



Appeal Decision

Site visit made on 3 August 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2021

Appeal Ref: APP/J4423/W/21/3273626

24 Lodge Lane, Sheffield S6 5SN

- 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 Dyson against the decision of Sheffield City Council.
 - The application Ref 21/00608/FUL, dated 11 February 2021, was approved on 8 April 2021 and planning permission was granted subject to conditions.
 - The development permitted is erection of single-storey side extension to dwellinghouse.
 - The condition in dispute is No 5 which states that: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, Schedule 2, Part 1 (Classes A to D inclusive), or any Order revoking or re-enacting that Order, no extensions, porches or alterations which materially affect the external appearance of the building shall be constructed without prior planning permission being obtained from the Local Planning Authority.
 - The reason given for the condition is: In the interests of protecting the Green Belt.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the disputed condition is reasonable and necessary to protect the openness of the Green Belt.

Reasons

3. The appeal property is a detached dwelling, located within the Green Belt, and has already benefitted from a previous extension approved in 2010 to increase the size of the property to what would be reasonable family accommodation. This extension, at approximately 50% volume increase was in excess of the one third limit set out for additions to an existing property set by the Unitary Development Plan and Supplementary Planning Guidance.
4. The current appeal was granted at application stage on the basis that a fallback position could be implemented that would cause greater harm. Permitted Development rights were removed by Condition in order to control any future development.
5. The National Planning Policy Framework (the Framework) states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Planning Practice Guidance (PPG) states that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances.

6. In relation to the Green Belt, while the National Planning Policy Framework sets out restrictions on the types of building, including the extension and alteration to buildings, to determine whether the works would not be inappropriate, the General Permitted Development Order does not withdraw rights, in total or in part, on Green Belt land in relation to extensions or other types of householder permitted development.
7. The appeal site is within a sensitive, Green Belt location and is visible from a number of directions. The Council granted planning permission for the scheme given the extension to the original property in 2010, and the fallback position of what could be erected under permitted development legislation, despite the existing extension breaching the normal limits of what can be acceptable but accepting the fallback as very special circumstances but sought to remove Permitted Development rights in order to control any future development proposals.
8. The removal of Permitted Development rights as specified in Condition 5 will not prevent the appellant or his successors from making planning applications for any necessary alterations, outbuildings or other matters covered by the Order.
9. In addition, the Council argues that the imposition of Condition 5 should not be seen as a way to prevent further development taking place. Rather, the condition has been imposed to ensure that the development of the appeal site has no significant adverse impact on the characteristics of the area in the future. Furthermore, I find that the condition is imposed to retain some control over small scale developments and alterations or additions to the dwelling itself which have the potential to dramatically alter the locality and significantly harm the character and appearance of the surrounding area.
10. Accordingly, I find that Condition 5 is both reasonable and necessary having regard to the need to protect the surrounding countryside and the Green Belt from inappropriate development
11. I also appreciate that the appellant considers the imposition of such a condition to be unfair with regard to the retention of PD rights. Notwithstanding this, I find that the condition is necessary and reasonable for the above reasons. Furthermore, I am satisfied that the tests of conditions set out in the Guidance have been met. As a result, I conclude that the condition should be retained as imposed.

Conclusion

12. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR