



Appeal Decision

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2022.

Appeal Ref: APP/C1625/W/22/3298133

Land adjacent 1 The Knoll, Stroud GL5 1LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Mark May against the decision of Stroud District Council.
 - The application Ref S.21/1041/VAR, dated 25 April 2021, was determined by notice dated 3 November 2021.
 - The application sought planning permission described as 'variation of conditions regularise dwelling as built' without complying with conditions attached to planning permission Ref S.18/0117/FUL, dated 16 January 2018.
 - The conditions in dispute are Nos 2 and 3 which state that:
Condition 2 - *The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below: Site Location Plan of 05/02/2018 Proposed plans and elevations of 05/02/2018 Plan number = 621/P/01.*
Condition 3 - *No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:*
 - i. specify the type and number of vehicles;*
 - ii. provide for the parking of vehicles of site operatives and visitors;*
 - iii. provide for the loading and unloading of plant and materials;*
 - iv. provide for the storage of plant and materials used in constructing the development;*
 - v. provide for wheel washing facilities;*
 - vi. specify the intended hours of construction operations;*
 - vii. measures to control the emission of dust and dirt during construction*
 - The reasons given for the conditions are:
Condition 2 - *To ensure that the development is carried out in accordance with the approved plans and in the interests of good planning.*
Condition 3 - *To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework [sic]*
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of the development above from the Appeal Form, which more clearly describes the development than the description on the Application Form.
3. On the Appeal Form, the reason given for the appeal is that the Local Planning Authority has "refused permission to vary or remove a condition(s)". In reaching its decision, the Council approved a variation of condition 3. Given that the decision of the Council was to approve application S.21/1041/VAR and

grant permission, albeit without changing the wording of condition 2 (which became condition 1), there has been no decision to refuse permission against which an appeal can be made. I have sought comments from the appellant on this matter but have received no response. As such, the appeal cannot proceed any further.

Conclusion

4. For the reason given above, the appeal is dismissed on procedural grounds.

O Marigold

INSPECTOR