



Appeal Decision

Site visit made on 26 April 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 18 May 2022

Appeal Ref: APP/M2325/W/21/3287508

Land rear of 69 - 77 Chain Lane and off Occupation Lane, Staining FY3 0DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approve details required by a condition of a planning permission.
 - The appeal is made by Mr David Butterworth against the decision of Fylde Borough Council.
 - The application Ref 21/0695, dated 26 July 2021, sought approval of details pursuant to condition No 3 of planning permission Ref 16/0468, granted on 19 August 2016.
 - The application was refused by notice dated 10 November 2021.
 - The development proposed is an outline planning application for three dwellings and garaging (access applied for with all other matters reserved).
 - The details for which approval is sought are:
'The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.'
The reason given for the condition is: 'Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.'
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. In accordance with Article 27 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO), an application may be made to a local planning authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission. However, in this case, condition 3 does not require the consent, agreement or approval of any details. As such, the condition does not fall within the provisions of Article 27 of the DMPO and the appeal must fail.
3. It is open to the appellant to apply for a determination under section 191 of the Town and Country Planning Act 1990 to determine this matter, which would be considered on its merits by the Council in the first instance.
4. For the reasons given above, the appeal is therefore dismissed.

Mark Caine

INSPECTOR