
Appeal Decision

Site visit made on 23 May 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 19 June 2017

Appeal Ref: APP/Q5300/W/17/3170503

Cricket Pavilion, East Lodge Lane, Enfield EN2 8AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Botany Bay Cricket Club against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/02959/CND, dated 29 June 2016, sought approval of details pursuant to conditions Nos 5 and 6 of a planning permission Ref 15/00782/FUL, granted on 11 August 2015.
 - The application was refused by notice dated 1 September 2016.
 - The development proposed is two storey side extension to pavilion and alterations to first floor.
 - The details for which approval is sought are: Energy Statement (condition 5) and BREEAM 2014 pre-assessment (or relevant equivalent) (condition 6).
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Decision

1. The appeal is dismissed and approval of the reserved matters is refused, namely: Energy Statement and BREEAM 2014 pre-assessment details submitted in pursuance of conditions 5 and 6 attached to planning permission Ref 15/00782/FUL dated 11 August 2015.

Procedural Matters

2. This appeal relates to an application to approve details pursuant to planning permission Ref 15/00782/FUL for extensions to the pavilion at Botany Bay Cricket Club. However, the appeal forms make clear that the appellant wishes the conditions attached to that permission to be varied or removed, on which the Council have not commented. For reasons of procedural fairness I must consider the appeal as against the decision of the Council as to whether the details submitted pursuant to the conditions would meet the requirements of those conditions.
 3. It is clear from the information submitted that the Energy Statement does not demonstrate a 20% improvement in total CO₂ emissions as required by condition 5 and no BREEAM pre-assessment has been provided to be assessed against condition 6. As such, the details submitted would not meet the requirements of the conditions.
 4. I note the frustrations of the appellant given that I understand they have been seeking to discuss these requirements with the Council. However, it is not possible for me to consider whether the conditions are necessary, relevant to
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planning and to the development to be permitted or reasonable in all other respects given the form of application. It is open to the appellant to apply to the Council to vary or remove the conditions and it should be possible to appeal that decision if necessary.

5. For these reasons, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR