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## Appeal Decision

Site visit made on 24 August 2021

**by Paul Cooper MSc MRTPI**

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

**Decision date: 9 September 2021**

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**Appeal Ref: APP/M9496/W/21/3274347**

**Deepdale Farm, Oldfields Farm Lane, Grindon, Leek ST13 7TT**

- 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 John Pailthorpe against the decision of Peak District National Park Authority.
  - The application Ref NP/SM/0121/0077, dated 19 January 2021, was approved on 30 April 2021 and planning permission was granted subject to conditions.
  - The development permitted is construction of a porch to the east facing wall to cover the kitchen entrance to the house.
  - The condition in dispute is No 3 which states that: Notwithstanding the submitted plans, the development shall be carried out in accordance with the following requirements: (\*)The glazed apex to the east facing elevation shall be omitted. The apex shall be constructed with stone to match the host dwelling. (\*) The two windows positioned either side of the entrance door to the south facing elevation shall be omitted. The windows shall be replaced with solid walls constructed with stone to match the host dwelling. (\*) The double window to the north facing elevation shall be omitted and replaced with a single window that does not exceed 1000mm x 1000mm in size. The remainder of the north elevation shall be clad in stone to match the host dwelling.
  - The reason given for the condition is : To secure design changes that are essential to make the development visually acceptable in the interests of the protection of the character of the host dwelling and the special qualities of the National Park. Without these changes the development would have had an unacceptable visual impact and would have been refused.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. I have taken the description of development in the banner above from the Council's Decision Notice as it is far more concise than the appellants description. I am satisfied that neither party is prejudiced by that action.

### Background and Main Issue

3. Planning permission has been granted for the erection of a porch on the east facing wall, covering an entrance door to the kitchen. The appellant is seeking to remove condition 3 from the approval. In summary, this requires changes to the design of the porch by reducing the amount of glazing on the three external sides of the porch. Therefore, the main issue in this appeal is whether the condition is necessary and reasonable.

## Reasons

4. Paragraph 56 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.
5. 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.
6. The Environment Act 1995 sets out the statutory purposes of National Parks, including to conserve and enhance their natural beauty. In carrying out these purposes, national parks also have a duty to seek to foster the economic and social well-being of local communities within the national park. The Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks.
7. With regard to the condition in question, the Council have been extremely prescriptive in emphasising what is required in the condition, and why it is required to protect the character of the property and the qualities of the National Park.
8. The existing property is stone built, and glazing is kept to a minimum, which is an overarching design feature of the property. The design outlined in the approval is dominated by glazing, at the expense of stone construction, and would look like an alien feature on a property of such traditional construction and design.
9. I have noted the comments of the appellant with regard to the amount of natural light getting into the property, but I agree with the Council in respect of the need to protect the character of the property, and the quality of the National Park, with a more traditional design than proposed by the appellant.
10. 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. I find that the condition is fair, reasonable and necessary for the planning approval.
11. Based on the above, I consider that Condition 3 is reasonable and necessary in its current form in order to protect the character of the dwelling and the quality of the National Park. It is drafted in a precise manner and is enforceable, reasonably imposed and consistent in respect of guidance in the Framework.

## **Conclusion**

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

*Paul Cooper*

INSPECTOR