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# Appeal Decision

Site visit made on 29 February 2024

**by A Price BSc MA MRTPI**

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

**Decision date: 11 March 2024**

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**Appeal Ref: APP/N0410/W/23/3324265**

**Longbridge Nurseries, Cherry Tree Lane, Iver Heath, Iver,  
Buckinghamshire SLO 0EE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr Shyam Bajaj against the decision of Buckinghamshire Council.
  - The application Ref is PL/23/0988/VRC.
  - The application sought planning permission for the 'demolition of outbuildings and workshops/storage building and conversion of garage/office with single storey extension creating detached bungalow' without complying with a condition attached to planning permission Ref APP/N0410/05/1174686, dated 13 January 2005.
  - The condition in dispute is No 6 which states that: *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no enlargement, improvement or other alteration shall be erected within the curtilage of the dwelling house without the prior express permission of the Local Planning Authority.*
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## Decision

1. The appeal is allowed and planning permission is granted for the 'demolition of outbuildings and workshops/storage building and conversion of garage/office with single storey extension creating detached bungalow' at Longbridge Nurseries, Cherry Tree Lane, Iver Heath, Iver, Buckinghamshire SLO 0EE in accordance with the application Ref PL/23/0988/VRC dated 21 March 2023, without compliance with condition number 6 previously imposed on planning permission Ref APP/N0410/05/1174686 dated 13 January 2005 and subject to the conditions appended to this decision.

## Background and Preliminary Matters

2. The planning permission granted for the dwelling outlined above, has been implemented. The dispute in respect of condition 6 is limited to whether permitted development rights should apply, largely for extensions and alterations to the appeal dwelling and other alterations within the site.
3. Since the appeal was lodged, a revised version of the National Planning Policy Framework was published (19 December 2023). This does not materially change the planning policy context in respect of the main issue.

## Main Issue

4. The main issue is the effect of the removal of condition 6 on the openness of the Green Belt.

## Reasons

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 for doing so<sup>1</sup>. The Planning Practice Guidance (PPG) also advises that conditions of this nature may not pass the test of reasonableness or necessity<sup>2</sup>.
6. The appeal site comprises a single-storey detached dwelling, set within a large garden plot. The front of the property is visible from Cherry Tree Lane, a narrow cul-de-sac used to access several other properties. Those established properties vary in scale and period and some have been altered through extension or the erection of outbuildings within plots.
7. The permitted development rights which have been removed would, in the main, allow extensions to the original property and alterations to the site. In my view, any extensions or alterations carried out under permitted development rights are likely to be relatively minor. There is no substantive evidence before me to indicate that in exercising permitted development rights, further extensions would result in disproportionate additions over and above the size of the original building, which would subsequently lead to a loss of openness within the Green Belt. The original appeal decision does not set out a reason or justification for the condition, and pre-dates the Framework.
8. In any event, the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended) places no restrictions on permitted development rights in Green Belts. As such, the same permitted development rights typically apply to dwellings within the Green Belt as those which are not. Paragraphs 152-154 of the Framework, relating to the Green Belt, are only applicable to development that requires planning permission, as is the need to demonstrate very special circumstances.
9. The Council sets out that any additional built form could reduce openness and would therefore result in a development which would be inappropriate. However, there is no substantive evidence before me to indicate that this would be the case. In any event, I am not of the view that minor extensions to the dwelling would have such an effect on the openness of the Green Belt or its purposes to justify the removal of permitted development rights.
10. For the reasons given above, I conclude that the removal of condition 6 would not harm the openness of the Green Belt and there is no clear justification for the removal of permitted development rights. Accordingly, the relevant tests in the Framework and the PPG have not been met in this case and the condition is not reasonable or necessary.
11. Consequently, the removal of condition 6 would be in accordance with the relevant provisions of Policy GB1 of the South Bucks District Local Plan (1999) and paragraphs 152-154 of the Framework. These, in summary, seek to protect the open character of the Green Belt and restrict inappropriate development.

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<sup>1</sup> Paragraph 54

<sup>2</sup> Paragraph: 017 Reference ID: 21a-017-20190723

## **Other Matters**

12. I note the representations received from several neighbours to the site. Matters include concerns relating to the loss of rural character and openness, the loss of trees and overlooking. I have dealt with matters relating to openness above. The loss of trees and the alleged loss of privacy are both based on hypothetical eventualities. There is no evidence before me under this appeal to demonstrate that harm would arise in those respects.
13. The letters of support are noted but have not had any bearing on my conclusions above.

## **Conditions**

14. Conditions 1, 2, 3, 5, 7, 8, 9 and 10 either relate to pre-commencement or pre-occupation matters or to matters which are relevant only until 5 years after the completion of the development. Accordingly, these conditions are no longer necessary or relevant and have not been re-imposed.
15. The originally imposed condition 4 relates to the garage and parking space, and sets out that these should be retained. This condition remains relevant and necessary and has been re-imposed.

## **Conclusion**

16. I conclude that the disputed condition is not reasonable or necessary in the interests of the surrounding area, with particular regard to the openness of the Green Belt. I therefore conclude that the appeal should be allowed.

*A Price*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

- 1) The garage hereby permitted and the adjacent car parking space (noted as a car port on the submitted plan) shall not be used other than for the parking of private motor vehicles or purposes incidental to the enjoyment of the occupiers of the dwelling house, and shall not be used for any business purposes without the prior express permission of the Local Planning Authority.