
Appeal Decision

Site visit made on 22 June 2021

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 28 June 2021

Appeal Ref: APP/D1265/D/21/3271373

80 Wayside Road, St Leonards and St Ives, Ringwood, Dorset BH24 2SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA, paragraph AA.2(3)(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr D Rushden against the decision of Dorset Council.
 - The application Ref 3/20/2205/PNHH, dated 10 November 2020, was refused by notice dated 18 January 2021.
 - The development proposed is erect additional storey onto the original building (maximum height 8.5m).
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to erect additional storey onto the original building (maximum height 8.5m) at 80 Wayside Road, St Leonards and St Ives, Ringwood, Dorset BH24 2SJ in accordance with the application 3/20/2205/PNHH made on 10 November 2020, and the details submitted with it.

Procedural Matters

2. I have used the Council's description in the banner heading and my decision above, as it is more precise than that provided on the application form. The appellant has also indicated that the scheme should be considered on that basis.
3. Under Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO (hereafter Class AA of Part 1), planning permission is granted for the enlargement of a dwellinghouse consisting of the construction of one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction, subject to conditions, restrictions and limitations.
4. One of the conditions set out in Paragraph AA.2(3)(a) of Class AA of Part 1 is that before beginning the development the developer must apply to the local planning authority for prior approval as to a number of specified matters. Notwithstanding its reference to 'Part 20 B. B(15)' of the GPDO, which is not relevant to the scheme in question, the Council assessed the application accordingly. In so doing it indicated that the development would be acceptable. The Council also identified no likely failure of the development to comply with

the conditions, restrictions or limitations set out within Paragraphs AA.1 and AA.2 of Class AA of Part 1. This would generally indicate that prior approval should be granted.

5. The Council however refused prior approval on the basis that the development would be inappropriate in the Green Belt, and that the resulting harm would not be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it. Here the matters set out within Paragraph AA.2(3)(a) of Class AA of Part 1 do not include the effect of the development on a Green Belt. This reflects the fact that permitted development rights are not withdrawn by the GPDO either in total or in part within Green Belts. That being so, the Council's sole reason for refusal of prior approval was invalid.
6. As there is no basis for me to consider the effect of the development on the Green Belt, and no other matters are in dispute, it can only follow that the appeal should be allowed.

Conditions

7. As set out above, Class AA of Part 1 grants planning permission subject to the conditions and limitations that it sets out. These include the requirement for the development to be carried out in accordance with the details approved; the requirement for the development to be completed within a period of 3 years starting with the date prior approval is granted; and the requirement for the materials used in any exterior work to be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. Though the Council has requested conditions relating to all these matters, none are therefore required.

Conclusion

8. For the reasons set out above I conclude that the appeal should be allowed, and that prior approval should be granted.

Benjamin Webb

INSPECTOR