



Appeal Decision

Site visit made on 18 June 2019

by Jamie Reed DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2019

Appeal Ref: APP/3224480/W/19/3224480

Land adjacent to 'Walmar' Croft Head, Sockbridge, Penrith.

- 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 Mr Wilkinson of JIW Properties Ltd against the decision of Eden District Council.
 - The application Ref 18/0564, dated 06 July 2018, sought approval of details pursuant to an outline planning permission Ref 17/0095, granted on 20 April 2017.
 - The application was refused by notice dated 24 December 2018.
 - The development proposed is described as 'residential development'.
 - The details for which approval is sought are: details of the appearance, landscaping and scale.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address on the appeal form differs from that on the application form. As the appeal form address accurately describes the site location and is similar to that on the Council's decision notice, I shall use it in the determination of this appeal.
3. The application for approval of reserved matters states that approval is sought for access, appearance, landscaping, layout and scale. However, it is clear from the application form from the associated outline application¹ that the reserved matters are in fact appearance, landscaping and scale only. I have therefore dealt with the appeal on this basis.

Reasons

4. In April 2017 the Council granted outline planning permission¹ for a residential development of no more than 5 dwellings on the appeal site, subject to a series of conditions. The terms of the outline planning permission¹ include condition no. 2 which states that the development must be carried out in accordance with 2 drawings; 115-167-02B and 115-167-01C to ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission. The latter of these drawings states that the proposed development is for 5 detached single storey dwellings. Furthermore, the Planning Statement for

¹ Council Ref: 17/0095

the outline planning application¹ is entitled 'Erection of 5 Detached Dwellings (Bungalows)' and refers to the proposal as such throughout.

5. The reserved matters application which is the subject of this appeal seeks approval for 5 dwellings; 3 of which are 2 storey. The reserved matters application is therefore not consistent with the terms of the outline permission. The appellant argues that as matters relating to scale were reserved for approval at a later stage that it is therefore acceptable for 2 storey dwellings to form part of their reserved matters application. However, as explained above, condition no. 2 makes specific reference to a drawing which states that the proposal is for single storey dwellings.
6. As such, any arguments over the size of the dwellings in this case should be dealt with at outline stage, for example, by appealing against condition 2 of the outline permission, or applying to the Council to vary or delete this condition. It cannot be dealt with as a reserved matter.
7. I therefore dismiss the appeal on the basis that the submitted details for the reserved matters application are not authorised by the outline permission.

Jamie Reed

INSPECTOR