



Appeal Decision

Site visit made on 20 August 2019

by L Perkins BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th September 2019

Appeal Ref: APP/Q3820/W/19/3228187

31 Crabtree Road, West Green, Crawley, West Sussex RH11 7HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval for details required by conditions of a planning permission.
 - The appeal is made by Mr Scott Panter against the decision of Crawley Borough Council.
 - The application Ref CR/2015/0598/CC1, dated September 2018, sought approval of details pursuant to condition Nos 3, 4, 6, 7 and 8 of planning permission Ref CR/2015/0598/FUL, granted on 10 November 2015.
 - The application was refused by notice dated 8 November 2018.
 - The development proposed is the erection of a single storey two bedroom bungalow.
 - The details for which approval is sought relate to: materials, fences, a Construction Management Plan, a Tree Protection Plan and the driveway.
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Decision

1. The appeal is allowed and approval is given for the details pursuant to conditions 3, 4, 6, 7 and 8 of planning permission Ref CR/2015/0598/FUL granted on 10 November 2015 at 31 Crabtree Road, West Green, Crawley RH11 7HL, in accordance with the terms of the application, Ref CR/2015/0598/CC1, dated September 2018, and the plans and documents submitted with it.

Preliminary Matters

2. The exact day in the date of the declaration on the application form is illegible and does not match that provided on the appeal form. Therefore, in the heading above I have included only the month and year from the application form.
3. The decision notice of the original permission (Ref CR/2015/0598/FUL) contains two conditions numbered condition 4. This appears to be an error and so for the avoidance of doubt the condition 4 to which I refer in this decision is that which relates to fences.
4. As I saw on my site visit, a development has commenced on the site. The Council alleges the development carried out does not accord with the approved plans and has been carried out in breach of conditions. But these are not matters for me to consider in the context of an appeal under section 78 of the above Act.
5. There is also a dispute between the parties over whether a valid permission exists. But this is not a matter for me to determine in this appeal either. Confirmation of whether a development is lawful may be sought by the

appellant under sections 191 or 192 of the above Act and any such application would be unaffected by my determination of this appeal.

6. Where it appears that there has been a breach of planning control, the Council may issue an enforcement notice under section 172 of the above Act if it is expedient to do so and/or they may issue a breach of condition notice under section 187A of the above Act and my decision does not prevent or invite any of the above actions.

Main Issue

7. The main issue is whether the details submitted pursuant to condition Nos 3, 4, 6, 7 and 8 are acceptable.

Reasons

8. The Council states that their assessment of the acceptability of the details submitted to discharge the conditions was not completed. Whilst I appreciate the Council had its reasons for this, limited information has been provided to satisfy me that any of the details for condition Nos 3, 4, 6, 7 or 8 are unacceptable. Consequently, I have no reason not to approve the details.

Conclusion

9. For the reasons given above the appeal is allowed as set out in my formal decision above.

L Perkins

INSPECTOR