



Appeal Decision

Site visit made on 25 June 2024

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2024

Appeal Ref: APP/F2360/W/24/3338791

Holly Lodge, Gill Lane, Longton, Preston, Lancashire PR4 4ST

- 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 and Mrs P Bamford against the decision of South Ribble Borough Council.
 - The application Ref 07/2023/01049/HOH, dated 19 December 2023, was approved on 6 February 2024 and planning permission was granted subject to conditions.
 - The development permitted is proposed single storey side and rear extensions.
 - The conditions in dispute are Nos. 3 and 4, which state that:
 - 3. The domestic curtilage of the property hereby approved shall be restricted to the red line detailed on plan ref. 23.011.P101 Location Plan and Existing Plans).*
 - The buildings hereby permitted shall be removed and the land restored to its former condition on or before two years of this decision.*
 - 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no development of the type described in Classes A to G Part 1 of Schedule 2 of that Order shall be undertaken without the express permission of the Local Planning Authority.*
 - The reasons given for the conditions are:
 - 3. To ensure a satisfactory standard of development in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G1 of the South Ribble Local Plan (2012-2026).*
 - 4. To enable the Local Planning Authority to retain control over future development in the interest of residential amenity and the character and appearance of the area in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026*
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Decision

1. The appeal is allowed the planning permission Ref 07/2023/01049/HOH for proposed single storey side and rear extensions at Holly Lodge, Gill Lane, Longton, Preston, Lancashire PR4 4ST is varied by deleting conditions 3 and 4.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework). Apart from paragraph numbering those parts of the Framework most relevant to this appeal have not been amended. As a result, it has not been necessary to seek comments on the revised Framework. No party's interests have been prejudiced by this approach.

Main Issue

3. The main issue is whether the disputed conditions are reasonable and necessary.

Reasons

Condition No. 4

4. The appeal site comprises a detached dwelling. The surrounding area is rural in nature, but the site sits in a grouping of properties of varied design and forms, with Stainfield House to the east and Hill View to the west, albeit that the appeal property is set further back from Gill Lane than the other dwellings.
5. Condition No. 4 attached to planning permission 07/2023/01049/HOH seeks to restrict permitted development (PD) rights at the site. The Framework states that conditions should not be used to restrict PD rights unless there is a clear justification to do so, with Planning Practice Guidance making it clear that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity, and should only be used in exceptional circumstances.
6. The decision notice for planning permission 07/2023/01049/HOH states that condition no. 4 is imposed in the interest of residential amenity and character and appearance of the area. However, it is agreed between the main parties that the proposal would not result in harm to the character and appearance of the area or to the living conditions of occupiers of neighbouring properties. Based on my observations, I have no reason to disagree. No further justification for the imposition of the condition has been provided nor is it suggested in the Officer's Report that the proposal would only be acceptable with regard to such matters with such a condition in place.
7. With regard to character and appearance, the proposal would be single storey in nature and set back from boundaries. It would not appear unduly dominant and, in the context of the overall dimensions of the site, would not result in a sense of over-development. While it would inevitably alter the external appearance of the appeal property, it would be constructed from matching materials and, among the mixed form of neighbouring development, would not cause visual harm. The separation distance between the proposal and the neighbouring properties, combined with its configuration and single storey nature, would also ensure that the proposal would not result in harm to the living conditions of the occupiers of these properties.
8. I accept that PD rights at the site could give rise to further built form within the appeal site. However, the extent of such development would be limited by the criteria of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. I have not been provided with evidence that these rights are likely to be used to their maximum and, in any event, such development would be further constrained by, and situated within, the site itself.
9. Coupled with the fact that the main parties agree that the proposal would not cause harm with regard to character and appearance or living conditions, I do not find that an exceptional circumstance exists in this case to permit the restriction of PD rights. The Council's justification for this condition does not refer to the position of the site within the Green Belt and there is nothing substantive to suggest that, in this case, the fact that the appeal site is Green Belt land would amount to an exceptional circumstance to permit the restriction of PD rights.
10. For the reasons given, I find that Condition No. 4 attached to planning permission

07/2023/01049/HOH is neither reasonable nor necessary.

Condition No. 3

11. Condition No. 3 attached to planning permission 07/2023/01049/HOH seeks to restrict the domestic curtilage of the appeal property in line with the submitted plans. The justification provided within the decision notice is to ensure a satisfactory standard of development in accordance with Policy 17 in the Central Lancashire Core Strategy (the CS) and Policy G1 of the South Ribble Local Plan 2012-2026 (the LP).
12. Policy 17 of the CS states the design of new buildings will be expected to take account of the character and appearance of the local area. However, as outlined above, the proposal would not cause harm to the character and appearance of the appeal property or the surrounding area. No further justification for the imposition of this condition is provided nor is suggested in the Officer's Report that the proposal would only be acceptable with regard to this matter with such a condition in place.
13. Policy G1 of the LP relates to Green Belt, and broadly aligns with the Framework in stating that construction of new buildings in the Green Belt will only be permitted in very special circumstances, and sets out a range of exceptions. However, the main parties agree that the proposal would not be inappropriate development in the Green Belt and, based on my observations I have no reason to disagree. No further explanation is provided by the Council to explain why the curtilage would need to be defined in accordance with condition no. 3 due to the position of the site in the Green Belt. As such, on the basis of the information before me, there is nothing substantive to suggest that it is necessary to attach this condition.
14. For the reasons given, I find that Condition No. 3 attached to planning permission 07/2023/01049/HOH is neither reasonable nor necessary.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed and the planning permission varied as set out in the formal decision.

C Rafferty

INSPECTOR