



Appeal Decision

Site visit made on 19 July 2021

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th August 2021

Appeal Ref: APP/B1415/W/20/3271702 23 Martineau Lane, Hastings TN35 5DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr J Pocknell against the decision of Hastings Borough Council.
 - The application Ref HS/CD/20/00214, dated 6 March 2020, sought approval of details pursuant to conditions Nos 3 and 4 of a planning permission Ref HS/FA/17/00468, granted on 19 October 2017.
 - The application was refused by notice dated 11 June 2020.
 - The development proposed is the erection of a two-storey chalet style detached dwelling.
 - The details for which approval is sought are: hard landscaping and soft landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The dwelling at the site has been completed and I saw that the grounds of the property have been both hard and soft landscaped. However, it did not appear to me that those landscape works would fully accord with the landscaping as illustrated in drawing number 1634/LS2 'Landscape & External Details' that is the plan subject to this discharge of conditions application. Despite what may have taken place on site, I am required to consider the details that are before me within drawing number 1634/LS2. I have considered the appeal on this basis.
3. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the revised Framework in reaching my decision.

Main Issue

4. The main issue is whether the changes to the site layout are beyond the scope of assessment under the discharge of conditions application.

Reasons

5. Drawing number 1634/LS2 shows changes to the development as granted planning permission under planning reference HS/FA/17/00468. These changes include alterations to the access, an enlarged rear terrace and a new turning area arrangement with the creation of a stepped access to the dwelling. In addition, drawing number 1634/LS2 shows the removal of a bank and the extension of a wall to the north and west of the site beyond the original red line planning application site as shown on the approved block plan (drawing number 1634/02 Revision C). Whilst the Council advises that the footprint of the dwelling would be altered, there is insufficient information before me to enable me to come to a view as to whether this indeed would be the case.
6. The landscape proposals would considerably change the development as originally granted planning permission. It would also deviate from condition 2 of the original planning permission that requires the development to be carried out in accordance with the listed approved plans. Furthermore, it would involve land beyond the red line boundary that does not form part of the development granted planning permission. For these reasons, the proposed hard and soft landscaping works would fall beyond the scope for assessment under a discharge of condition application.
7. The reasons for imposing the landscaping conditions on the original planning permission were in the interests of visual amenity and to protect the character of the Area of Outstanding Natural Beauty. The planning system allows for the submission of either a new planning application or a variation of condition application that could allow for the changes put forward to be considered and determined by the local planning authority and for any relevant public/statutory consultation required to take place.
8. I acknowledge that the consideration and discharge of conditions 3 and 4 has previously been approved by the Council under planning reference HS/CD/18/00197. However, drawing number 1634/LS1 that supported that submission maintains the access, turning area and rear terrace as granted by the original planning permission (drawing ref: 1634/02 Revision C). I accept that drawing number 1634/02 Revision C annotates the bank on the plan, but the bank is shown on that plan to be outside the red line boundary. Irrespective as to whether or not that approval can be revoked by the local planning authority, I consider that submission to be quite different to the landscaping details that are before me. The landscaping proposals before me can and should be considered on their own merits.
9. For the above reasons, I conclude that the changes to the site layout as submitted pursuant to the discharge of conditions 3 and 4 of planning permission reference HS/FA/17/00468 would fall beyond the scope of assessment under a discharge of condition application.

Conclusion

10. Having regard to my findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR