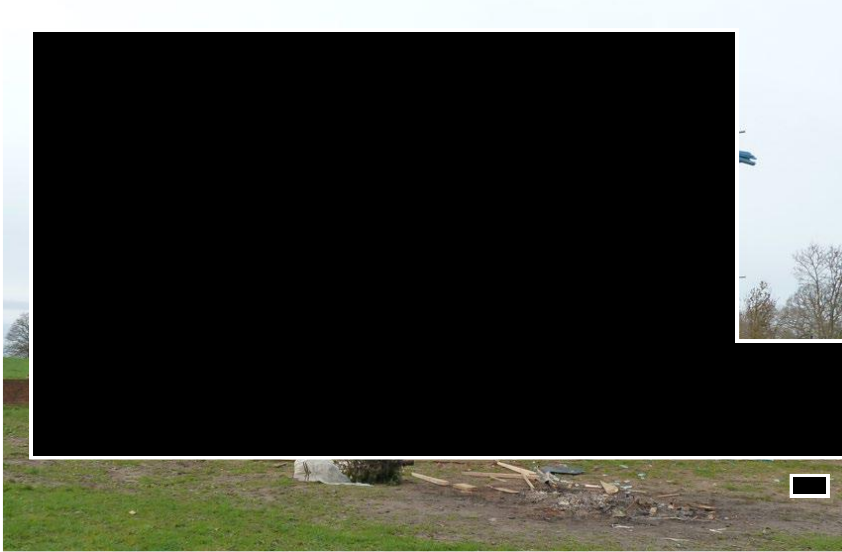
South-west elevation:



North-east elevation:



South-east elevation:



The following plans show what was approved under 16/P/02587 “application for the erection of a two-storey front porch extension”.



The site visit on the 6th January 2022 showed the porch had not been constructed in line with the above plans as it was understood to be deeper than shown on the approved plans. The porch has also been erected at a greater height with the eaves of the porch not aligning with the original. It would also appear the porch floor area is slightly larger than that approved with it extending further forward than that approved.

The following plans show what was approved under LDCE 16/P/01670 (LDC for a Certificate of lawfulness for a proposed development to establish whether a two-storey rear extension would constitute permitted development):



The site visit images from the 6th January show that the rear extension (on the south-east elevation) was not constructed in accordance with plans submitted for LDCE 16/P/01670. The approved plans show a full-width two-storey extension with a pitched roof to tie in with the existing. The landowner is understood to have constructed a rear extension that is deeper than the approved extension and which includes a central full height element which steps out further (mimicking the design of the pitched roof porch extension) and this appears to have three storeys as it extends into the roof space.

As such, it appeared to officers that the extensions that had been constructed on the south-east and north-west elevations deviate from the plans approved under applications 16/P/01670 and 16/P/02587.

In addition a two-storey side extension of a turret design has been constructed on the southwest elevation, and two dormers have been added to the northeast roof elevation

25th February 2022 – Email to agent advising of the breach (two storey side extension being constructed on southwest elevation, rear two storey extension is in fact three storeys and two dormers have been added to the northeast roof elevation). None of the changes were shown on any of the approved plans and therefore were considered unauthorised and in need of planning permission. The agent was advised that a planning application was to be submitted within 28 days of the date of the email.

4th March 2022 – Agent update to officer detailed that they would be reviewing the situation and contact would be made to agree a course of action.

7th July 2022 – Email sent to the owner to chase a response. This stated that the last correspondence was from their agent on the 4th March 2022.

25th August 2022 – A further email was sent to the owner to request their intentions as no planning application has been received. Deadline for a response was set as the 2nd September 2022.

1st September 2022 – Letter from the agent who advised that they have been instructed to submit a retrospective application for amendments to the dwelling at [REDACTED] farm. This outlined that;

- The original permission was for a permitted development to the rear (16/P/01670) and a 2 storey front extension (16/P/02 587) to form a new entrance hall.
- This was considered to give enough accommodation but was to 'blocky'.
- To resolve this a 'breakfront' was added to the central portion with a gable end, increasing the size of the existing side bay and adding more features.
- They had extended into the roof space under permitted development, the ridge height had not changed but two small dormers have been added and a large window in the rear gable to give light and views.

2nd September 2022 – Email from owner who advised application submitted for the house amendments.

2nd September 2022 – Application 22/P/01537 (Retrospective application to incorporate as-built amendments to lawful development certificate 16/P/01670, approved on 04/10/2016; and as-built amendments to planning permission 16/P/0258, approved on 14/02/2017. Application 22/P/01537; proposed a two-storey side extension, extension to approved two storey rear extension and loft conversion to habitable accommodation.). If granted, this would address all breaches of planning control. The application form stated that work commenced 7th September 2020. It also stated that work had not been completed. This application included the development that is the subject of this report, the description of which was adopted by the Planning Inspector's in the decision for the Appeal under Ref : APP/Y3615/D/23/3321419 , detailed further below . The inspector confirmed "For clarity I have used the description of development given on the Council's decision notice."

6th September 2022 – Email to agent advised the application has been received and was awaiting validation.

24th February 2023 – Application 22/P/01537 refused for the following reason;

"The development for which planning permission is sought retrospectively due to the resultant significant uplift in floorspace and significant increase in bulk and massing of the property when combined with previous additions to the property has resulted in a disproportionate enlargement of the original building and therefore represents inappropriate development in the Green Belt. There are no very special circumstances to outweigh this harm. Therefore the development is contrary to Policy P2 of the Guildford Borough Local Plan : Strategy and Sites 2015-2034 (adopted 25 April 2019) and the provisions of the National Planning Policy Framework 2021."

The officer report calculated original and as built floor areas as follows;

- "Original floor area - 231 sq m approx. (Figure taken from previous application 16/P/02587)
- As Built Floor area: - 442 sq m approx. (Figure taken from drawing number 20042/23 Rev A)"

(Officer note: There is a discrepancy between the figures cited on 22/P/01537 and those cited on the 2004 permission 04/P/01447. The 2004 figures are set out above and appear to be accurate, these being 137m2 floor area excluding garage and 173m2 with garage. It would appear the dwelling as approved and originally built had no basement subsequent applications show a basement which has not been approved).

27th February 2023 – Enforcement file EN/23/00067 was opened following refusal of planning application 22/P/01537.

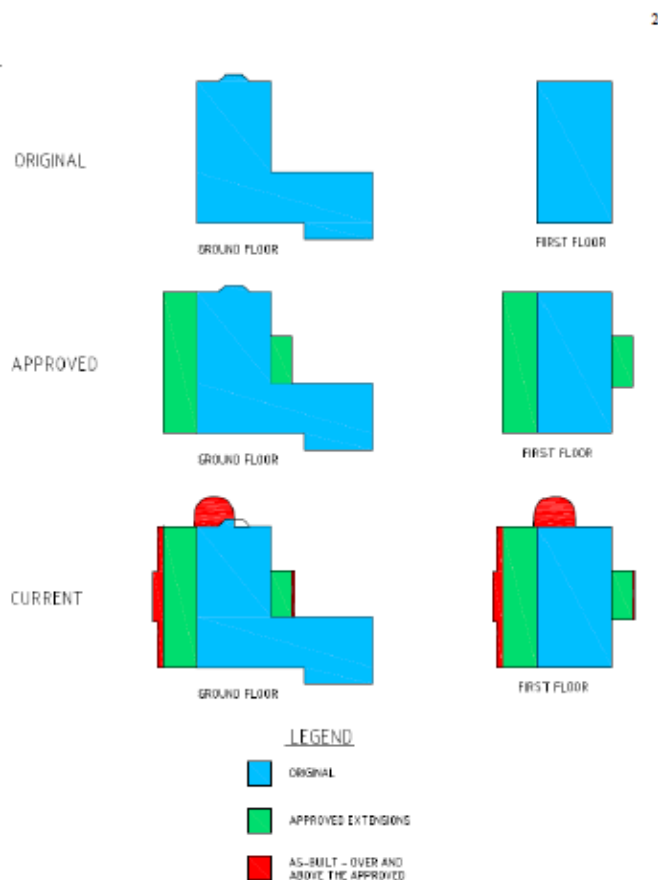
3rd May 2023 – Agent emailed council to confirm an appeal had been submitted to the Planning Inspectorate (PINs) regarding refusal of 22/P/01537.

15th November 2023 – Appeal APP/Y3615/D/23/3321419 against refusal to grant planning permission reference 22/P/01537 dismissed, with the following conclusion;

“Having considered all matters raised in support of the development I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. Accordingly, the development is in conflict with the adopted development plan when considered as a whole and given the above would also conflict with Policies contained within the Framework, and as there are no other material considerations that indicate a decision other than in accordance with those Policies when considered as a whole, I conclude that the appeal should be dismissed.”

19th June 2023 – A letter was sent to the owner confirming that following the refusal of planning permission (under Ref 22/P/01537) and the subsequent refusal of the appeal (under Ref APP/Y3615/D/23/3321419) an enforcement notice was to be prepared. A visit for 26th June 2023 at 11:00am to observe the current situation was proposed.

The below was submitted by the agent to show their assessment as to the development on site;



It should be noted this does not show the additional dormers in the roof.

26th June 2023 – No visit occurred as image had been provided

On the 10th July 2024 a site visit was conducted and it was observed that the unauthorised extensions (rear extension, front extension and side extension including associated roof works and dormers) were still in situ. No works to remedy the breach were being undertaken, and the agent confirmed that remedial works would not be occurring. He stated they would be submitting applications for various works under permitted development including two single storey extensions and an upper floor extension. He further confirmed that no works to remove the unauthorised aspects would occur until these decisions had been made.

There are three extensions which are in breach of planning control. Whilst there are approvals for a rear extension (under Ref :16/P/01670) and a porch (under Ref:16/P/02587), neither has been built in accordance with the submitted and approved details. It is therefore open to the Council to take enforcement action including requiring the removal of the entirety of all three extensions as they are wholly in breach because they do not comply with the plans authorised under their respective planning permissions.

On the 25th July 2024 the landowner was advised that the Council would be seeking removal of the front, side and rear extensions and moving towards the service of an enforcement notice.

Permitted Development assessment

There are three extensions to be assessed and these will be outlined separately for clarity.

Rear Extension (south-east elevation):

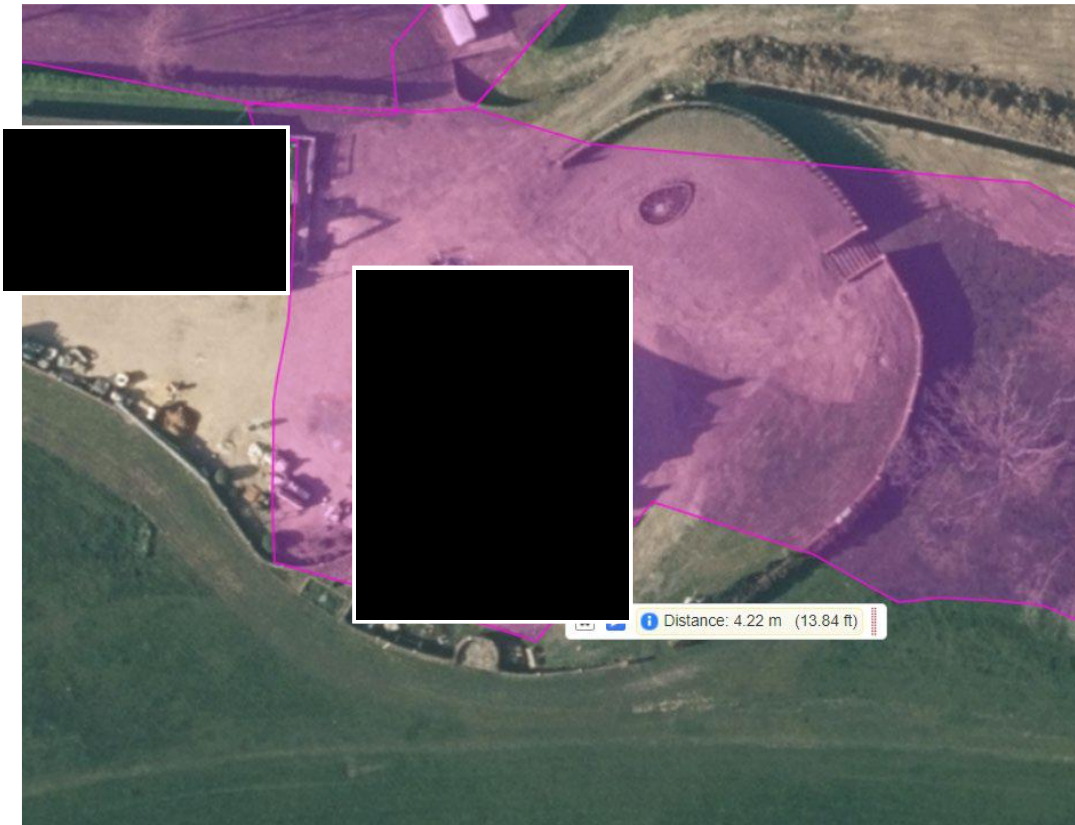
Rear extension: A two storey rear extension was permitted under Ref 16/P/01670 and was confirmed to fall within planning permission granted by Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("GPDO"). The development as constructed on site however does not accord with the plan submitted, and approved, but is in fact (substantially) larger. Therefore a new assessment is required.

The development as constructed extends beyond the rear of the original dwellinghouse by over 3m (approx. 3.7m as taken off plans submitted for Ref 22/P/01537). Therefore, the development / works would not comply with Class A1 (h) of the GPDO. Class A1 (h). states the following:

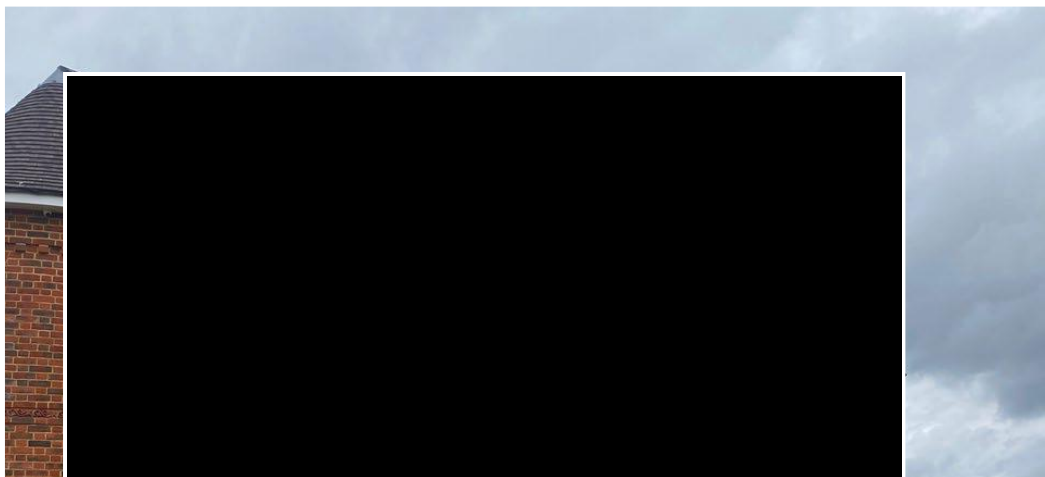
- "the enlarged part of the dwellinghouse would have more than a single storey and—*
- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or*
 - (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse."*

Class (h) (ii) states that where the extension or enlarged part of the house has more than one storey, it must be a minimum of 7 metres away from any boundary of its curtilage. In this case, the boundary of its curtilage is opposite the rear wall of the house being enlarged. The rear wall appears to be within 7m of the boundary of the curtilage, as defined within the original application 97/P/00901 (shown below on the purple shaded area),

Curtilage as originally approved on 97/P/00901 (shown highlighted below);



There is also a section of the eaves on the rear extension that exceeds that of the original dwellinghouse. This is shown in the image below:

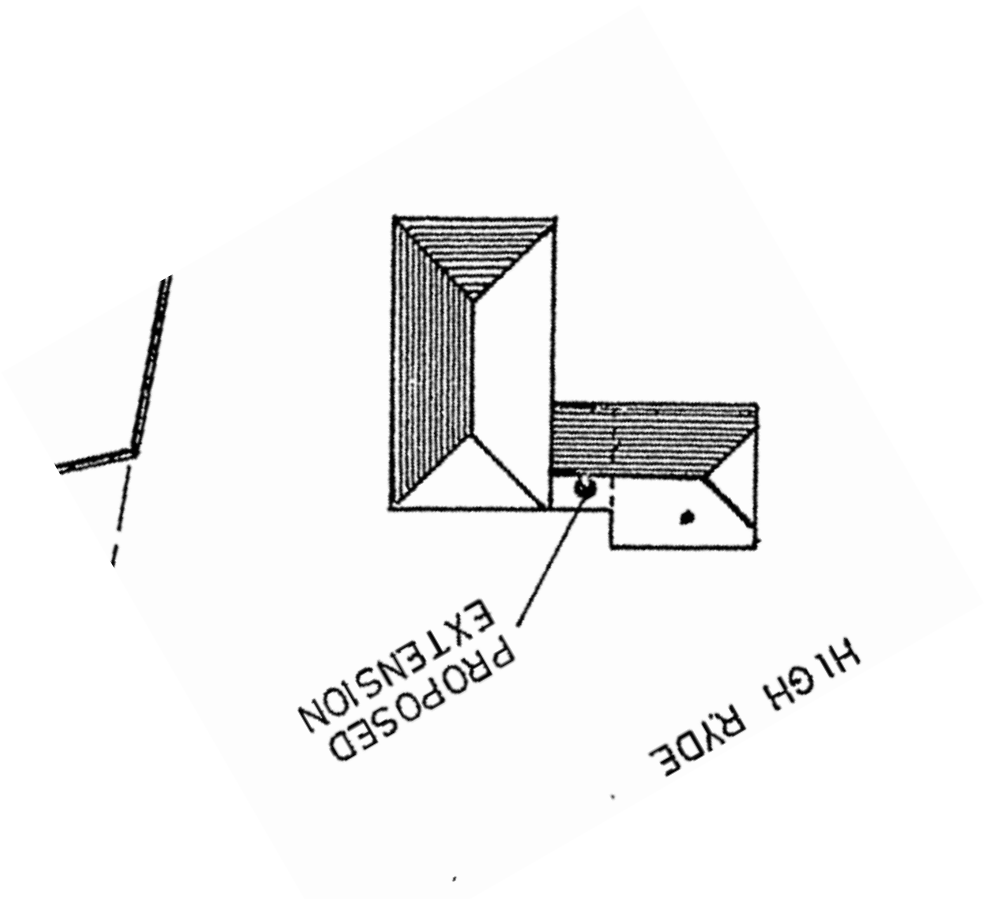


A.1 (d) sets out that Development is not permitted if:

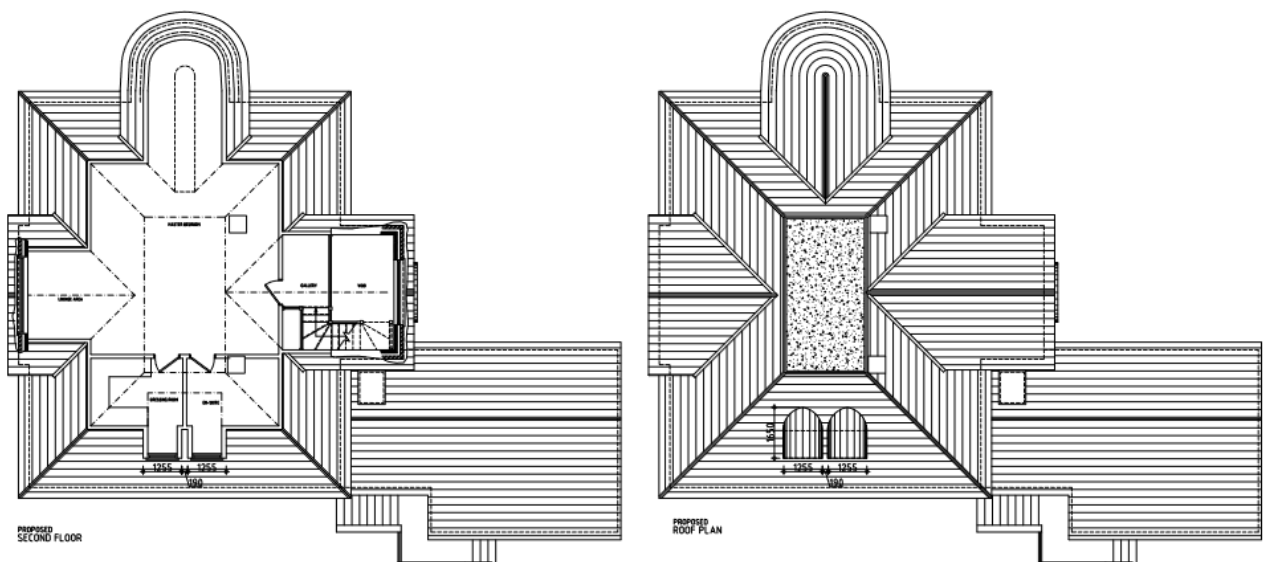
“A 1(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;”

A.1 (d) therefore requires the eaves of the rear extension to not exceed the height of the eaves of the existing dwellinghouse. As the eaves on the rear extension exceed those of the original dwellinghouse there is a breach of planning control.

The roof prior to works (plan taken from application 04/P/01447 the proposed extension was approved and implemented);



The roof as built with extended areas (plan taken from application 22/P/01537);



The roof of the original dwellinghouse has also been altered in order to incorporate this two-storey rear extension (and various other alterations). Most notably, recent aerial images show there is a

flat section in the middle. The original roof has been extended to incorporate the new extensions and it appears that the roof has undergone significant change from a hipped roof to a hipped roof with a central flat roof section. This new roof shape would not comply with A.1 (k) (iv);

A.1 (k) (iv); sets out that Development is not permitted by Class A if

“ it would consist of or include— (iv) an alteration to any part of the roof of the dwellinghouse.”

The altered roof also does not comply with Classes B or C as set out in the Schedule 2 of the GDPO which cover alterations/extensions to a roof. This roof has been constructed on extensions which have not been authorised under any planning permission, rather than on the original dwellinghouse and a roof extension can only be permitted development if constructed on the original dwellinghouse. From the submitted plans it is not possible to know what the cubic content of the original roof was but it is clear it has been significantly changed and may be a further reason the roof works do not comply with Class B. It is also considered that the enlarged part of the roof has not been kept as far as possible to the same pitch as that of the original dwellinghouse so the extension would not comply with A.3 (C).

A.3 (C) sets out that Development is permitted by Class A subject to the following conditions: :

“(c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.”

It is clear that for the reasons outlined above the rear extension would not fall within the requirements of permitted development, and as such would require express planning permission to be granted by the Council. However, as planning permission was refused, there is no extant permission authorising the rear extension, and as such there is a breach of planning control.

Side Extension (south-west elevation):

Side extension: A two storey side extension has been constructed. This does not fall within the requirements of permitted development, as there is no provision for a two-storey side extension in the GPDO under class A and it would fail to comply with A.1(j)(ii). It also appears it would fall foul of A.1(e) ii) and H(ii). It is also unclear if the side extension extends wholly off of the original dwellinghouse, if it extends from the rear extension this would form a wraparound extension and would not fall to be assessed as a side extension. Therefore, the extension would require planning permission.

A single storey side extension is permitted under permitted development. However this extension is greater than a single storey and would therefore require formal planning permission from the Council.

The side extension is shown in the image below:



Front extension (north-west elevation)

Front extension: A two storey front extension has been constructed. Again this does not fall into permitted development, as once again there is no provision for a two-storey front extension within the GPDO class A and it would fail to comply with Class A.1(e). Therefore, the extension would require planning permission from the Council.

The front extension is shown in the image below (being the 'porch' which extends forward):



The owner was provided with written notification that the development required planning permission, this was subsequently submitted and refused.

There was a two-storey porch extension approved under 16/P/02587. However, the development as built on site is not in accordance with the approved plans, and as such it is the Council's view that the planning permission has not been implemented.

Roof amendments and the dormers in the roof (north-east elevation):

There are also two small dormer windows erected on the northeast elevation, one is wholly on the new roof area and the other is partially on the new roof area so cannot be permitted development as they are located either wholly or partially on an extension, which itself does not comply with the requirements of permitted development. Therefore both the dormers and the extension upon which they are built are unauthorised and are a breach of planning control.

As set out above, the roof of the original dwellinghouse has also been altered in order to incorporate the two-storey rear extension (and various other alterations). Most notably, recent aerial images show there is a flat section in the middle. The original roof appears to have been extended to incorporate the new extensions and it appears that the roof has undergone significant change from a hipped roof to a hipped roof with a central flat roof section.

As set out above, this new roof shape would not comply with A.1 (k) (iv);

A.1 (k) (iv); sets out that Development is not permitted by Class A if

“ it would consist of or include— (iv) an alteration to any part of the roof of the dwellinghouse.”

The altered roof also does not comply with Classes B or C as set out in the Schedule 2 of the GDPO which cover alterations/extensions to a roof. This roof has been constructed on extensions which have not been authorised under any planning permission, rather than on the original dwellinghouse and a roof extension can only be permitted development if constructed on the original dwellinghouse.

From the submitted plans it is not possible to know what the cubic content of the original roof was but it is clear it has been significantly changed and may be a further reason the roof works do not comply with Class B.

Fall-back position

The agent has advised that they may consider a multitude of potential permitted development options, should the extensions be required to be removed. This proposition was submitted with the original application and was assessed during that process. This position was also considered at the appeal. The Inspector commented;

“I note that the appellant forwards that permitted development could be erected, and hence there is the potential for a cumulative increase in the original floor area. However, it is far from certain that such extensions would be undertaken at the property, and moreover, the proposal before me is for full planning permission. Therefore, little weight can be given to this argument.”

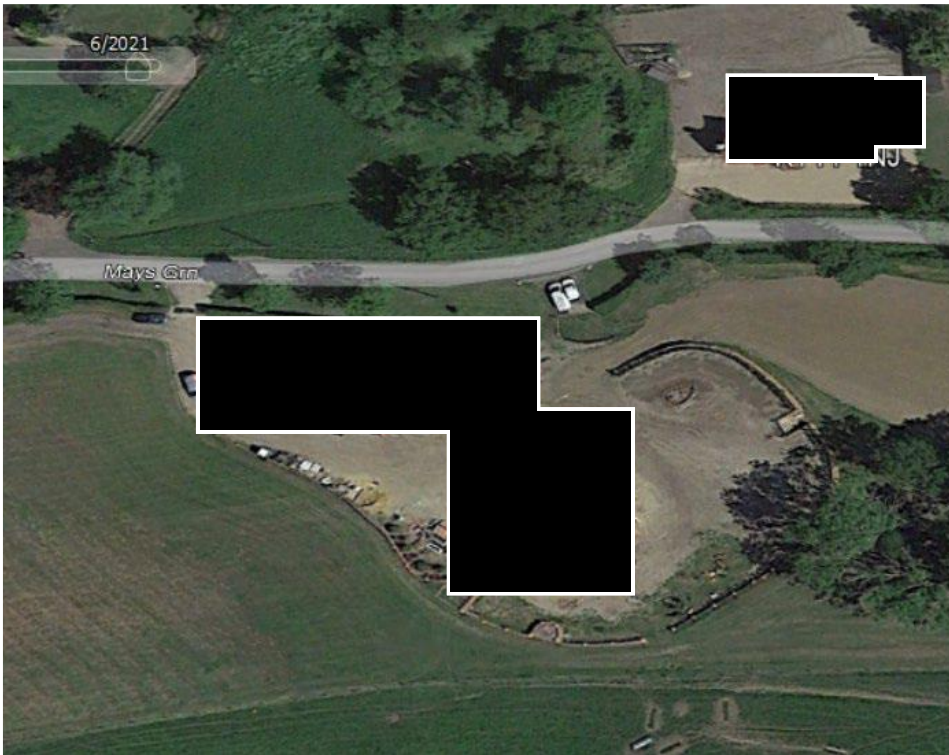
Officers have been advised an application for two single storey side extensions is due to be submitted, which the agent advised would mean removal of the two-storey side extension. This has now been submitted (ref 24/P/01118) and is in the process of assessment. There is no guarantee this will be deemed lawful and even if it is there is no timeframe or guarantee that it will be implemented.

There was also discussion of an upper extension. However, such a proposition would unlikely be implemented based on the previous reasoning behind not implementing the schemes approved (the owner felt they were too blocky)

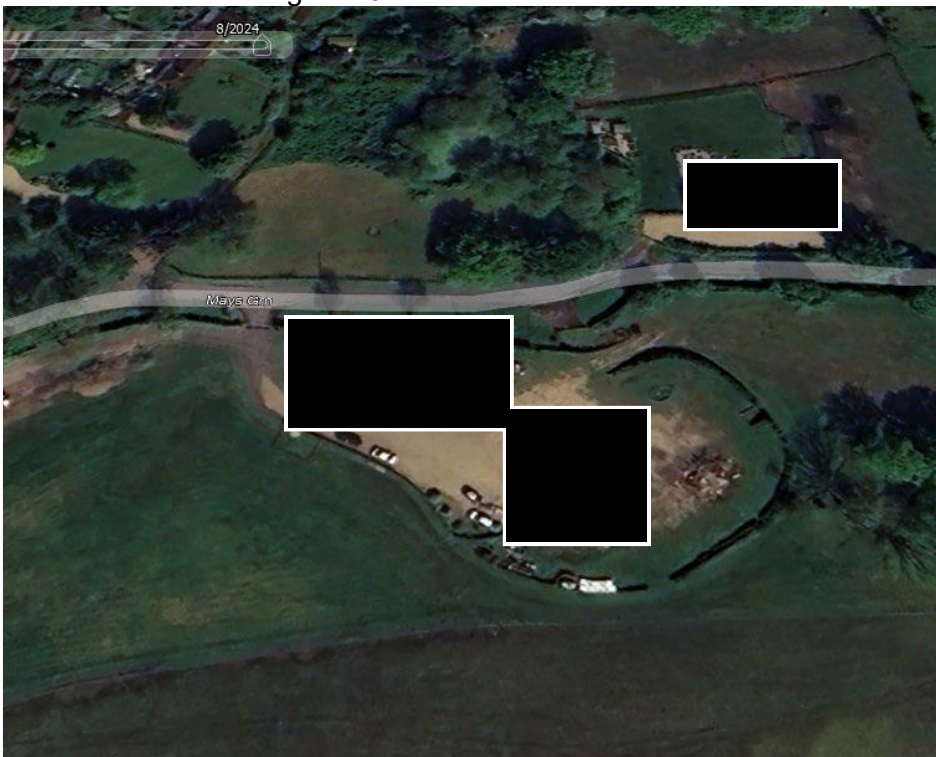
There is also no way to restrict further permitted development if the unauthorised extensions were to be left and become lawful. So there is a potential for these extensions to remain and in future for other permitted development extensions occur. There is no clear evidence in front of officers at this time to confirm that there is a genuine fallback position based on permitted development rights. As such this should be given little weight in the assessment as to whether a notice should be served.

Enforcement timeframe

The development was substantially complete prior to the 25th April 2024 and as such would still be subject to the 4-year enforcement period. The application form for 22/P/01537, dated 2nd September 2022) states the work started 7th September 2020 but were not complete at the time the application was submitted. From a recent officer site visit it looks as though the development has now been fully completed, but it is unclear precisely when this occurred but it is considered that the development is now substantially complete for the purposes of timeframes. The complaint was received on July 2022 that the building was being erected. The development is not visible on Google Earth on the June 2021 image (suggesting it was not substantially complete as of this date although it would appear to be in progress);



Latest aerial dated August 2024.



Given the extensions were not present in June 2021 but present in August 2024 substantial completion occurred less than 4 years ago. Therefore the development is not lawful and the period for enforcement action to be taken has not expired.

It is therefore considered the development is not immune from enforcement action.

Consultations:

None on the enforcement file. Consultations did occur on the related planning applications and are summarised in the planning officers report which is attached to this report.

Statutory background:

The Town and Country Planning Act 1990 (as amended)

The Town and Country Planning (General Permitted Development) Order 2015 (as amended)

Planning policy:

National Planning Policy Framework (NPPF) (revised on 20 July 2021)

Chapter 12. Achieving well-designed places

Chapter 13. Protecting Green Belt land

Chapter 15. Conserving and enhancing the natural environment

Guildford Borough Local Plan: Strategy and Sites (adopted by Council on 25 April 2019)

Policy D1: Place shaping

Policy P2: Green Belt

Guildford Borough Council: Development Management Policies (LPDMP) June 2022

Policy H5: Housing Extensions and Alterations including Annexes

Policy D4: Achieving High Quality Design and Respecting Local Distinctiveness

Policy D5: Protection of Amenity and Provision of Amenity Space

Policy P8/P9: Protecting Important Habitats and Species

Lovelace Neighbourhood Plan 2019 - 2034 (adopted May 2021):

Policy LNPH1: Suitability of Development Sites

Policy LNPH3: Housing Design and Density

Policy LNPEN2: Biodiversity and Natural Habitats

Policy LNPI4: Parking

Supplementary Planning Documents (SPD)

Residential Extensions and Alterations 2018

Vehicle Parking Standards (2006)

Climate Change, Sustainable Design, Construction and Energy SPD (2020)

Planning considerations:

The planning considerations relating to the development in question have been fully assessed in planning application 22/P/01537. There are currently no additional or different material considerations which would lead Enforcement Officers to a different opinion at this time.

The NPPF has been updated since the date of the planning decision but there are no material changes relevant except paragraph numbers have now changed. For ease of reference the changes of relevance are located within the impact on Green Belt section of the officer report;

- Paragraph 149 is now numbered 154

Clarification on Floor area

Having reviewed the plans to establish the original floor area officers are of the opinion that the original floor area is 137m² (excluding garage) or 173m² with the garage. No basement is shown on the original plans so it seems this was added at a later date this appears to have no planning permission. There is no evidence that the basement formed part of the original dwelling. The

previous application 22/P/01537 stated the original floor area as 231m² which appears to be an error - the planning inspectorate seems to have determined the appeal on 22/P/01537 on this basis also. This means the uplift is actually more substantial than previously assessed.

Biodiversity

As outlined in the officer report for 22/P/01537;

No information regarding biodiversity net gain has been provided by the applicant. Had the application been recommended for approval biodiversity net gains could have been secured through an appropriately worded condition.

Now that the enforcement notice is to be issued and there is no way to condition this, the absence of information about biodiversity net gain has been added as a reason for enforcement. On biodiversity the following policies are relevant:

Policy ID4 of the Guildford Local Plan: Strategy and Sites Document is entitled Green and Blue Infrastructure and indicates at point 1) that the Council will maintain, conserve and enhance biodiversity and will seek opportunities for habitat restoration and creation, particularly within and adjacent to a Biodiversity Opportunity Areas (BOAs). At point 2) the policy indicates that new development should aim to deliver gains in biodiversity where appropriate. At paragraph 4.6.39 of the same document, the following information is provided about Biodiversity Opportunity Areas (BOAs):

'The Surrey Nature Partnership (SyNP) is the Local Nature Partnership for Surrey recognised by government. SyNP is working with Surrey local authorities to set out an approach to conserving and enhancing the biodiversity of the county at a landscape scale. This approach identifies Biodiversity Opportunity Areas (BOAs); areas where there are concentrations of recognised sites of biodiversity importance, both statutory and non-statutory. BOAs represent areas where improved habitat management and efforts to restore and re-create priority habitats will be most effective in improving connectivity and reducing habitat fragmentation. BOAs extend across local authority boundaries and therefore provide the strategic approach that addresses biodiversity at a landscape scale required by the NPPF. The majority of the countryside within the borough of Guildford falls within BOAs...which is indicative of how rich in wildlife the borough is.'

Policy P7: Biodiversity in New Developments (Development Management Policies Document) states that development proposals, including those exempt from minimum biodiversity net gain standards, are required to seek maximum biodiversity gain on site (Policy P7(1)) and include appropriate features in or on building structures that support nature (Policy P7(8)). Development proposals within or adjacent to a Biodiversity Opportunity Area (BOA) are required to:

- a) contribute towards the achievement of the objectives of the BOA;
- b) protect and enhance designated and priority habitats and species within the BOA and
- c) improve habitat connectivity across and/or into the BOA.

The unauthorised development comprises of the unauthorised extension of the dwellinghouse with an increase to floor area of 269m². The site is within the Surrey Biodiversity Opportunity Area. No information about biodiversity gain has been provided., This does not meet with policy P7, which requires biodiversity gain to be achieved. Without this information, the Council cannot be satisfied that the unauthorised development complies with Policies P7 of Development Management Policies Document

It is therefore considered expedient for enforcement action to be taken in relation to the development for the reasons set out on 22/P/01537 and on biodiversity grounds.

The reasons for issuing the notice:

1. The development due to the significant uplift in floorspace and significant increase in bulk and massing of the property when combined with previous additions to the property has resulted in a disproportionate enlargement of the original building and therefore represents inappropriate development in the Green Belt. There are no very special circumstances to outweigh this harm. Therefore the development is contrary to Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (adopted 25 April 2019) and the provisions of the National Planning Policy Framework.

2. It has not been demonstrated that the unauthorised development would conserve and enhance biodiversity or meet policy obligations regarding biodiversity gain. It would fail to comply with Policy P7 of the Guildford Borough Local Plan Development Management Policies Adopted March 2023 and Policy ID4 of the Guildford Local Plan Strategy and Sites Adopted April 2019 and the NPPF.

Recommendation and time for compliance:

That a planning enforcement notice is issued requiring the following steps to be taken:

- i) Demolish the unauthorised extensions to the property on the south-east, south-west and north-west elevations including associated alterations to the roof and the dormers on the north-east elevation;
- ii) Reinstate the affected walls and roof of the dwellinghouse to that which existed prior to the works commencing, as per plan PL/47 on application 04/P/01447 which is attached to this Notice, using materials to match the existing dwellinghouse;
- iii) Permanently remove from the Land all materials, rubble, rubbish and debris arising from steps (i) to (ii).

Time for compliance for the notice: 12 months

No fee payable as refused application 22/P/01537 relates.

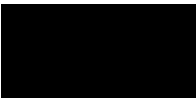
Other courses of action considered but rejected

No further action

This will result in the unauthorised development remaining, with associated harm to matters of acknowledged importance. If the development remains for a period of 4 years the development will become lawful and the Local Planning Authority will have no control over it, and the identified harm would continue. Whilst the Council's powers to pursue action is discretionary, taking account of Government advice and the fact that it is considered to be contrary to planning policies for the area, it is therefore in the public interest, and a proportionate response to the harm caused, to take the proposed course of action.

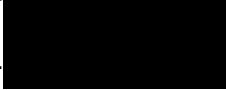
Documents annexed to this report:

1. Consequences of the proposed action
2. Land registry
3. Most recent site photos
4. Officers report and decision notice for application 22/P/01537 and associated plans
5. Plans to be attached to the notice

Signed: Planning Enforcement Officer..........Date.....24.09.2024

Authorising Officer

For the reasons stated in this report, I hereby authorise the recommendation to issue an enforcement notice under the delegated powers of the Joint Strategic Director, Place.

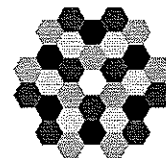
Signed: Planning Enforcement Team Leader ........Date.....24.9.2024

Appendix 1

Consequences of the Proposed Action

What are the risks associated with the proposal?	The notice could be appealed which has staff time implication and potential risk of a costs claim against the Council.
How will the proposal help to reduce crime and disorder?	It is considered that this proposal will not have any adverse impact on crime and disorder.
How will the proposal help to promote Human Rights?	Article 6 (Right to a fair trial), Article 8 (Right to private and family life) and Article 1 of the First Protocol (Protection of property) of the Human Rights Act 1998 are relevant to the consideration of this proposal. Article 6 – In respect of Article 6, if an enforcement notice is issued, those with an interest will have a right of appeal and therefore the opportunity to exercise his/her right to a fair and public hearing and to have the matter considered by the Planning Inspectorate, which is independent and impartial. The applicant exercised their right of appeal on the 22/P/01537 and therefore had access to the Planning Inspectorate at that point, for the planning merits to be considered. Pursuant to s174 (2A) there is no further right of appeal to the Planning Inspectorate with regards to the planning merits of this matter, but an appeal can be lodged on other relevant grounds under S174 of the Town and Country Planning Act 1990 (as amended). Article 8 - It is not considered that there is sufficient planning justification to allow the unauthorised development to remain and enforcement action is considered to be a proportionate response. If no action is taken it would allow development to remain which is considered to be in conflict with adopted development plan policies. In addition, there is the danger that by not taking action against the use, it may set a precedent for the wider area. It is therefore considered that the interference with private and family life and home is necessary to protect the rights and freedoms of others. Article 1 of the First Protocol – It is accepted that the taking of enforcement action to require the unauthorised development to cease will affect the landowner's property rights. However taking into consideration development plan policies, and the requirements of the Town and Country Planning Act 1990, It is considered that taking enforcement action is necessary in this case to control the use of property in the general interest. Accordingly, it is considered that the proposed course of action is acceptable with regards to Article 6, Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998.
What is the impact of the proposal on Equality and Diversity?	In making the recommendations contained in this report due regard has been had to Section 159 of the Equalities Act 2010 which provides that local authorities in discharging their functions must have due regard to the Public Sector Equality Duty. This mean having due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage suffered by persons who share a relevant protected characteristic. There is not considered to be an impact on equality and diversity.

How will the proposal help to promote sustainability?	The notice will seek to regularise a breach of planning control which is not considered to be sustainable development.
---	--



20 June 2024

Official copy/copies

Your ref
EN/23/00067 - KL D5100

HM Land Registry payment ref 20/06 Z0DM8BZN
Fee debited £6.00

Our ref
SY787898 /OC/056

The official copy/copies of the document(s) you applied for is/are enclosed.

HM Land Registry
Durham Office
PO Box 75
Gloucester
GL14 9BD

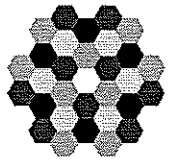
Please contact the HM Land Registry Office named if you have any questions about the enclosed official copy/copies.

DX 321601 Gloucester 33
Tel 0300 006 0010
Fax NA
Email durham.office@landregistry.gov.uk
www.gov.uk/land-registry

EN/23/00067 - KL D5100

GUILDFORD BOROUGH COUNCIL
LEGAL AND DEMOCRATIC SERVICES
MILLMEAD HOUSE
MILLMEAD
GUILDFORD
SURREY
GU2 5BB





Official copy of register of title

Title number [REDACTED]

Edition date 18.03.2024

- This official copy shows the entries in the register of title on 20 June 2024 at 14:22:15.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 20 June 2024.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- For information about the register of title, see www.gov.uk/land-registry.
- This title is dealt with by HM Land Registry Durham Office.

A: Property register

This register describes the land and estate comprised in the title.

SURREY : GUILDFORD

1 The Freehold land shown edged with red on the plan of the above title filed at the Registry and being [REDACTED].

2 The land has the benefit of the following rights reserved by a Transfer of other land dated 5 July 1991 made between (1) [REDACTED] and [REDACTED] (Transferors) and (2) [REDACTED] (Transferee):-

"There is excepted and reserved for the benefit of the Transferors during their lives (but within the perpetuity period being a period of 80 years from the date hereof) in common with the Transferee to hunt and shoot over the property and to kill and take and dispose of all game, wildfowl and other wild animals and the birds together with a right of entry onto the property hereby transferred for the purposes of the exercise of such rights."

3 (23.08.2002) The land has the benefit of and is subject to the rights granted by a Deed of Grant dated 7 February 2002 made between (1) [REDACTED] and [REDACTED] and (2) [REDACTED]

NOTE: Copy filed under [REDACTED]

4 (09.02.2024) The land edged and numbered in green on the title plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.



B: Proprietorship register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (19.05.2010) PROPRIETOR: [REDACTED] of [REDACTED]
- 2 (19.05.2010) The price stated to have been paid on 5 May 2010 was [REDACTED]
- 3 (05.07.2011) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction, is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 30 June 2011 in favour of Handelsbanken PLC referred to in the Charges Register.

C: Charges register

This register contains any charges and other matters that affect the land.

- 1 Such parts of the land in this title as are affected thereby are with other land subject to informally apportioned parts of Corn Rent Annuities amounting to £61.8s.4d.
- 2 The land tinted blue on the filed plan is subject to rights of way.
- 3 The land is subject to the rights granted by a Deed dated 4 November 1971 made between (1) [REDACTED] and (2) South Eastern Gas Board relating to the construction of a gas main and the construction of a transformer. The said Deed also contains restrictive covenants.

NOTE: Copy filed under [REDACTED]

- 4 The land is subject to the following rights granted by a Transfer of other land dated 26 June 1987 made between (1) [REDACTED] and [REDACTED] and (2) [REDACTED]

"TOGETHER WITH a right of way (together with all other persons having a like right) for all purposes by day and by night with or/vehicles (sic) over and along the track coloured blue on the said plan comprised under the above Title and under Title Number [REDACTED] TOGETHER ALSO with the right (in common as aforesaid) to the free passage and running to and from the property of water and electricity through the track and to construct the same along a route to be agreed."

NOTE: The land coloured blue referred to above is edged blue on the title plan.

- 5 (22.12.2006) The land is subject to the following rights granted by a Transfer of other land dated 17 November 2006 made between (1) [REDACTED] and [REDACTED] (Transferee) and (2) [REDACTED] and [REDACTED]

A right of way (together with all persons having a like right) for all

C: Charges register continued

purposes by day and by night with or without vehicles over and along the track

NOTE: The Track referred to forms part of the land shown edged blue on the title plan.

- 6 (12.02.2007) The land is subject to the rights granted by a Deed dated 17 November 2006 made between (1) [REDACTED] and [REDACTED] and (2) [REDACTED] and [REDACTED]

NOTE: Copy filed under [REDACTED]

- 7 (19.05.2010) A Transfer of the land in this title dated 5 May 2010 made between (1) [REDACTED] and [REDACTED] (Transferors) and (2) [REDACTED] (Transferee) contains restrictive covenants.

NOTE: Copy filed.

- 8 (19.05.2010) The land is subject to the rights reserved by the Transfer dated 5 May 2010 referred to above.

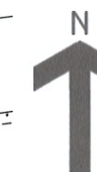
- 9 (05.07.2011) REGISTERED CHARGE dated 30 June 2011 affecting also other titles.

NOTE: Charge reference [REDACTED]

- 10 (05.12.2018) Proprietor: HANDELSBANKEN PLC (Co. Regn. No. 11305395) of [REDACTED] and of [REDACTED]

End of register





It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).

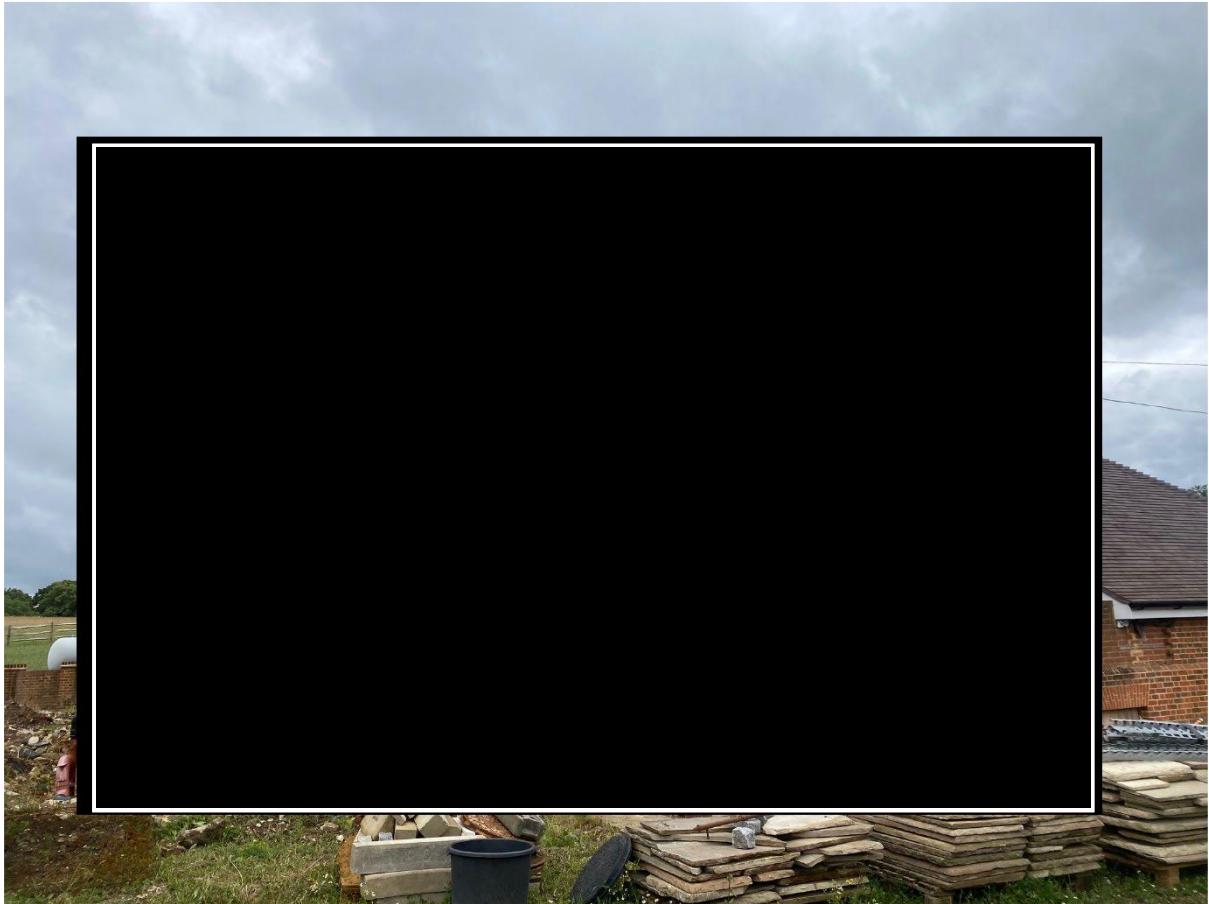
This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by HM Land Registry, Durham Office.

Appendix 3

KL SV 10th July 2024





KL SV 10th July 2024



KL SV 10th July 2024



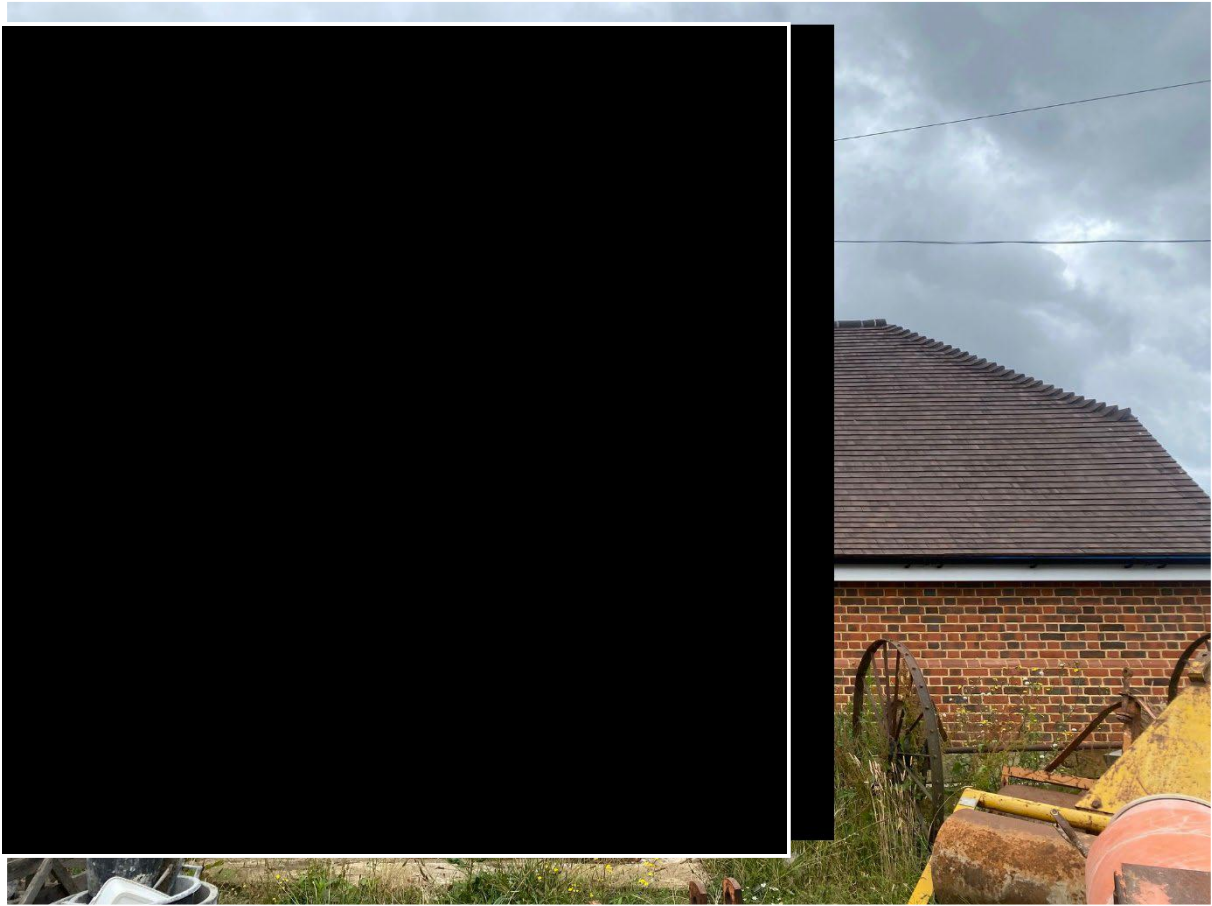


KL SV 10th July 2024



KL SV 10th July 2024





GUILDFORD
BOROUGHwww.guildford.gov.uk

planningenquiries@guildford.gov.uk
01483 444609
Planning Services
Guildford Borough Council
Millmead House, Millmead
Guildford, Surrey
GU2 4BB

Householder Application for Planning Permission for works or extension to a dwelling

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)	Northing (y)
509611	157126

Description

Applicant Details

Name/Company

Title

Mr

First name

[REDACTED]

Surname

[REDACTED]

Company Name

Address

Address line 1

[REDACTED] [REDACTED]

Address line 2

[REDACTED]

Address line 3

Surrey

Town/City

[REDACTED]

Country

Postcode

[REDACTED]

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

Contact Details

Primary number

[REDACTED]

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

Country

Postcode

Contact Details

Primary number

Secondary number

Fax number

Email address

Description of Proposed Works

Please describe the proposed works

Has the work already been started without consent?

☒ Yes

☐ No

If Yes, please state when the development or work was started (date must be pre-application submission)

Has the work already been completed without consent?

☐ Yes

☒ No

Materials

Does the proposed development require any materials to be used externally?

☒ Yes

☐ No

Please provide a description of existing and proposed materials and finishes to be used externally (including type, colour and name for each material)

Type:

Walls

Existing materials and finishes:

Brickwork

Proposed materials and finishes:

Brickwork to match existing

Type:

Roof

Existing materials and finishes:

Tiles

Proposed materials and finishes:

Tiles to match existing

Type:

Windows

Existing materials and finishes:

Timber

Proposed materials and finishes:

Timber to match existing

Type:

Doors

Existing materials and finishes:

Timber

Proposed materials and finishes:

Timber to match existing

Are you supplying additional information on submitted plans, drawings or a design and access statement?

☒ Yes

☐ No

If Yes, please state references for the plans, drawings and/or design and access statement

Drawing Refs: 20042/21, 22, 23, 24, 25, 26 and a Planning Statement

Trees and Hedges

Are there any trees or hedges on the property or on adjoining properties which are within falling distance of the proposed development?

☐ Yes

☒ No

Will any trees or hedges need to be removed or pruned in order to carry out your proposal?

☐ Yes

☒ No

Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicle access proposed to or from the public highway?

- ☐ Yes
☒ No

Is a new or altered pedestrian access proposed to or from the public highway?

- ☐ Yes
☒ No

Do the proposals require any diversions, extinguishment and/or creation of public rights of way?

- ☐ Yes
☒ No

Parking

Will the proposed works affect existing car parking arrangements?

- ☐ Yes
☒ No

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☐ Yes
☒ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☐ The agent
☒ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☒ Yes
☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

First Name

Surname

Appendix 5

Email correspondence

Date (must be pre-application submission)

25/08/2022

Details of the pre-application advice received

Emails to applicant from compliance officers [REDACTED] and [REDACTED] indicating a planning application needs to be submitted.

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☐ Yes
- ☒ No

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

- ☒ Yes
- ☐ No

Is any of the land to which the application relates part of an Agricultural Holding?

- ☐ Yes
- ☒ No

Certificate Of Ownership - Certificate A

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person Role

☐ The Applicant

☒ The Agent

Title

Mr

First Name

[REDACTED]

Surname

[REDACTED]

Declaration Date

02/09/2022

☒ Declaration made

Declaration

I / We hereby apply for Householder planning permission as described in this form and accompanying plans/drawings and additional information. I / We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine options of the persons giving them. I / We also accept that: Once submitted, this information will be transmitted to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website; our system will automatically generate and send you emails in regard to the submission of this application.

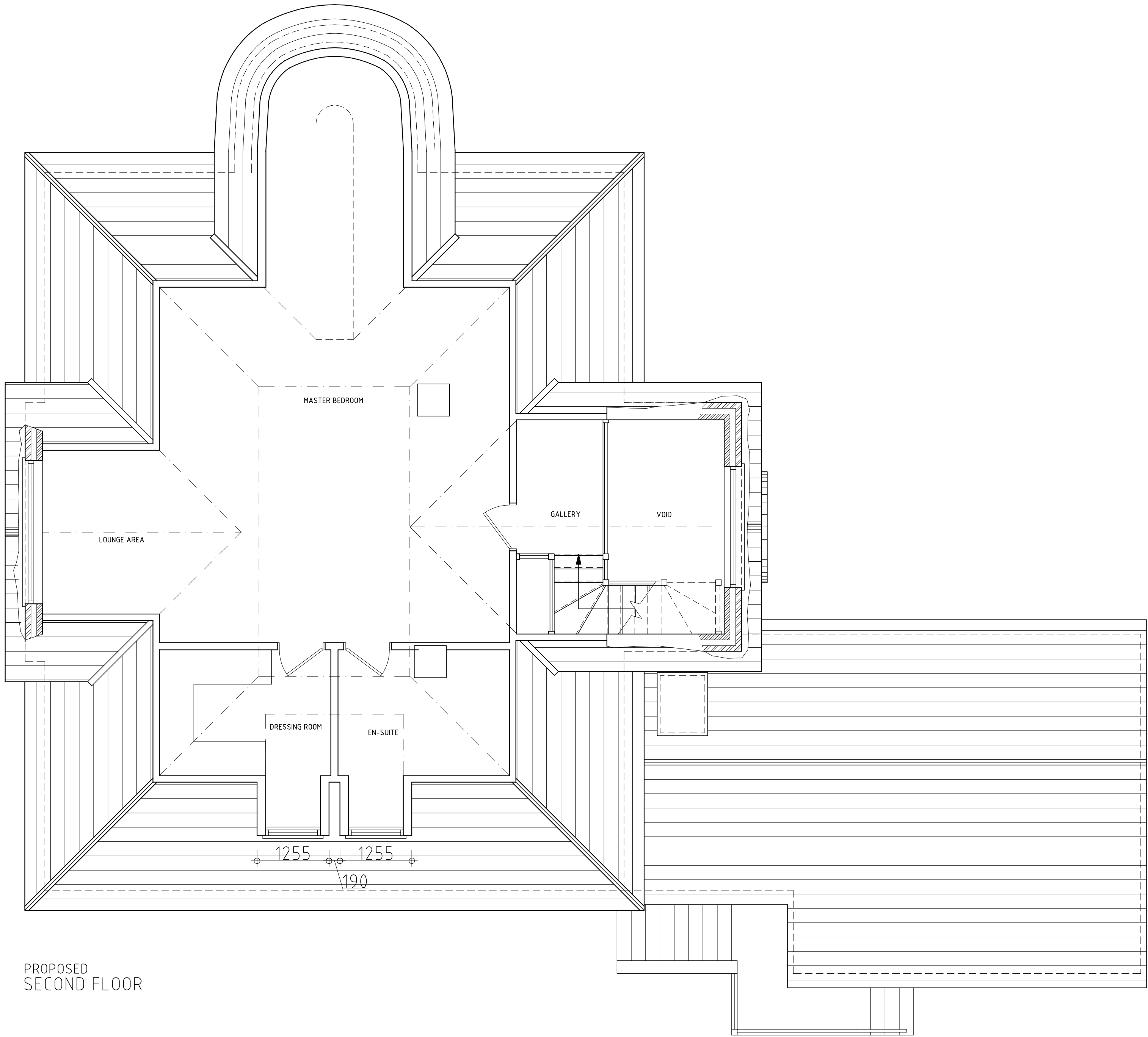
☒ I / We agree to the outlined declaration

Signed

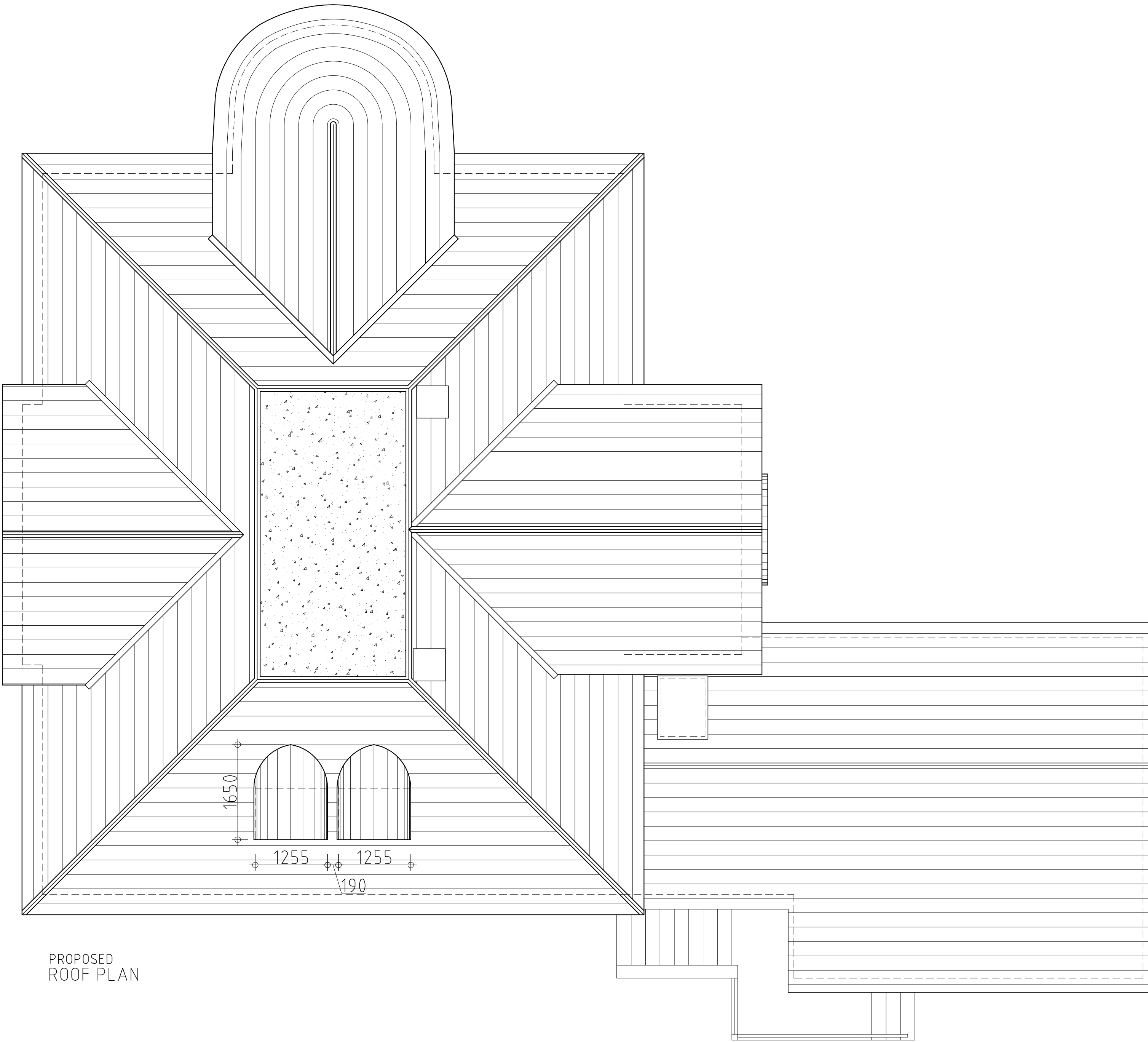
[REDACTED]

Date

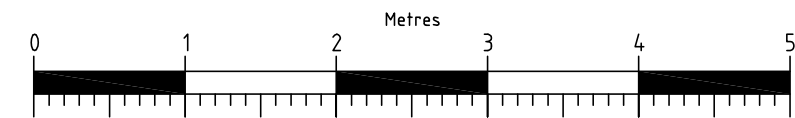
02/09/2022



PROPOSED
SECOND FLOOR



PROPOSED
ROOF PLAN



I	A	Revisions	Date	ARCHITECTURAL CIVIL AND STRUCTURAL CONSULTANTS	
				[Redacted]	
				Tel: [Redacted]	
				e-mail: info@[Redacted]	
I	A	Amendments	Date	CLIENT	
				[Redacted]	
				PROJECT	
				HIGH RYDE FARM, MAYS GREEN, [Redacted]	
I	A	Revisions	Date	DRAWING TITLE	
				AS-BUILT	
				ROOF AREA & ROOF PLANS	
				DRAWING No. 20042/24	
I	A	Revisions	Date	REV.	
				A	



PROPOSED
FRONT ELEVATION



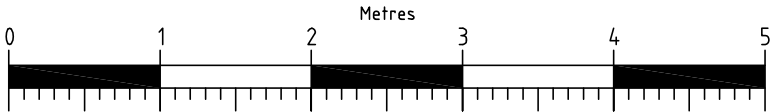
PROPOSED
SIDE ELEVATION



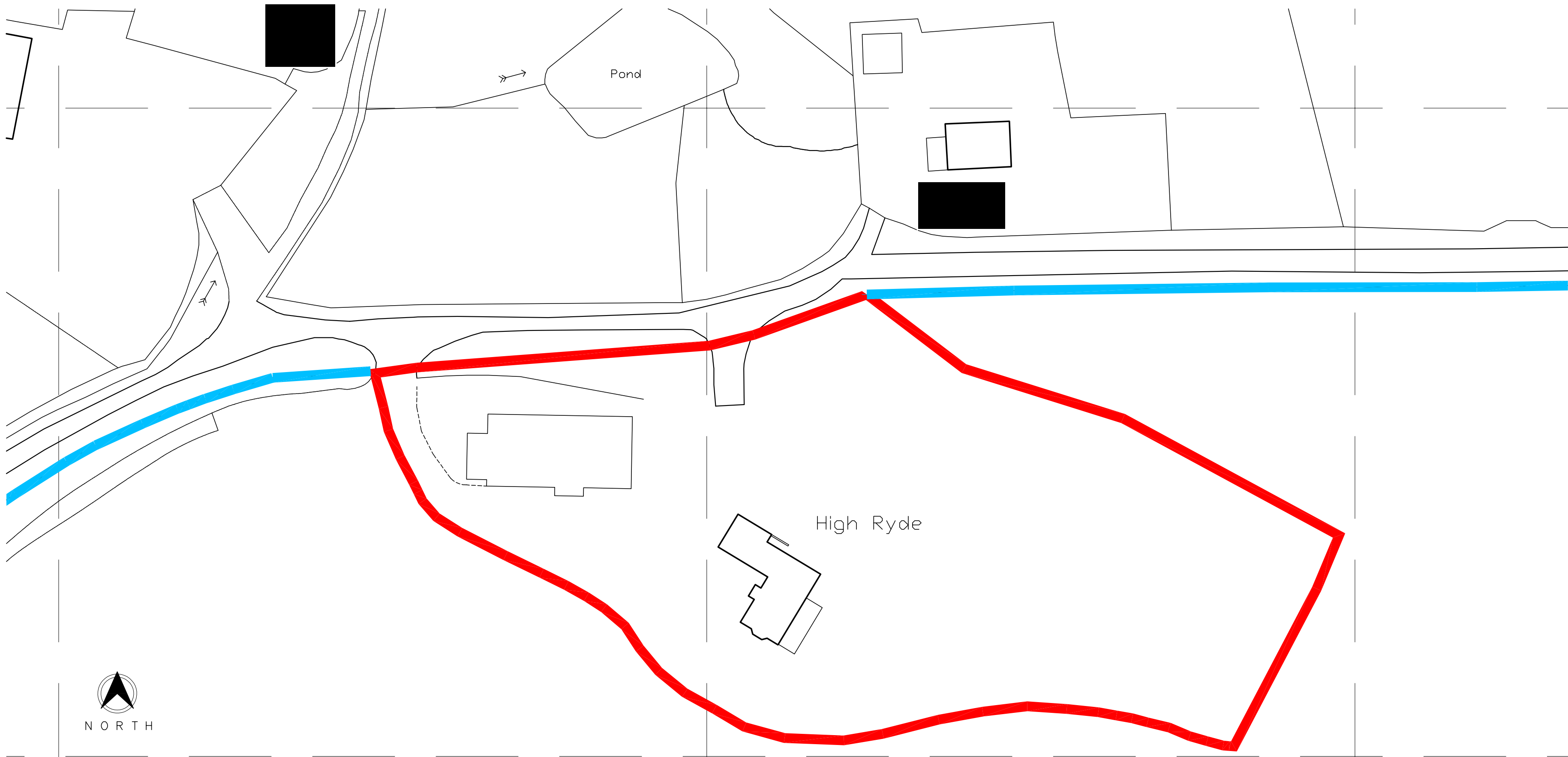
PROPOSED
SIDE ELEVATION



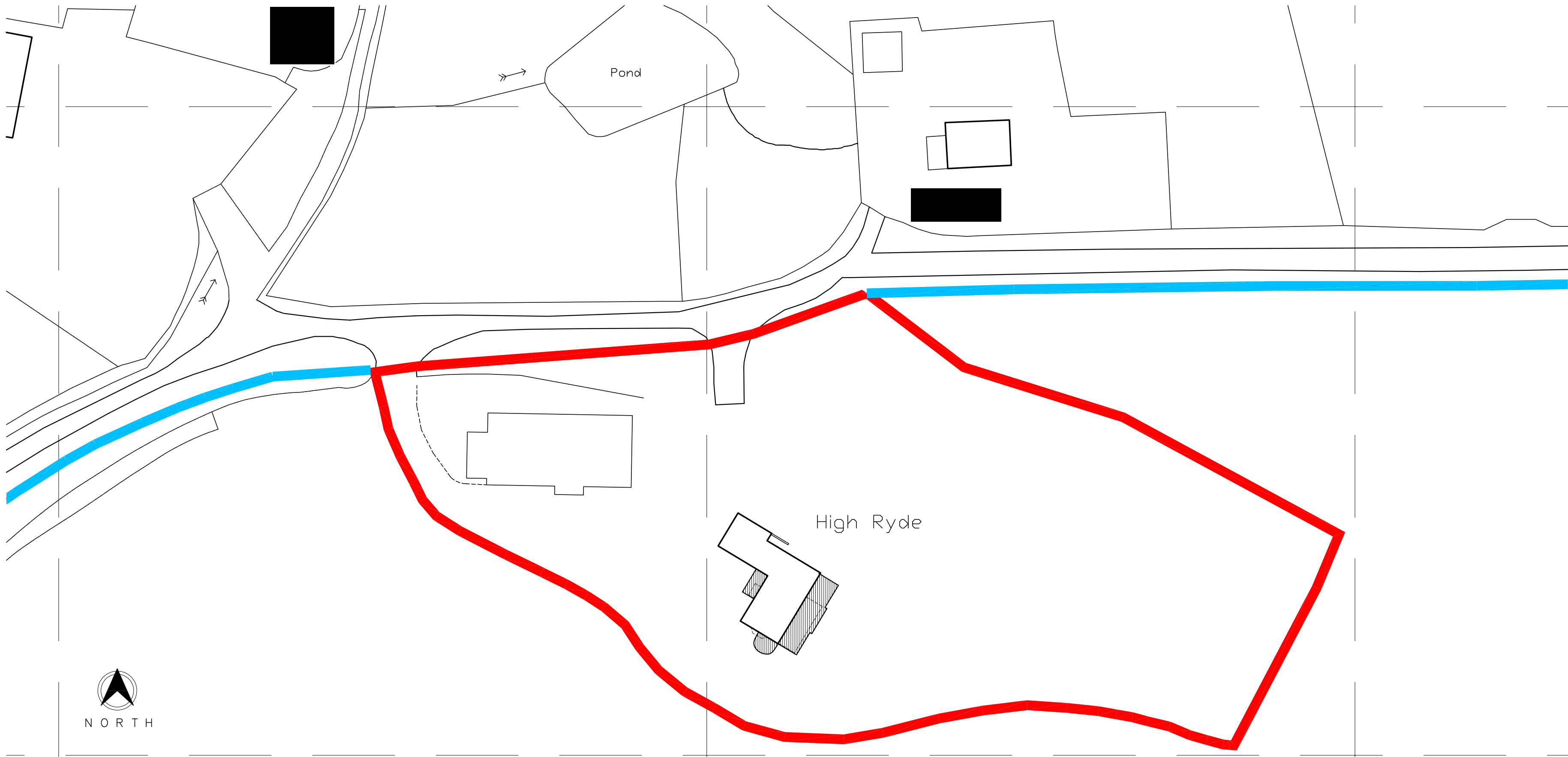
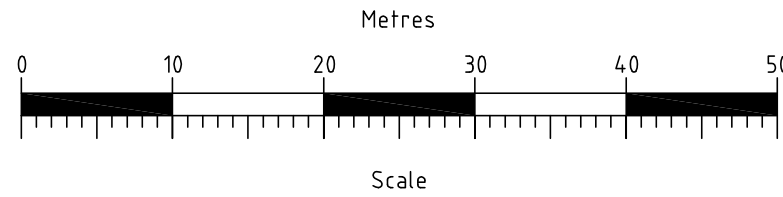
PROPOSED
REAR ELEVATION



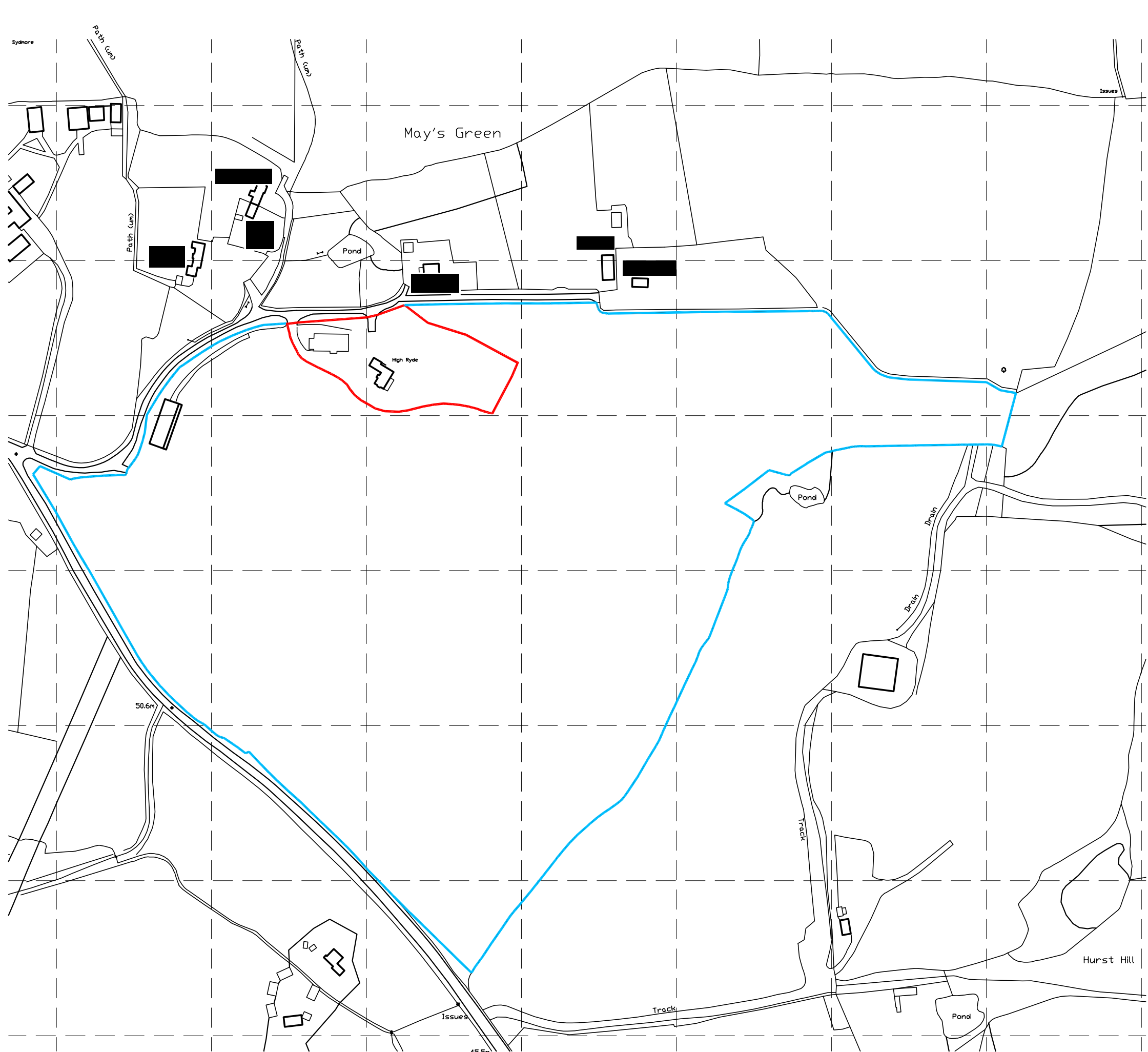
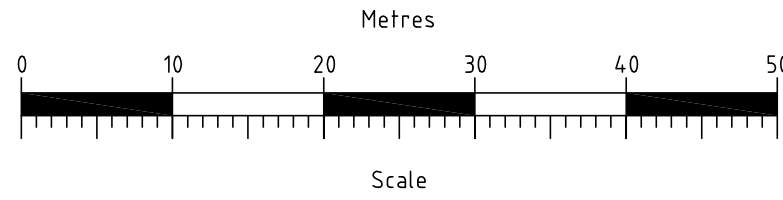
A	Revisions	Date	ARCHITECTURAL CIVIL AND STRUCTURAL CONSULTANTS	
			Tel: [REDACTED]	
			e-mail: info@[REDACTED]	
			[REDACTED]	
A	Revisions	Date	CLIENT	
			[REDACTED]	
			PROJECT	
			HIGH RYDE FARM, MAYS GREEN, [REDACTED]	
A	Revisions	Date	DRAWING TITLE	
			AS-BUILT ELEVATIONS	
			Drawn RJS/SD	Date APRIL 2022
			Scale A1 @ 1:50	REV. A
A	Revisions	Date	DRAWING No.	
			20042/25	
			REV.	
			A	



EXISTING BLOCK PLAN



PROPOSED BLOCK PLAN



HIGH RYDE, MAYS GREEN, [REDACTED]



Amendments	Date	[REDACTED] ARCHITECTURAL CIVIL AND STRUCTURAL CONSULTANTS	
		[REDACTED] Tel: [REDACTED]	
		e-mail: info@[REDACTED]	
		CLIENT [REDACTED]	
Rev		PROJECT HIGH RYDE FARM, MAYS GREEN, [REDACTED]	
		DRAWING TITLE BLOCK PLANS & SITE LOCATION PLAN	
		Drawn Scale RJS/SD A1 @ 1:500 / 1:2500	Date AUGUST 2022
		DRAWING No. 20042/26	REV. —



Mr. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

**Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure)
(England) Order 2015**

Refusal of planning permission: 22/P/01537

Date of Decision: 24/02/2023

Proposal: Retrospective application to incorporate as-built amendments to lawful development certificate 16/P/01670, approved on 04/10/2016 and planning permission 16/P/0258, approved on 14/02/2017; proposed two storey side extension, extension to approved two storey rear extension and loft conversion to habitable accommodation.

Location: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]

For: Mr. [REDACTED]

The above application is hereby refused for the following reason(s):

1. The development for which planning permission is sought retrospectively due to the resultant significant uplift in floorspace and significant increase in bulk and massing of the property when combined with previous additions to the property has resulted in a disproportionate enlargement of the original building and therefore represents inappropriate development in the Green Belt. There are no very special circumstances to outweigh this harm. Therefore the development is contrary to Policy P2 of the Guildford Borough Local Plan : Strategy and Sites 2015-2034 (adopted 25 April 2019) and the provisions of the National Planning Policy Framework 2021.

Informatives:

1. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:

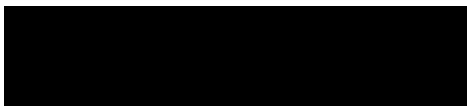
- Offering a pre application advice service
- Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
- Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

However, Guildford Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application is required.

Pre-application advice was not sought prior to submission. The applicant was contacted by the Council's Enforcement Officers in August 2022 by email. There are significant objections to the application that minor alterations would not overcome, it was not considered appropriate to seek amendments through the course of this application

2. This decision relates expressly to drawing(s) 20042/26; 20042/02; 20042/01; SITE LOCATION PLAN; received on 2 September 2022 and 20042/25 REV A; 20042/23 REV A; 20042/24 REV A received 18 October 2022.

Please read the Important Notes attached.



Interim Head of Planning

Important Notes

The applicant is recommended to retain this decision notice in a safe place or with the title deed of the property.

Appeals to the Secretary of State

General

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990 (as amended).

You, or an agent acting on your behalf, can appeal if you were the person who made the application. Appeals are dealt with by the Planning Inspectorate, an executive agency of the Department for Communities and Local Government. Its primary function is to determine appeals on behalf of the Secretary of State.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

Householder Planning Applications

As this is a decision to refuse planning permission for a householder application, if you want to appeal against the Council's decision then you must do so within 12 weeks of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the Council's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

If either the Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Borough Council. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).

Appl No: 22/P/01537 **6/8/13 week deadline:** 15/12/2022
Appl Type: Full Application
Parish: Ockham **Ward:** Lovelace
Agent: [REDACTED] **Applicant:** Reid
Location: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]
Proposal: Retrospective application to incorporate as-built amendments to lawful development certificate 16/P/01670, approved on 04/10/2016 and planning permission 16/P/0258, approved on 14/02/2017; proposed two storey side extension, extension to approved two storey rear extension and loft conversion to habitable accommodation.

Officer's Report

Site description.

The site is located within the Green Belt and outside of any identified settlement boundary. The site comprises a two storey detached house with a plain clay tile roof and brick elevations.

Proposal.

Retrospective application to incorporate as-built amendments to lawful development certificate 16/P/01670, approved on 04/10/2016 and planning permission 16/P/02587, approved on 14/02/2017; proposed two storey side extension, extension to approved two storey rear extension and loft conversion to habitable accommodation.

Original floor area - 231 sq m approx (Figure taken from previous application 16/P/02587)

As Built Floor area: - 442 sq m approx (Figure taken from drawing number 20042/23 Rev A)

Relevant planning history.

Reference:	Description:	Decision Summary:	Appeal:
20/P/00272	Proposed replacement of a barn with a pair of detached bungalows (amended plans received 26 May 2020, amended description 21 July 2020)	Approve 12/01/2021	N/A
19/W/00114	Prior notification under part 3, schedule 2 of the Town and Country Planning (General Permitted Development) Order for change of use from agricultural building to a dwellinghouse (use class C3) and associated operational development.	Approve 31/01/2020	N/A
17/P/02229	Erection of two dwelling houses following demolition of existing building	Refuse 09/01/2018	DISM 15/11/2018
16/P/02587	Erection of a two storey front porch extension	Approve 15/02/2017	N/A

16/W/00110	Prior notification under part 3, schedule 2 of the Town and Country Planning (General Permitted Development) Order for change of use from agricultural building to a dwellinghouse (use class C3) and associated operational development.	Refuse 13/01/2017	ALLD 08/06/2017
16/W/00084	Prior notification under part 3, schedule 2 of the Town and Country Planning (General Permitted Development) Order for change of use from agricultural building to a dwellinghouse (use class C3) and associated operational development.	Refuse 14/11/2016	N/A
16/P/01670	Certificate of lawfulness for a proposed development to establish whether a two storey rear extension would constitute permitted development.	Approve 04/10/2016	N/A
16/W/00071	Prior notification under part 3, schedule 2 of the Town and Country Planning (General Permitted Development) for change of use from agricultural to residential and associated operational development.	Refuse 16/09/2016	DISM 30/12/2016
15/P/01055	Reduction in size of existing barn commensurate with the agricultural needs of the holding.	Refuse 24/07/2015	ALLC 22/02/2016
14/P/00033	Construction of a single storey side and rear single storey extension, fenestration alterations to the rear and side facades and amendments to front garden and entrance area including enlarged garage.	Pending	N/A
14/P/00003	Prior Notification under Part 6 of the Town and Country Planning (General Permitted Development) Order for the erection of agricultural building for storage of machinery and agricultural produce following demolition of existing barn.	Application Not Required 17/02/2014	N/A
13/P/00723	Certificate of Lawfulness for existing use, to establish whether the wall which has been constructed to the	Part Approved, Part Refused 06/01/2014	N/A

north, south and east of the dwelling house falls under permitted development, and whether the land bounded by this wall has been in residential use for the last ten years.

13/P/00722	Construction of a replacement agricultural barn (retrospective application).	Refuse 01/08/2013	DISM 03/10/2014
12/P/02139	Erection of residential boundary wall and steps and entrance roads piers.	Withdrawn 15/02/2013	N/A

Consultations.

Statutory consultees

No comments received

Ockham Parish Council- objection

- the applicant would have been aware that further planning consent needed to be sought prior to adding two gables on the second floor and the second floor windows
- stealthy development creep
- proper planning totally disregarded
- no further development within the curtilage of the dwelling

Amenity groups/Residents associations

Ockham and Hatchford Residents Association:objection

- case of development against the permitted applications
- process making a mockery of the planning system
- no special circumstances exist for the extension of the dwelling beyond the approvals already granted
- no further development should be permitted within the curtilage of the dwelling

Third party comments:

None received

Planning policies

The following policies are relevant to the determination of this application

National Planning Policy Framework (NPPF) (revised on 20 July 2021)

Chapter 12. Achieving well-designed places

Chapter 13. Protecting Green Belt land

Chapter 15. Conserving and enhancing the natural environment

Guildford Borough Local Plan: Strategy and Sites (adopted by Council on 25 April 2019)

Policy D1: Place shaping

[Policy P2: Green Belt](#)

The Guildford Borough Local Plan: Strategy and Sites was adopted by Council on 25 April 2019. The Plan carries full weight as part of the Council's Development Plan. The Local Plan 2003

policies that are not superseded are retained and continue to form part of the Development Plan (see Appendix 8 of the Local Plan: strategy and sites for superseded Local Plan 2003 policies).

Guildford Borough Council: Development Management Policies (LPDMP) June 2022

The LPDMP can now be considered to be at an advanced stage in production. The hearing sessions have been completed and the Inspector has reached a conclusion that, subject to main modifications, the plan can be found sound. The main modifications he considers necessary are currently out for consultation. Those policies/parts of policies that are not subject to any proposed main modifications should now be afforded considerable weight. Where specific parts of a policy are subject to main modifications, then further consideration should be given as to the extent to which those modifications would, if accepted, impact upon the assessment of the proposal. If it would result in a different conclusion being reached then these specific parts of the policies should be given moderate weight given the level of uncertainty that these will still be recommended by the Inspector in his final report.

Policy H5: Housing Extensions and Alterations including Annexes

Policy D4: Achieving High Quality Design and Respecting Local Distinctiveness

Policy D5: Protection of Amenity and Provision of Amenity Space

Policy P8/P9: Protecting Important Habitats and Species

Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007):

Policy G1(3)

Policy G5

Policy NE4

Lovelace Neighbourhood Plan 2019 - 2034 (adopted May 2021):

Policy LNPH1: Suitability of Development Sites

Policy LNPH3: Housing Design and Density

Policy LNPEN2: Biodiversity and Natural Habitats

Policy LNPI4: Parking

Supplementary Planning Documents (SPD)

Residential Extensions and Alterations 2018

Vehicle Parking Standards (2006)

Climate Change, Sustainable Design, Construction and Energy SPD (2020)

Planning considerations.

The main planning considerations in this case are:

- the principle of development and impact on the Green Belt
- the impact on neighbouring amenity
- highway/parking considerations
- retrospective application
- sustainability
- biodiversity

The principle of development and impact on the Green Belt

The site is located within the Green Belt. The NPPF identifies that new buildings will be deemed inappropriate unless for specific purposes as set out in paragraph 149. Extensions to buildings are referred to, provided they would not result in a disproportionate enlargement to the original

building. The test of whether there would be a disproportionate enlargement is not an openness test nor does it relate to the visual impact of the development. Neither is it a relative assessment to the size of other buildings in the surrounding area. Instead it requires a quantitative assessment, factors can include the floorspace uplift and three dimensional factors such as footprint, increases in height, width, depth and building shape.

Policy P2 of the adopted Local Plan confirms that Green Belt policy will be applied in line with the NPPF.

In floorspace terms the size of the original and the as built existing building are set out below:

- Original building: 231 approx sq m
- As built existing building: 442 approx sq m

The extensions to the building for which planning permission is being applied for retrospectively represents a cumulative percentage increase of 91% (approx) in the size of the original dwelling. The applicant had planning permission for a two storey front porch extension under planning reference 16/P/002587 and a lawful development certificate for a two storey rear extension under planning reference 16/P/01670. The applicant's agent states within their application that whilst these extensions for which permission had been sought gave adequate accommodation, their client thought that the elevations made the dwelling too "blocky". In an attempt to resolve this a number of significant changes were made to the plans and are now the subject of this retrospective application. The resultant dwelling is considerably larger than the dwelling that would have resulted from the previous applications for which planning permission was sought.

However, as stated floorspace is not the only indicator. The development has increased the footprint of the building significantly and the overall bulk and massing of the as built property are considerably greater than the original dwelling. The addition of front and rear gable extensions, and a large side extension combined with the significantly increased roof area also being used as habitable accommodation with the introduction of windows on the second floor result in a property that in all respects has been greatly increased in size over the original dwelling

Overall taking into account all the relevant information the proposal would result in a disproportionate addition to the original building.

No very special circumstances exist that would outweigh the harm to the Green Belt. The applicant had sought permission for extensions using his permitted development rights through his application for a Lawful Development Certificate (16/P/01670) and planning permission 16/P/02587. The applicant has disregarded those permissions and chosen to build out the development that is now the subject of this retrospective application which results in a property almost double the size of the original dwelling without seeking the appropriate planning permission beforehand. Had an application been made for this development before it was constructed the application would have been refused and the applicant could have appealed that decision. Instead the applicant has chosen to build out the proposals and then seek permission once they are built. The applicant would have been aware that planning permission was required given the previous applications that were made to the Council in 2016 for additions to this property.

The impact on neighbouring amenity

Due to its location and the significant distance away from the nearest neighbouring property, there are no issues of amenity. The proposal therefore complies with Policy G1(3) of the saved local plan and Policy D5 of the LPDMP 2022.

Highway/parking considerations

The dwelling would retain parking spaces in excess of the Council's minimum parking standards.

Retrospective application

A ministerial planning policy statement on 31 August 2015 introduced a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. This has been supplemented by a written answer to the House of Commons on 19 October 2018 confirming that it remains a potential material consideration.

The statement does not advise the level of weight it that should be applied, neither does it override Section 73A of the Town and Country Planning Act 1990 (as amended) which provides the legal basis for submitting a retrospective application. The nPPG also confirm the use of an application as a legitimate means of regularising a breach of planning control. Given these factors it is unlikely that where development accords with the provisions of the Development Plan that refusal could be justified only on the grounds that it was unauthorised.

In considering this current application, which seeks to regularise unauthorised development, the local planning authority has given weight to the fact that the application is retrospective. However, in the absence of any evidence to demonstrate that the applicant intentionally sought to breach planning legislation, or any detailed guidance from central government on the level of weight that should be applied in such circumstances, the fact that this application is retrospective is only considered to weigh against granting planning permission to a limited degree.

Sustainability

The applicant has completed the Council's Climate Change, Energy and Sustainable Development Questionnaire in line with Policy D2 of the LPSS 2019. The applicant has provided adequate information about how the development complies with the energy requirements of Policy D2 and the information provided is proportionate to the size of the development regarding other matters of sustainability.

Biodiversity

No information regarding biodiversity net gain has been provided by the applicant. Had the application been recommended for approval biodiversity net gains could have been secured through an appropriately worded condition.

Conclusion.

The proposed development has been built without the benefit of planning permission and has combined with additions previously permitted to the property resulted in a disproportionate addition over the original dwelling. As such, the development constitutes inappropriate development which by definition is harmful to the Green Belt. No very special circumstances exist .

The application is recommended for refusal.

RECOMMENDATION:

Refuse - for the following reason(s) :-

1. The development for which planning permission is sought retrospectively due to the resultant significant uplift in floorspace and significant increase in bulk and massing of the property when combined with previous additions to the property has resulted in a disproportionate enlargement of the original building and therefore represents inappropriate development in the Green Belt. There are no very special circumstances to outweigh this harm. Therefore the development is contrary to Policy P2 of the Guildford Borough Local Plan : Strategy and Sites 2015-2034 (adopted 25 April 2019) and the provisions of the National Planning Policy Framework 2021.

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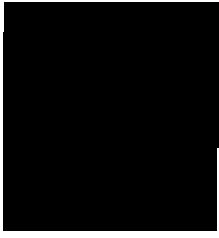
Report Date: 23 February 2023

Case Officer:

[REDACTED]

Planning Officer

Checking Manager:



Principal Planning Officer Majors



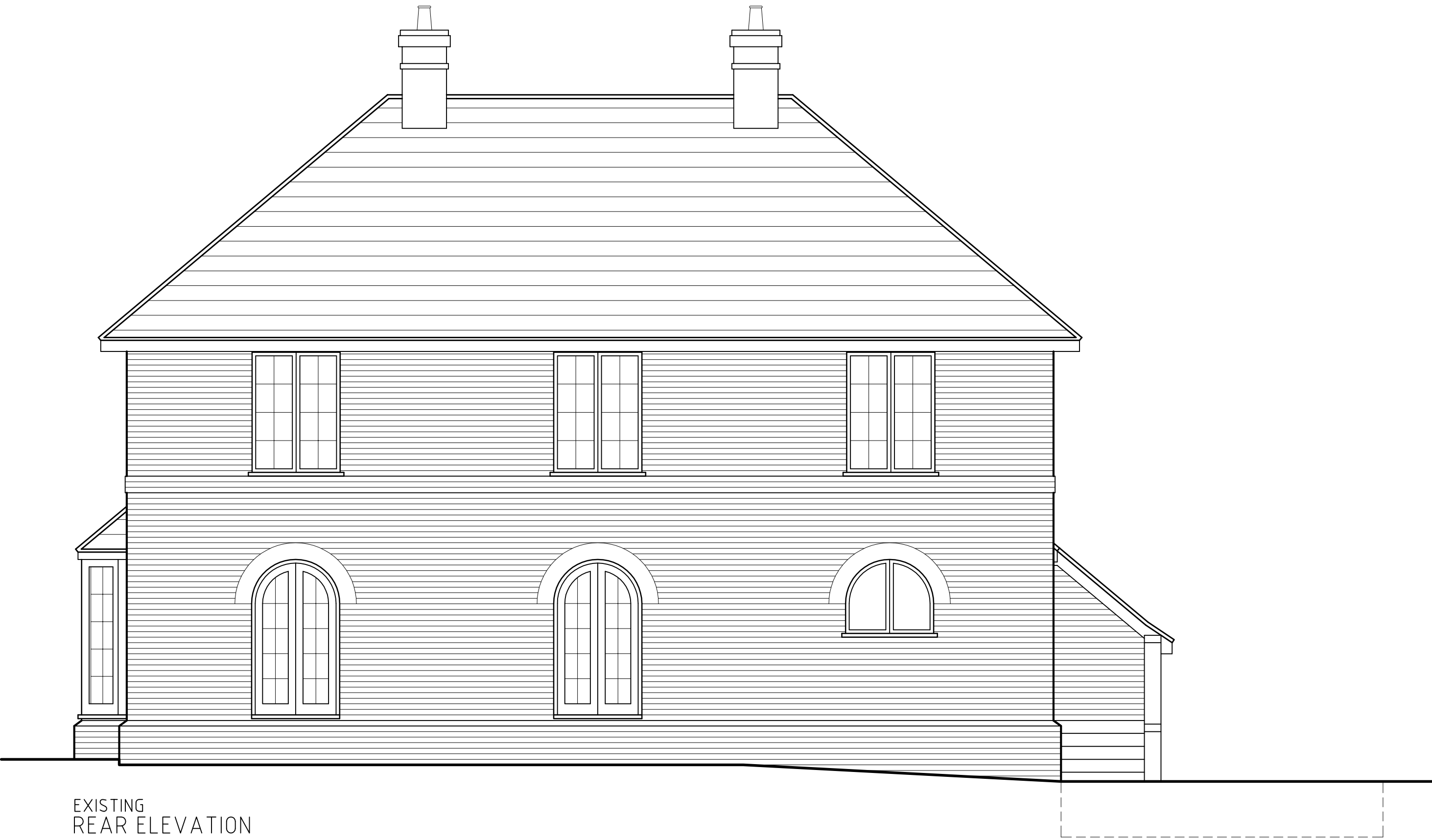
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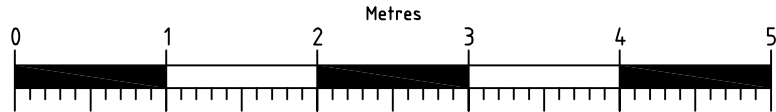
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SIDE ELEVATION



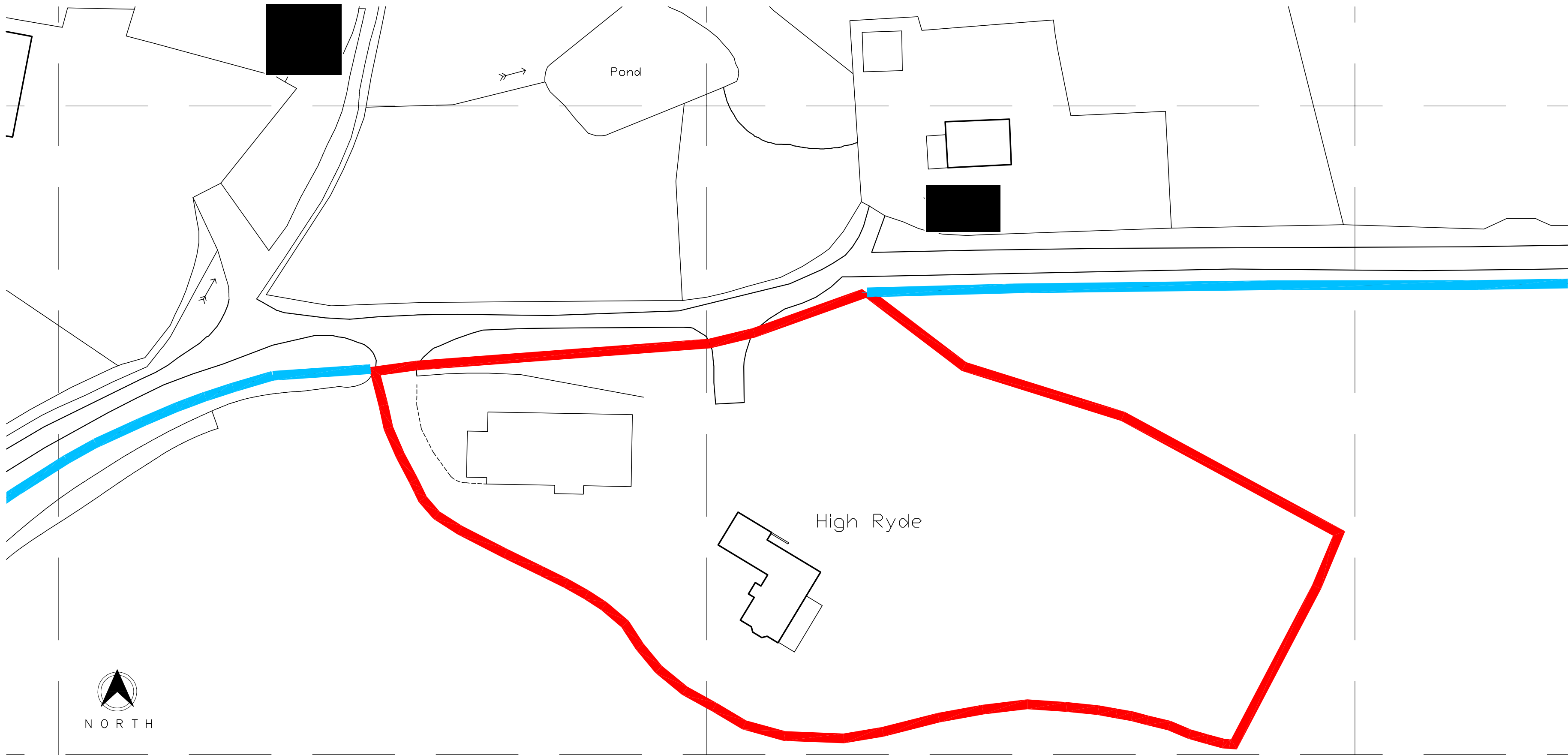
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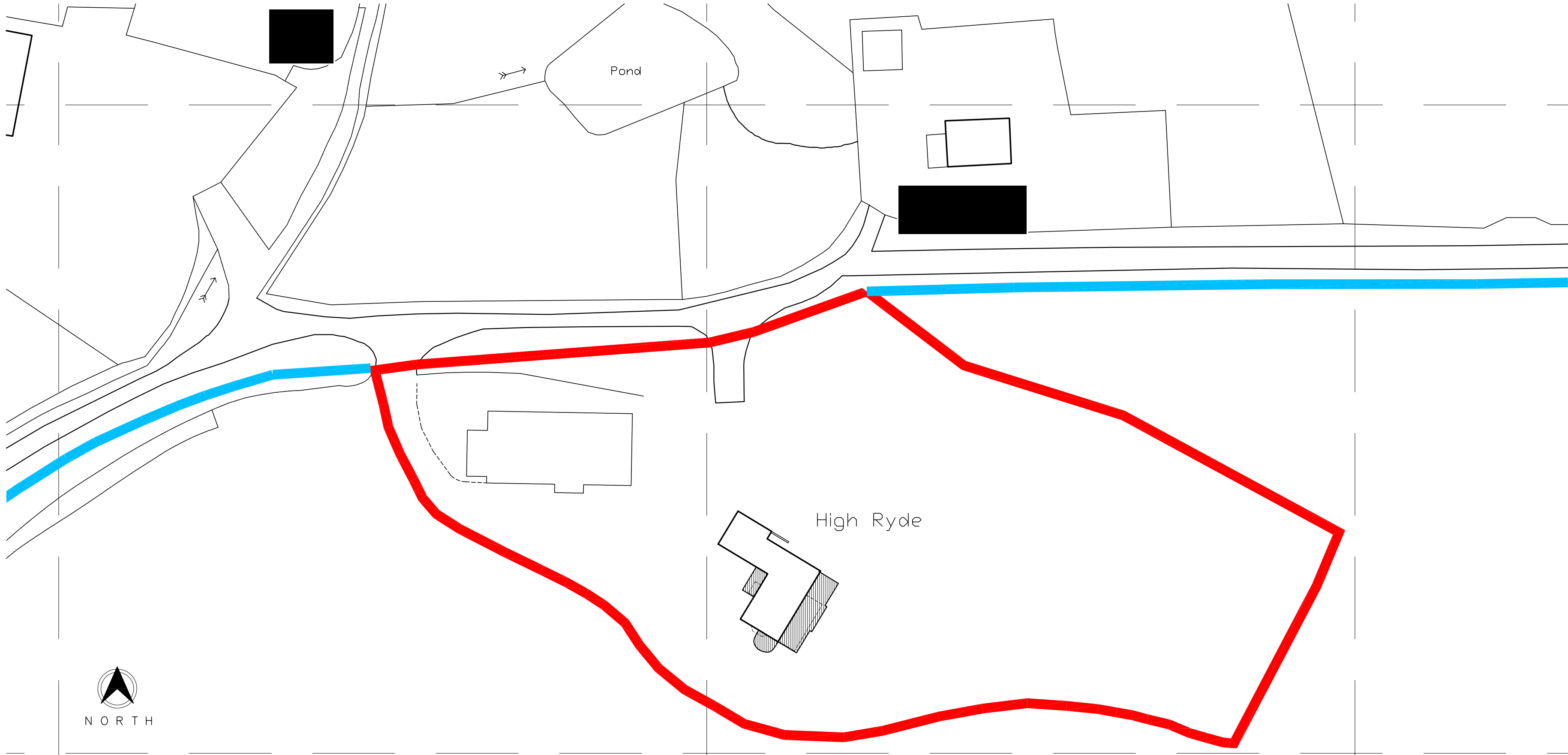
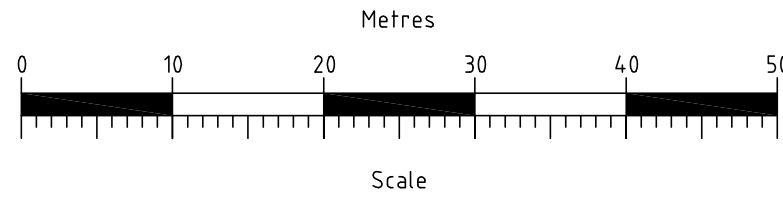
EXISTING
REAR ELEVATION



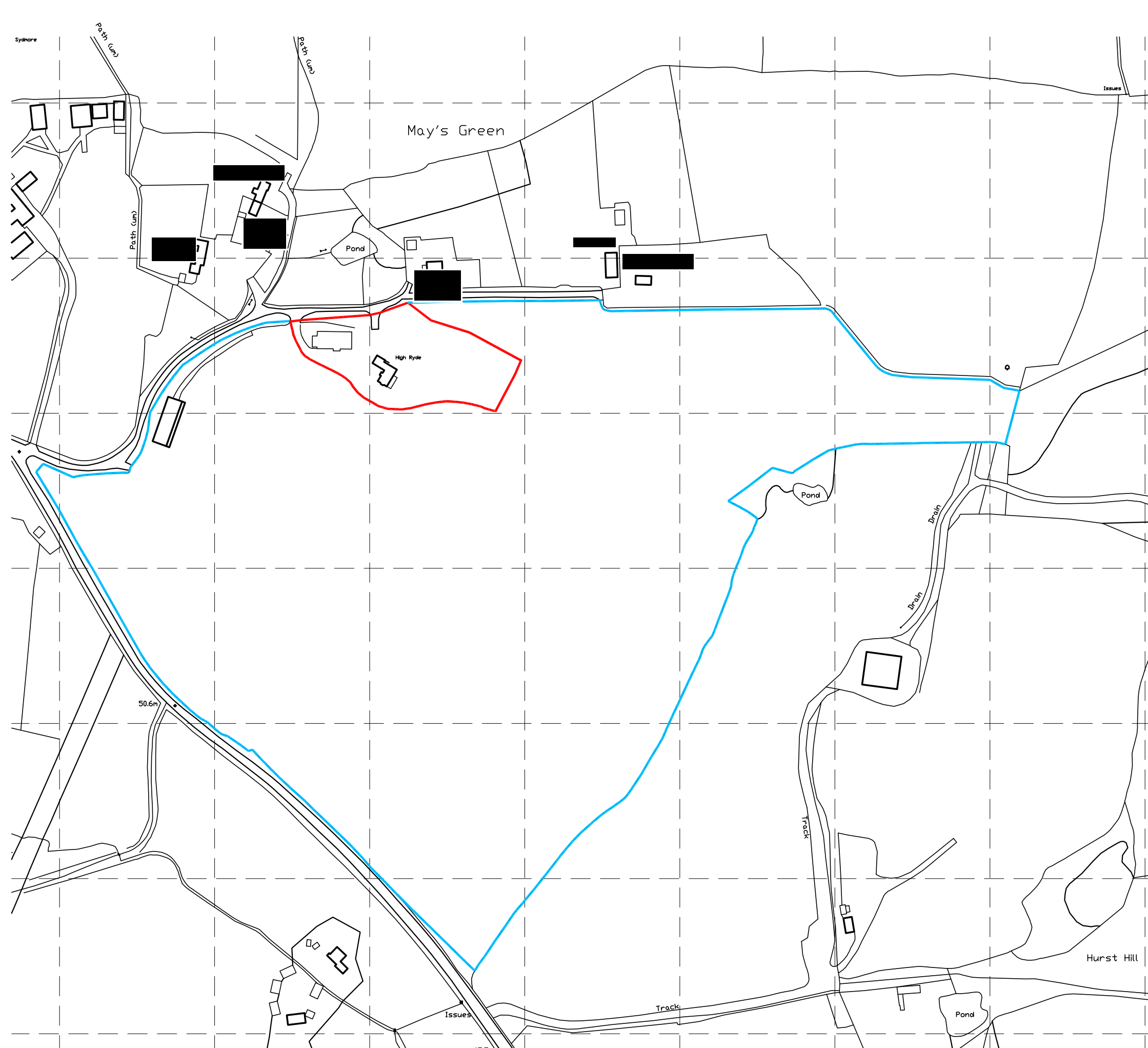
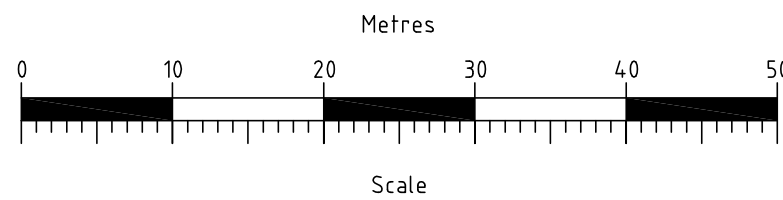
Amendments	Date	ARCHITECTURAL CIVIL AND STRUCTURAL CONSULTANTS	
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		e-mail: info@ [REDACTED]	
		CLIENT	
Rev	Date	PROJECT	
		HIGH RYDE FARM, MAYS GREEN, [REDACTED]	
		DRAWING TITLE	
		EXISTING ELEVATIONS	
Rev	Date	Drawn	
		RJS/SD	
		Scale	
		A1 @ 1:50	
Rev	Date	DRAWING No.	
		20042/02	
		REV.	
		—	



EXISTING BLOCK PLAN



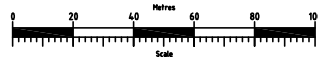
PROPOSED BLOCK PLAN



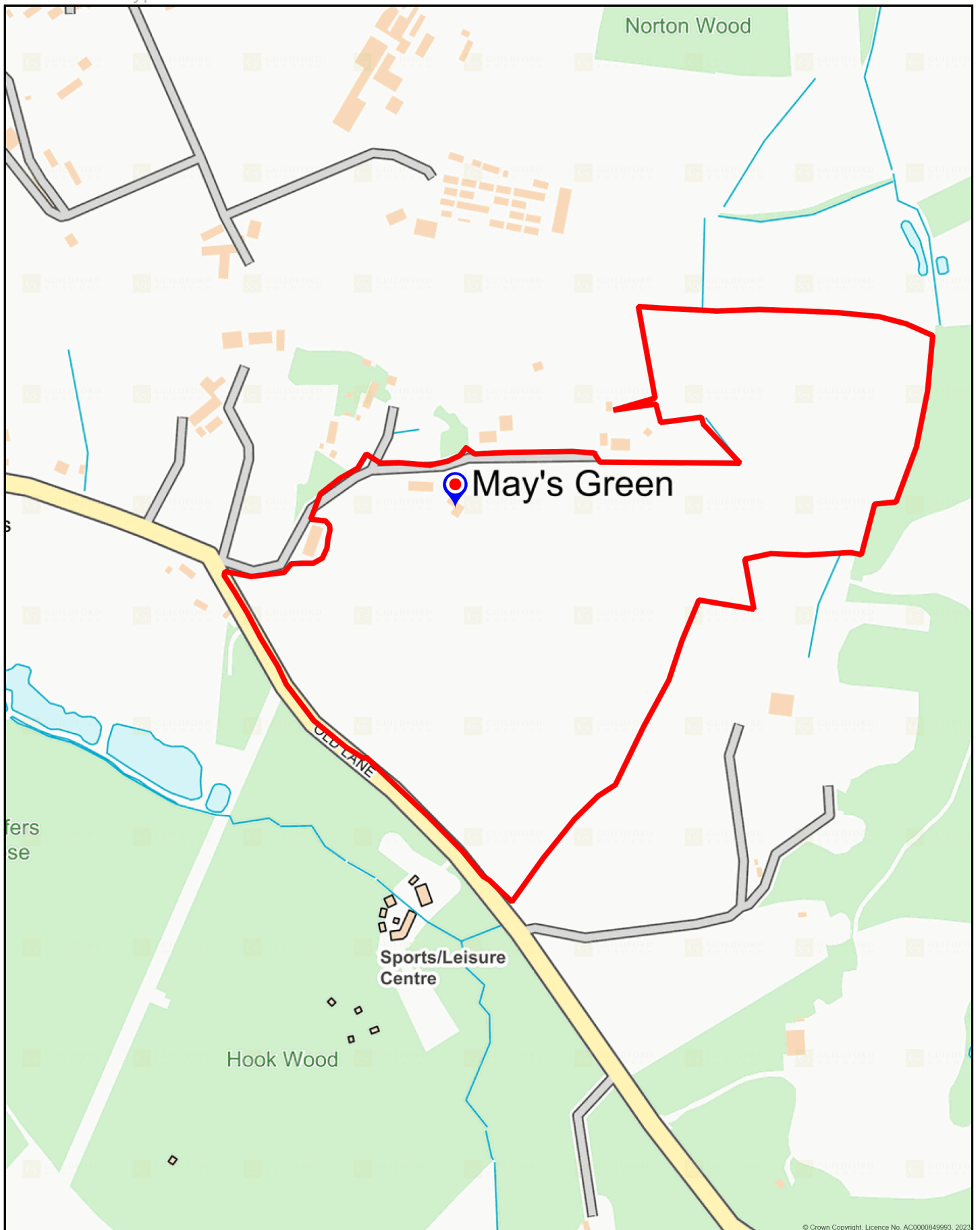
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HIGH RYDE, MAYS GREEN, [REDACTED]

Scale 1:2500 @ A3



Date	ARCHITECTURAL CIVIL AND STRUCTURAL CONSULTANTS	
	Te [REDACTED]	
	e-mail: info@ [REDACTED]	
	CLIENT	
Amendments	PROJECT	
	HIGH RYDE FARM	
	MAYS GREEN, [REDACTED]	
	DRAWING TITLE	
Rev	Drawn	RJS/SD
	Scale	A1 @ 1:500 / 1:2500
	Date	AUGUST 2022
	DRAWING No.	20042/26
	REV.	—



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Plan A

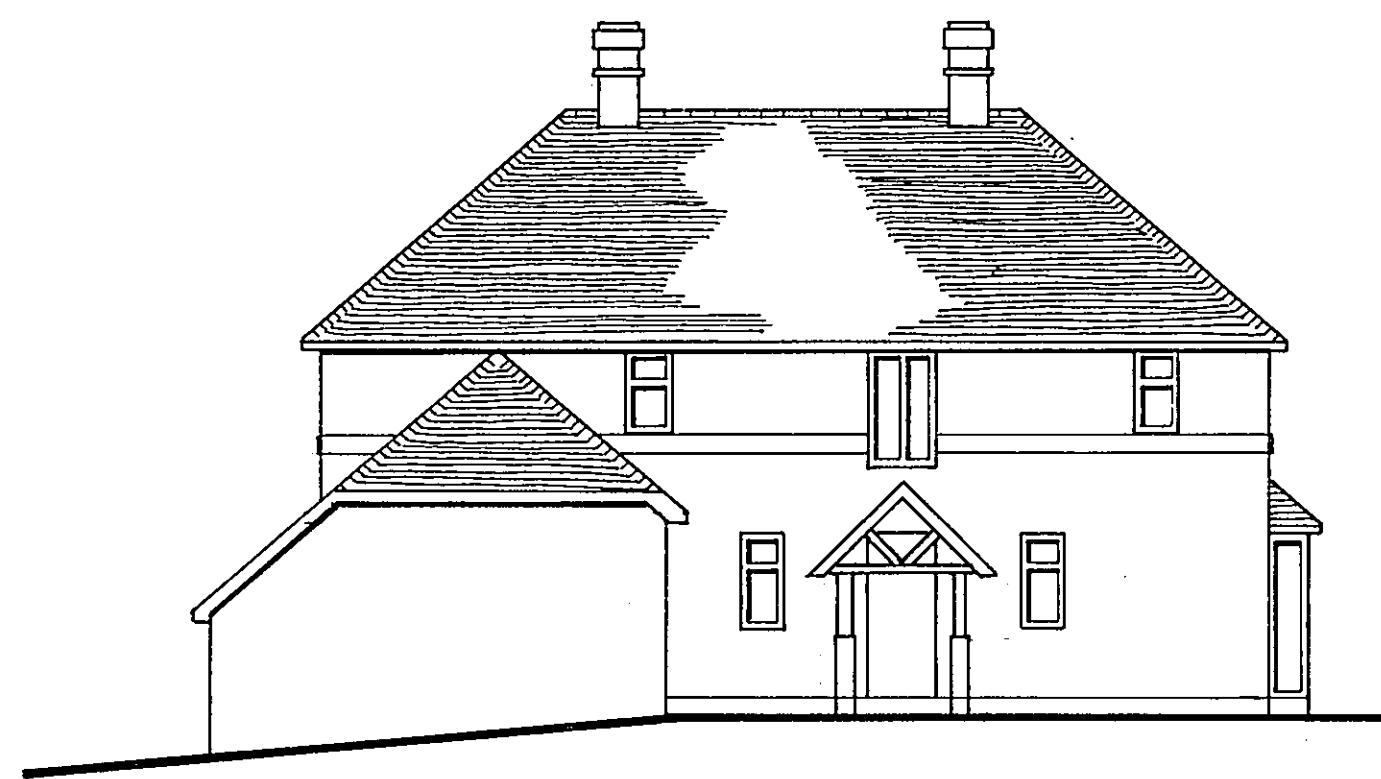


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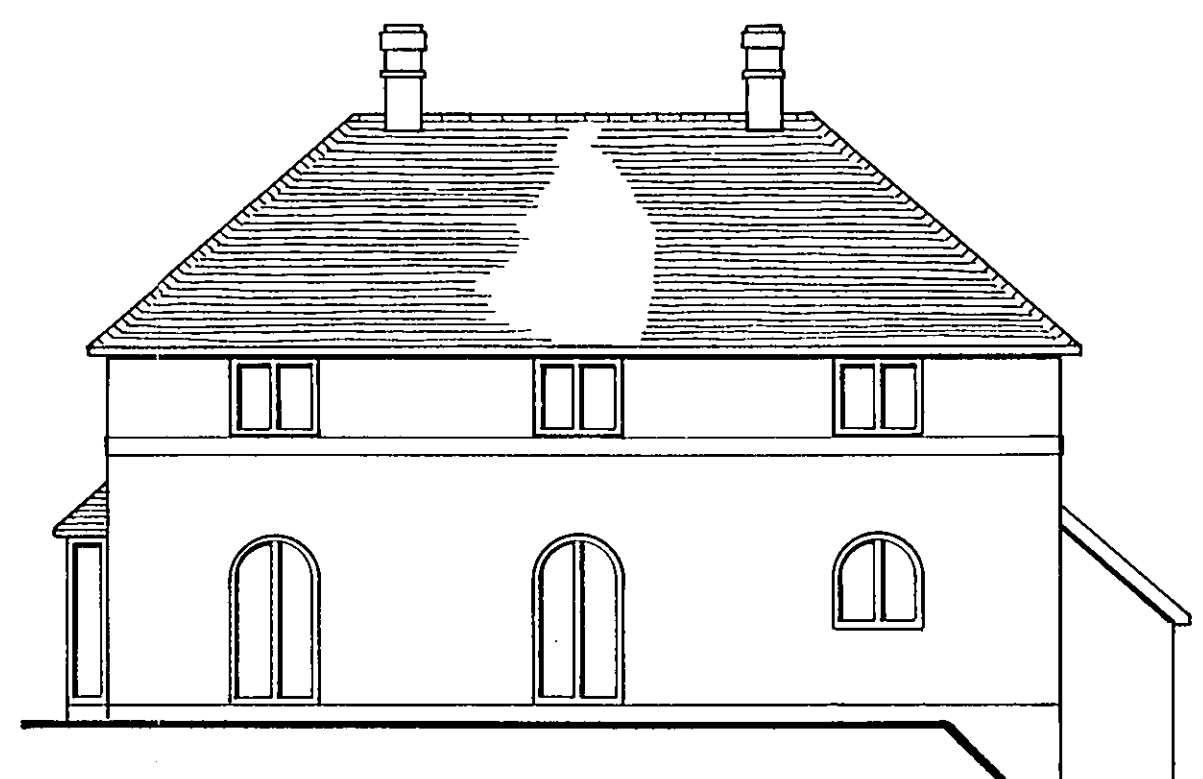
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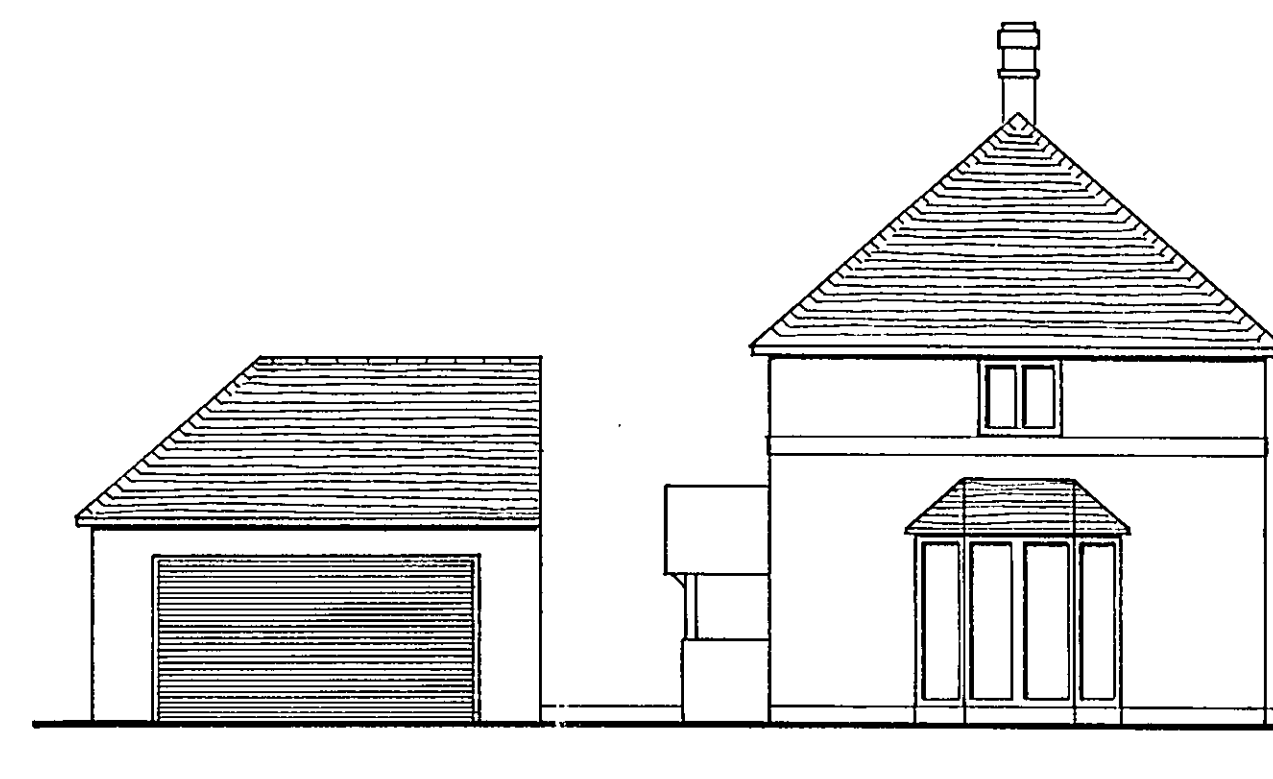
EXISTING SOUTH ELEVATION



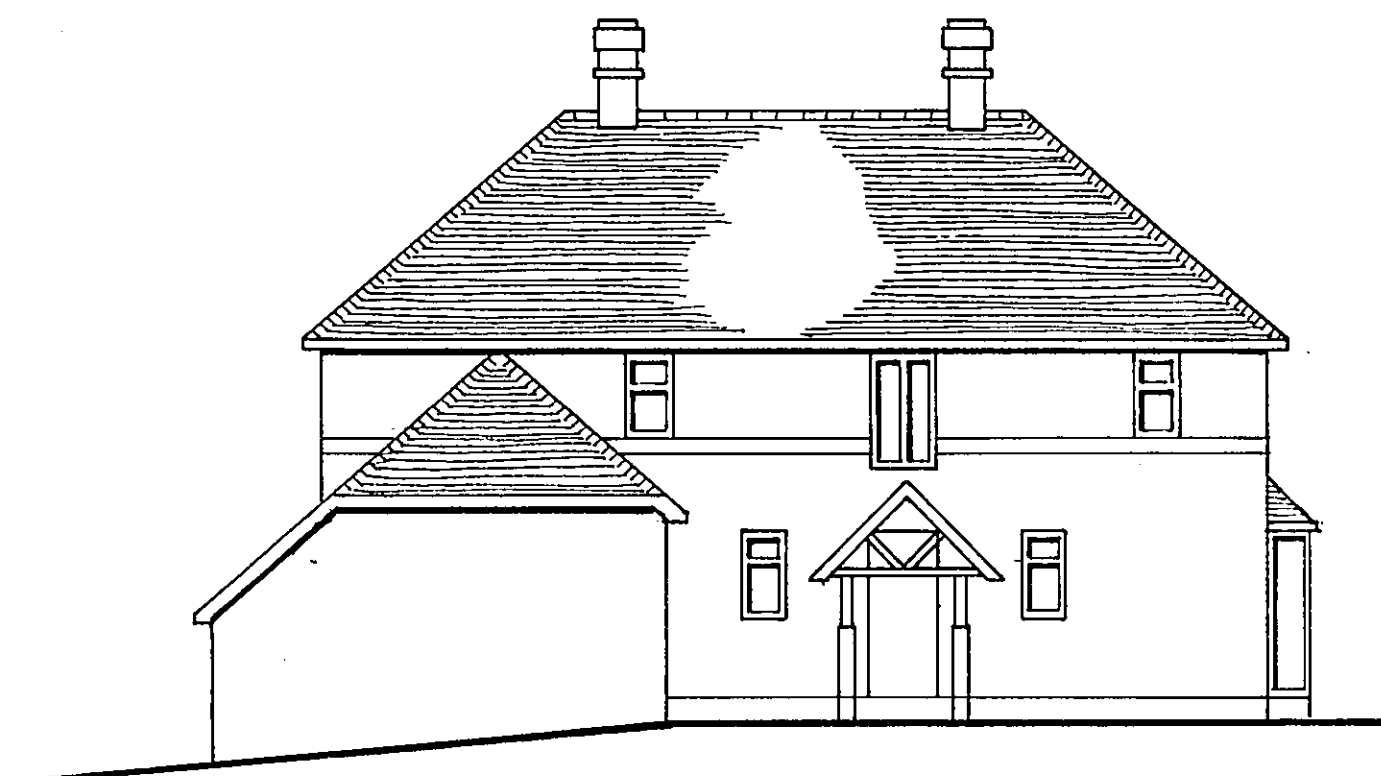
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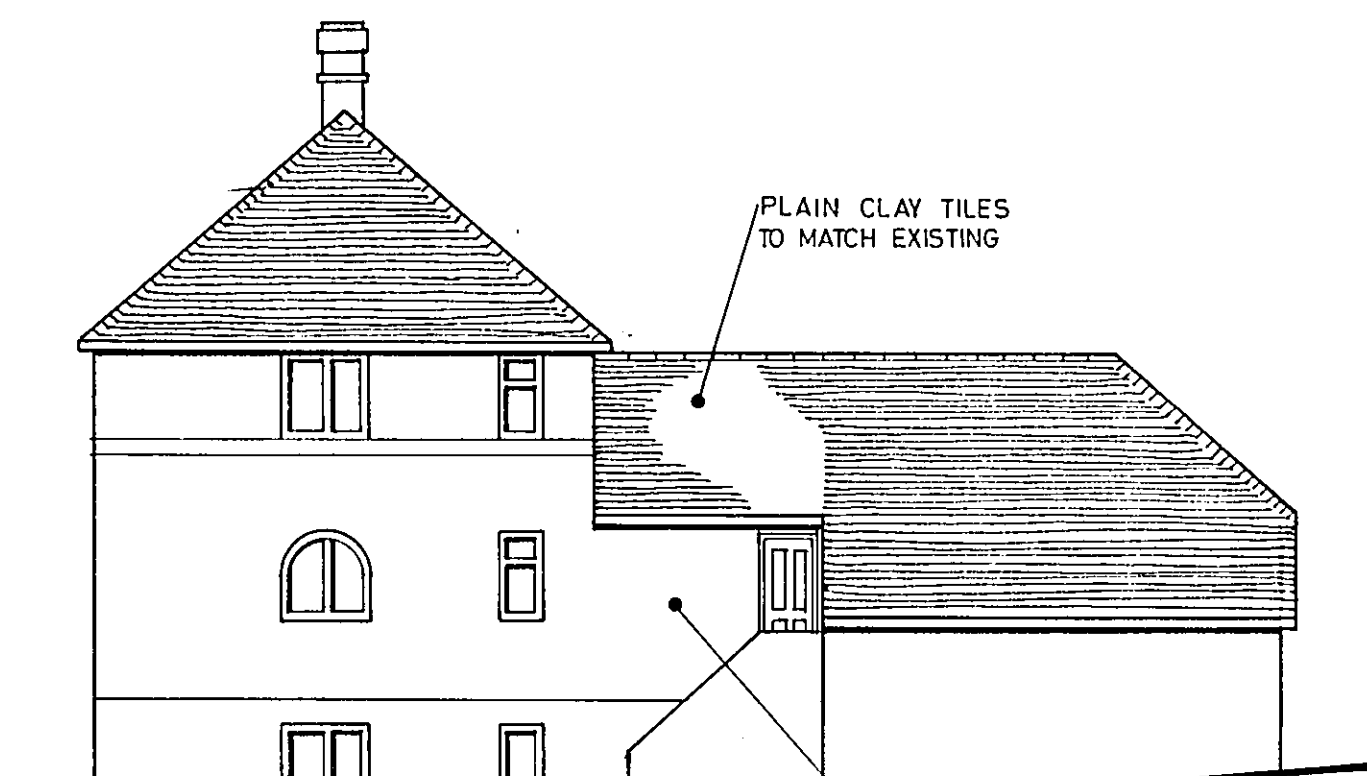
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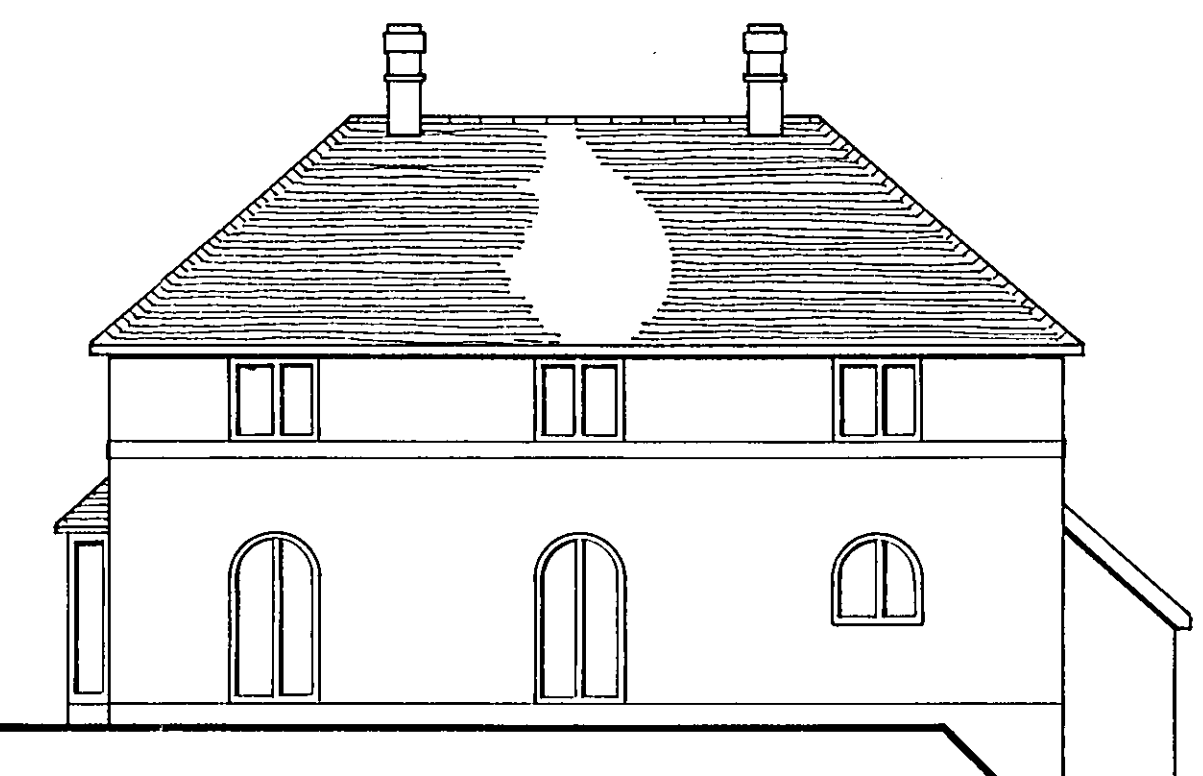
EXISTING EAST ELEVATION



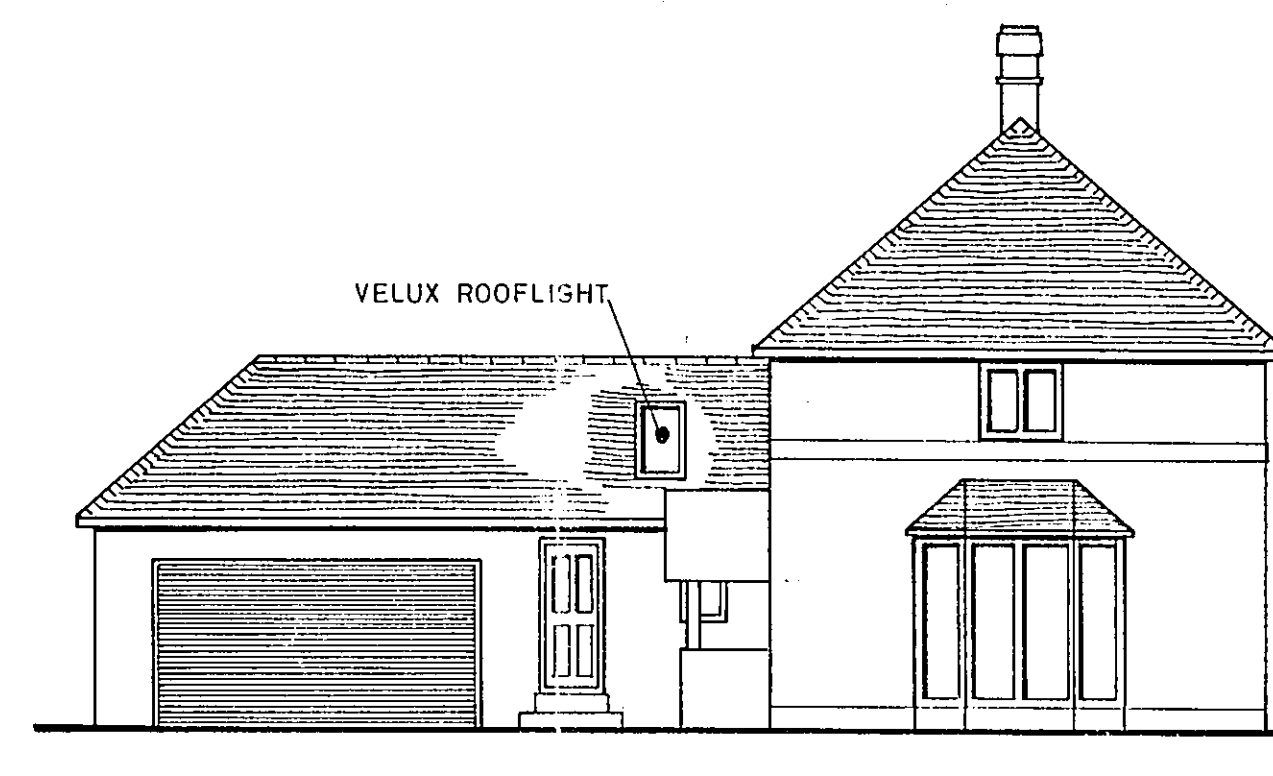
PROPOSED SOUTH ELEVATION



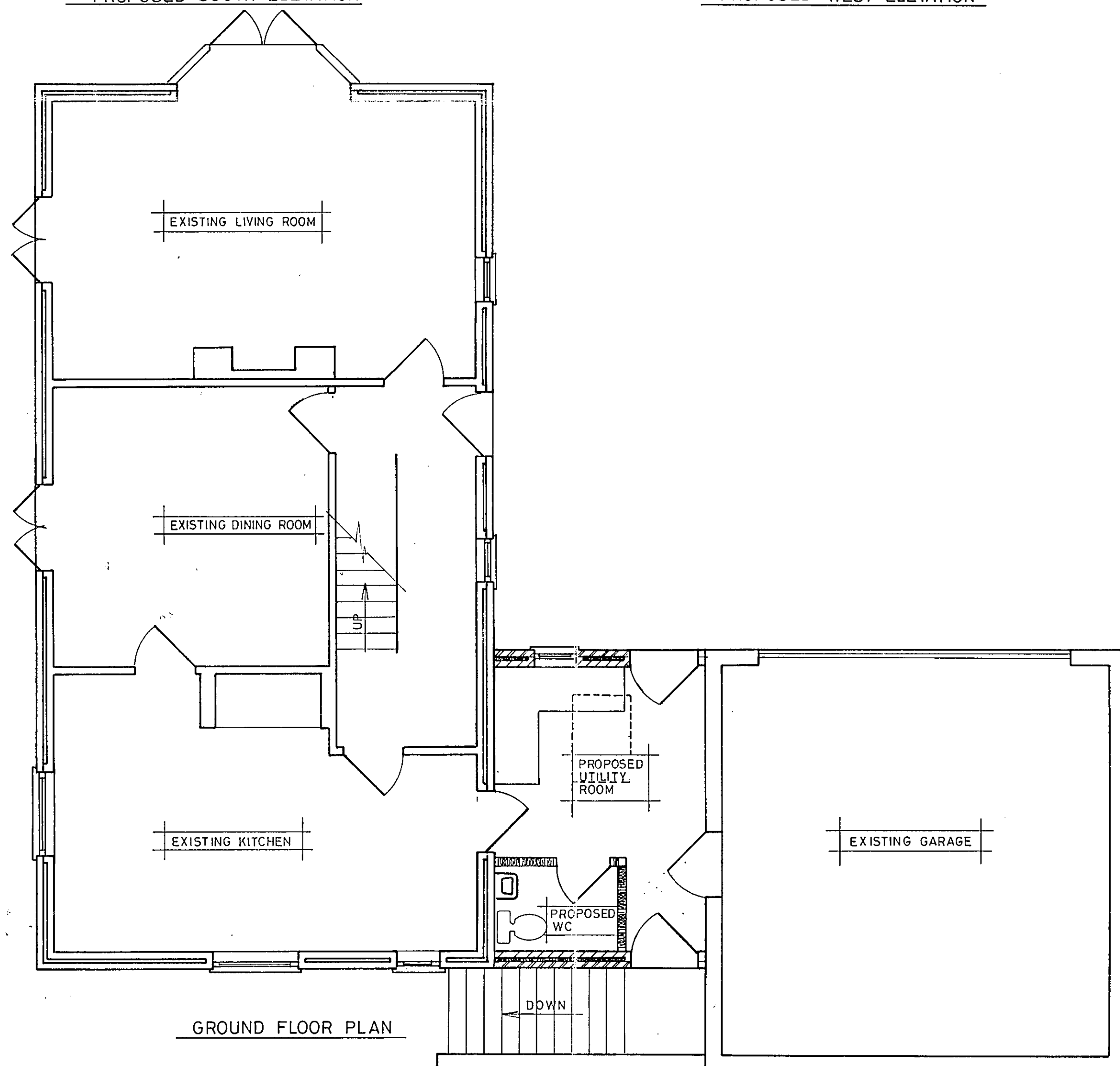
PROPOSED WEST ELEVATION



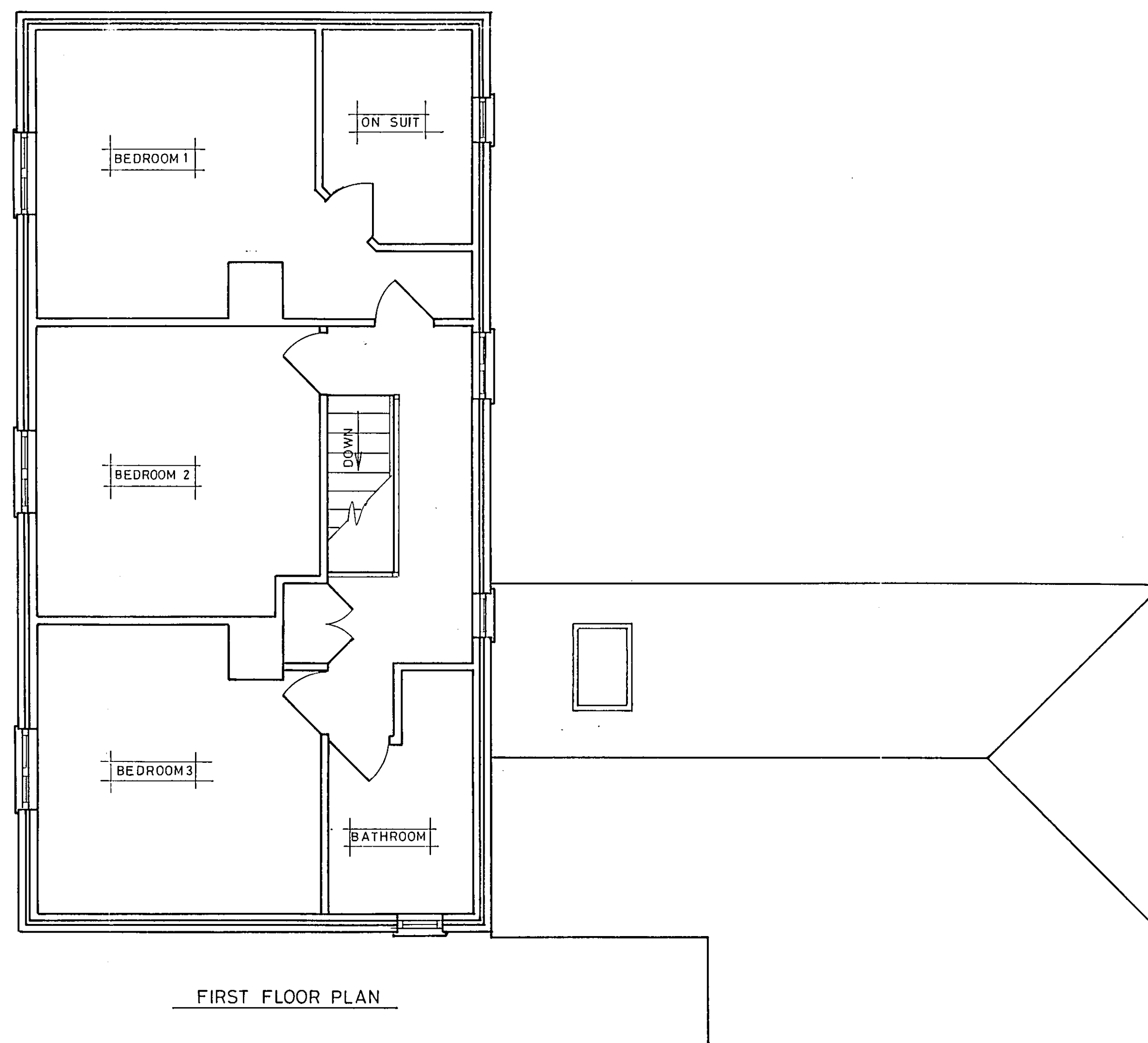
PROPOSED NORTH ELEVATION



PROPOSED EAST ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

Notes:

A	Date	Revisions

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GUILDFORD BOROUGH COUNCIL
DEVELOPMENT GROUP
RECEIVED 25 JUN 2004
APP No. 04/P/1447

Client

MR AND MRS [REDACTED]

Job Title

PROPOSED SINGLE STOREY
EXTENSION AT
HIGH RYDE
MAYS GREEN

[REDACTED]
Telephone: [REDACTED]

Scale 1:100 1:50

Date DEC 03

Drawn by SAB

Org. No. PL / 47 Rev.