



Appeal Decision

Site visit made on 27 July 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2021

Appeal Ref: APP/Z2830/W/21/3272006

50 Church Street, Helmdon, Northampton NN13 5QJ

- 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 Mr Timothy Beckett against the decision of South Northants District Council.
- The application Ref S/2021/0117/FUL, dated 21 January 2021, was approved on 25 March 2021 and planning permission was granted subject to conditions.
- The development permitted is demolition of existing bungalow and replacement with new dwelling.
- The conditions in dispute are Nos 3, 4, 5, 6 & 7 which state that: (3) The external walls of the dwelling shall be constructed in natural stone, to match the existing, which shall be laid, dressed, coursed and pointed using a lime based mortar with brushed or rubbed joints in accordance with a sample panel (minimum 1 metre squared in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority before the stonework is commenced. The sample panel shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract. (4) Samples of the bricks to be used in the construction of the external walls of the dwelling shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall be carried out in accordance with the samples so approved. (5) Samples of the tiles (including ridge tiles) to be used in the covering of the roof of the dwelling shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall be carried out in accordance with the samples so approved. (6) Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the dwelling, including the windows and doors (and their surrounds), together with the eaves and verge treatment shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above slab level. The development shall thereafter be carried out in accordance with the approved details. (7) In the event that contamination to land and/or water is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. No development shall continue until a risk assessment has been carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice. Each phase shall be submitted to and approved in writing by the Local Planning Authority. Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken. Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals. Phase 3 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be submitted to and approved in writing by the Local Planning Authority. The remediation shall be carried out in accordance with the approved scheme and the applicant shall

provide written verification to that effect. The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority.

- The reasons given for the conditions are: (3) To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policies SS2 of the South Northamptonshire Local Plan Policy and Government guidance contained within the National Planning Policy Framework. (4) To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policies SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework. (5) To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policies SS2 of the South Northamptonshire Local Plan Policy and Government guidance contained within the National Planning Policy Framework. (6) In order to safeguard the visual amenities of the area in accordance with Policy SS2 of the South Northamptonshire Local Plan. (7) To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use in order to comply with Policy BN9 of the West Northamptonshire Joint Core Strategy and Paragraph 178 of the National Planning Policy Framework.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission had previously been granted for the demolition of the existing property and the erection of a new dwelling. The appellants seek permission to carry out the development without complying with Conditions 3, 4, 5, 6 & 7. In summary, these require a sample panel of stonework to be made available on-site during construction, samples of the stone and roof tiles to be submitted and approved, architectural details to be submitted and a contamination report to be submitted and approved if any contamination is found during development. Therefore, the main issue in this appeal is whether the conditions are reasonable and necessary.

Reasons

3. Paragraph 55 of the National Planning Policy Framework (the Framework) states that 'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.' The Planning Practice Guidance (PPG) states that the 6 tests must all be satisfied each time a decision to grant planning permission subject to conditions is made.
4. In accordance with the PPG a key question in respect of whether a condition is necessary, is that it must not be imposed unless there is a definite planning reason for it, i.e. it is needed to make the development acceptable in planning terms.
5. Conditions 3, 4 and 5 relate to the provision of a sample board on site for the stone of the external walls of the development, and the supplying of samples for prior approval of the stone and roof tiles to be used. Those conditions are designed to control the materials of construction as it is likely that additional

materials will be used as the existing bricks and tiles are unlikely to supply enough material to complete the building, through sizing, wastage etc. The sample board is required to ensure that correct methods of construction are used during building. All three conditions are used on a regular basis for planning applications that include construction and are fair, reasonable and necessary to ensure a planning application is completed in the interest of visual amenities.

6. Condition 6 relates to architectural detail and again are necessary in the interests of the visual amenities of the area and proper planning. Finer detail is often necessary during construction to ensure that the finished product is constructed in a manner that benefits the dwelling and ensures that the construction is done with quality materials and finishes for the finer points of detailing. The condition is fair, reasonable and necessary for the planning approval.
7. Condition 7 is a precautionary condition to ensure that in the unlikely event of any contamination being discovered that it is addressed correctly and in line with the relevant legislation before work continues. It is there as a precaution, and it is hoped that it will never be triggered, and work is completed without issue. The condition is fair, reasonable and necessary for projects involving new constructions, excavations etc.
8. The conditions may seem somewhat draconian to an appellant with limited resources and time, but they are necessary to ensure that the planning system works for all parties. Therefore, I find that all conditions are fair, reasonable and necessary to control the planning permission and ensure compliance with the planning application as approved.

Conclusion

9. For the reasons given, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR