

Appeal Decision

Site visit made on 2 November 2016

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 November 2016

Appeal Ref: APP/E2734/W/16/3151682

Belmont Farm, 193 Forest Lane, Harrogate, North Yorkshire HG2 7EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Lee Forster against the decision of Harrogate Borough Council.
 - The application Ref 6.79.412.Z.REM (14/02461/REM), received 2 September 2014, was approved on 28 October 2014 and planning permission was granted subject to conditions.
 - The development permitted is described as 'Reserved matters application under outline permission 6.79.412.W.OUT for the erection of meeting hall with all matters considered.'
 - The condition in dispute is No 4 which states that: *'No development shall take place until a Design Stage Certificate issued by BRE has been submitted to and approved in writing by the Local Planning Authority. The development shall meet BREEAM 'very good' or higher. Thereafter the development shall be carried out in accordance with the approved details.'*
 - The reason given for the condition is: *'To safeguard the environment and mitigate climate change in accordance with Harrogate District Core Strategy Policy EQ1'.*
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the disputed condition is necessary, relevant and reasonable in respect of the environmental impact of the development.

Reasons

3. The appeal relates to a new Christian Meeting Hall building which was under construction at the time of my site visit. Permission was granted subject to a condition (No 4) requiring that the development should meet or exceed the BREEAM 'very good' standard. The dispute between the parties relates to this requirement.
 4. Policy EQ1 of the Harrogate District Local Development Framework Core Strategy (CS, February 2009) seeks to reduce risks to the environment, and requires that types of development other than residential should attain BREEAM 'very good' standards. The accompanying text to the policy highlights the high levels of energy and water consumption and other environmental impacts within the district, and recognises the need to contribute to meeting national and regional targets for reducing those impacts.
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5. The removal of condition 4 is sought on the grounds that it is unnecessary, unreasonable and not relevant to the development, and so does not meet the policy tests in respect of planning conditions. The appellant contends that the scheme is a very small project of under 250sqm. However, CS Policy EQ1 does not set a threshold in terms of the size of development that should be subject to the BREEAM requirement. On my site visit, I saw that the hall will be a community facility of a sufficient size to produce environmental impacts in terms of water and energy consumption, and will generate visits by car. I therefore consider that condition 4 is relevant to the development in terms of these impacts.
6. I accept that the imposition of condition 4 will not bring about any changes to the shape, size or location of the development, or to the car parking or landscaping arrangements. I also note the appellant's willingness to comply with the other conditions attached to the planning permission. However, addressing the environmental impact of development is an important local and national policy objective. As condition 4 seeks to contribute to these aims, I consider that it meets the test of necessity.
7. The appellant argues that the requirement would place an unjustifiable and disproportionate burden on an organisation with charitable status, in terms of costs and other resources. Section (b) of Policy EQ1 states that all development requiring planning permission shall be subject to the environmental standards relevant to its type. The policy does not identify any circumstances under which a relevant development proposal should be exempt from attaining the BREEAM standard. Therefore, whilst acknowledging the appellant's position, there is no substantive evidence before me that would justify the setting aside the requirements of Policy EQ1, and so I find that the condition is reasonable.
8. In support of their position, the appellant states that other similar meeting halls are being constructed in other part of the country which have not been subject to the need for BREEAM approval by the relevant local planning authorities. However, no details of any other relevant cases are before me, so I can give limited weight to this circumstance.
9. Drawing these factors together, I find that condition 4 is relevant, reasonable, and necessary to ensure that the development complies with CS Policy EQ1. Therefore, taking all other matters into consideration, I conclude that the appeal should be dismissed, and that the condition should continue to be imposed.

Elaine Gray

INSPECTOR