



Appeal Decision

Site visit made on 25 March 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 April 2024

Appeal Ref: APP/X1545/W/23/3326835

Oak Nursery, Hackmans Lane, Purleigh CM3 6RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of an approval.
 - The appeal is made by Mr Paul Coveley against the decision of Maldon District Council.
 - The application Ref 23/05064/DET, dated 11 April 2023, sought approval of details pursuant to condition No 1 of an approval Ref 21/00712/COUPA, granted on 21 December 2022.
 - The application was refused by notice dated 12 June 2023.
 - The development proposed is the conversion of an agricultural building into a dwelling.
 - The details for which approval is sought are the new materials to be used on the external faces of the building.
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Decision

1. The appeal is allowed and the details of the new materials to be used on the external faces of the building submitted pursuant to condition No 1 attached to approval Ref 21/00712/COUPA granted on 21 December 2022 are approved.

Preliminary Matter

2. The Procedural Guide for Planning Appeals makes clear that the appeal process should not be used to evolve a scheme and it is important that what is considered is essentially what was considered by the Council, and on which interested people's views were sought. The appellant's statement includes further details of the proposed external materials, including photographs of the wall finishes and specifications for the doors, windows and roof slates. These were not included with the application (ref 23/05064/DET) and the Council justifiably raises the point that the appropriate time to submit such information should have been with the application or as part of a further application. The Council maintains its position that insufficient information was submitted to support the discharge of the condition, but it has not objected to the additional information provided. I am satisfied that my consideration of the additional details would not cause prejudice to interested parties. Therefore, I have determined the appeal based on the originally submitted documents and the additional details included with the appeal.

Background and Main Issue

3. Approval was granted on appeal in December 2022¹ for the conversion of an agricultural building into a dwelling.

¹ Application ref 21/00712/COUPA, Appeal ref APP/X1545/W/21/3286141, the 'original approval'.

4. Condition 1 of the original approval states that: 'Prior to any works associated with the replacement of external materials, details of the new materials to be used on the external faces of the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.'
5. The condition was imposed given the absence of details on the plans and relating to the matter of external appearance.
6. The appellant sought approval of the new materials to be used on the external faces of the building to discharge the requirements of condition 1. This was refused by the Council as it did not consider the information provided was sufficient to discharge the condition.
7. Therefore, the main issue is whether the submitted details of the external facing materials meet the requirements of condition 1.

Reasons

8. The appeal site comprises a blockwork building located in a rural area, set back from Hackmans Lane, and sited amongst greenhouses and polytunnels. The structure has pitched corrugated metal sheeting on the main part of the roof, with no covering on the remaining part. The adjacent house has red brick walls and a tiled roof but the other buildings in the vicinity have a mix of external finishes, including light rendered or timber walls and slate or tiled roofs.
9. It is proposed to finish the walls of the dwelling in smooth cream render, as indicated in the application letter, with photographs provided in the appellant's statement. The roofs would be finished in Redland Cambrian slate, shown in photographs in the application and appeal documents, with the detailed specification contained in Appendix MRF6 of the appellant's statement. The windows and doors would be white uPVC, as set out in the appellant's statement, with the specifications outlined in Appendix MRF7.
10. Based on the information submitted in the application and appeal, I consider that the types, colours and specifications of all the proposed external materials would be sufficiently clear to provide certainty of what is proposed. This would allow the Council to assess whether any subsequent development is in accordance with the approved materials.
11. Further, the types and colours of the proposed wall and roof materials would reflect those in the surrounding area and the white uPVC windows and doors would be appropriate alongside the cream rendered walls. The proposed materials would provide a satisfactory external appearance, according with the reason given for imposing the condition on the original approval.
12. Consequently, I conclude that the submitted details of the external facing materials meet the requirements of condition 1.

Conclusion

13. For the reasons given above, the appeal should be allowed.

A Wright

INSPECTOR