
Appeal Decision

Site visit made on 31 January 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 22 February 2017

Appeal Ref: APP/R3650/W/16/3162306

1 Dockenfield Farm Cottages, Pitt Lane, Frensham, Farnham GU10 4HR

- 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 D Epps against the decision of Waverley Borough Council.
 - The application Ref WA/2016/1285, dated 22 June 2016, was approved on 19 August 2016 and planning permission was granted subject to conditions.
 - The development permitted is the erection of extensions and alterations following demolition of an existing extension.
 - The condition in dispute is No 4 which states that: Notwithstanding the provisions of the Town and Country Planning (GPDO) 2015 (or any order revoking that Order with or without modification);-
 - a) The extension authorised by this permission shall not be erected if another extension to the dwelling has been erected pursuant to that Order after the date of this permission or
 - b) No further extensions to the dwelling shall be erected pursuant to that Order in addition to the extension authorised by this permission.
 - The reason given for the condition is: Having regard to the policies of restraint which apply to the area and to accord with Policies C2 and RD2 of the Waverley Borough Local Plan 2002 and Section 5.2 of the Waverley Borough Council Supplementary Planning Document (Residential Extensions) adopted October 2010.
-

Decision

1. The appeal is allowed and the planning permission Ref WA/2016/1285 for the erection of extensions and alterations following demolition of an existing extension at 1 Dockenfield Farm Cottages, Pitt Lane, Frensham, Farnham GU10 4HR granted on 19 August 2016 by Waverley Borough Council, is varied by deleting condition No 4 and substituting for it the following condition:

'Notwithstanding the provisions of Classes A and B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement to the dwelling hereby permitted, save development under Class D of that Order, shall be erected without the express grant of planning permission.'

Background and Main Issue

2. Planning permission for the enlargement of the house by approximately 40% of its external floor area included a condition requiring that the approved extension should not be erected if another has been erected, and removing permitted development rights for extensions. The Council indicates that the condition was applied to ensure future extensions do not result in
-

disproportionate additions which may change the bulk of the house and make it intrusive in the landscape and detract from the rural context.

3. The main issue is therefore whether the condition is necessary and reasonable having regard to the appearance of the dwelling and the character of the area.

Reasons

4. The appeal site relates to one part of what appears as a pair of farm cottages in a cluster of rural buildings located in the countryside and beyond the Green Belt, where the development plan policies referred to by the Council are C2 and RD2 of the Local Plan 2002. Policy C2 seeks to protect the countryside for its own sake, which is more prescriptive than, and therefore inconsistent with, the National Planning Policy Framework (the Framework), which in paragraph 17 sets out 12 core planning principles, one of which includes that planning should recognise the intrinsic character and beauty of the countryside. This therefore limits the weight I may attach to Policy C2.
5. However, Policy RD2, which concerns extensions to dwellings in the countryside, is broadly consistent with the Framework. It requires extensions not to result in disproportionate additions over the size of the original dwelling, and not to adversely change the appearance of the dwelling or to detract from the rural character of the area.
6. Without part a) of the condition, there would be nothing to stop extensions under the GPDO¹ being implemented before the development the subject of the planning permission, which may have a significant, cumulative effect on the appearance of the house and the character of the area. I find this part of the condition, in circumstances where it is clear there is an intention to enlarge the house, to be reasonable and necessary, given the potential impact on the character of the area without it. It is relevant to the consent and sufficiently precise in its terms.
7. While part b) of the condition is not specific in indicating which classes of permitted development rights it withdraws, its reference to extensions is sufficiently clear. The Council's concern rests with the potential for extensions to the house being disproportionate and harming the character and beauty of the countryside. The consented development has been designed with sensitivity to the house and its context so that the extensions would not appear disproportionate to the house or harmful to the character of the area.
8. I note that the Planning Practice Guidance says that conditions restricting the future use of permitted development rights should only be used in exceptional circumstances. However, given the conspicuity of the house in views from the adjacent road and given the open countryside immediately to the south, I consider that the cautious approach of the Council towards future extensions is warranted in this case. The condition does not prevent development but brings it within the planning control of the Council. In these circumstances this is not an unreasonable approach.
9. Notwithstanding this, as it stands, the scope of the condition is unnecessarily wide. For instance, a porch extension under Class D of the GPDO would not be disproportionate to the house or harmful to the character of the area. However, given the size of the extensions under the approval in relation to the

¹ Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015

existing house, and in combination with them, there is a significant risk that enlargement under Class A, and an addition to its roof under Class B, may be cumulatively disproportionate to the original dwelling and have an adverse impact on the character of the area.

10. I conclude therefore that it is necessary and reasonable having regard to the appearance of the dwelling and the character of the area to bring development under Class A and under Class B of the GPDO into the detailed control of the Council.

Conclusion

11. As I have concluded that a condition is only reasonable and necessary to control development under Class A and Class B of the GPDO, I will replace the condition subject to the appeal with one that refers only to Class A and to Class B in respect of enlargement. For the reasons given above, I conclude that planning permission should be varied as set out in the formal decision.

Patrick Whelan

INSPECTOR