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## Appeal Decision

Site visit made on 10 June 2020

**by Mr M Brooker DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 June 2020**

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**Appeal Ref: APP/C2708/W/19/3243846**

**Land to the east side of Hayfield View, off Green Lane, Glusburn, BD20 8RT**

- 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 Skipton Properties Ltd against the decision of Craven District Council.
  - The application Ref 2019/20573/FUL, dated 30 May 2019, was approved on 1 August 2019 and planning permission was granted subject to conditions.
  - The development permitted is a single dwelling.
  - The condition in dispute is No 4 which states that: Prior to the occupation of the dwelling hereby approved a scheme for the provision of additional public open space shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to occupation of the dwelling.
  - The reason given for the condition is: In order to meet the requirement of saved Local Plan Policy SRC2 as regards the provision of Public Open Space.
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### Decision

1. The appeal is allowed and the planning permission Ref 2019/20573/FUL for a single dwelling at Land to the east side of Hayfield View, off Green Lane, Glusburn, BD20 8RT granted on 1 August 2019 by Craven District Council, is varied by deleting condition 4.

### Background and Main Issue

2. Planning permission has been granted for the erection of a single dwelling within a new residential estate of 49 other dwellings, at the time of the site visit the latter appeared to be completed.
3. Since the determination of the planning application, the saved policies of the Craven District (Outside the Yorkshire Dales National Park) Local Plan (1999) have been replaced by those of the Craven Local Plan (11 November 2019) (the LP), of which Policy INF1 relating to planning obligations and Policy INF3 relating to sport, open space and recreation facilities are relevant.
4. The main issue in this appeal is whether condition 4, which relates to a scheme for the provision of additional public open space, meets the 6 tests set out in Paragraph 55 of the National Planning Policy Framework (The Framework).

### Reasons

5. I will deal with the appeal by considering the condition in the light of the reason given by the Council for its imposition, the tests set out in the Planning Practice Guidance and the advice given in the National Planning Policy Framework (the Framework). The Framework confirms that planning conditions should only be

imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

6. Policy INF1 of the LP seeks planning obligations in accordance with the requirements of a number of other policies including, of relevance in this matter, Policy INF3 of the LP which states "contributions will not be sought from developments of 10 units or less".
7. As detailed previously, this appeal relates to a single residential dwelling, albeit one that is located within a new residential estate of 49 other dwellings. On the basis of the evidence before me it is not clear why consent for this dwelling was not sought at the same time as the remainder of the estate or why the appeal site was not included in the landscaping scheme for the wider estate if it was not to be developed.
8. The Framework states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and as such I have some sympathy for the Council in this instance.
9. Nonetheless, on the basis of the evidence before me it is clear that the application to which this appeal relates is below the threshold detailed in Policy INF3. I note that a similar threshold was contained in the saved policies that were relevant at the time that the application was determined.
10. In explaining their reasoning, the Council has referred to saved Policy ENV1 that related to development limit boundary. However, this policy no longer forms part of the Development Plan.
11. Consequently, I find that it is not reasonable or necessary to require the submission of a scheme for the provision of additional public open space in this instance. The proposed development is not in conflict with Policies INF1 and INF3 of the LP

### **Other Matters**

12. I note the objection raised by a local resident, in particular the long planning history associated with the site and the relationship of the appeal site both with the original consent for 49 dwellings and subsequent landscaping details. However, I have determined the appeal on the basis of the evidence before that, as detailed previously, does not show the appeal site as being included within the detailed landscaping scheme for the wider estate.

### **Conclusion**

13. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition.

*Mark Brooker*

INSPECTOR