

Appeal Decision

Site visit made on 8 August 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2024

Appeal Ref: APP/Y3615/W/24/3338696

Yeomans, Priorswood, Compton, Surrey GU3 1DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for 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 Jason Silver against Guildford Borough Council.
 - The application Ref is 23/P/01898.
 - The application sought planning permission for a proposed two storey side extension, single storey rear extension and single storey detached garage following demolition of existing garage without complying with a condition attached to planning permission Ref 16/P/00167, dated 24 March 2016.
 - The condition in dispute is No. 4 which states that: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A, B, D and E shall be carried out on the dwellinghouse or within its curtilage.
 - The reason given for the condition is: Having regard to the size of the extensions approved, the local planning authority wishes to retain control over any future extensions/outbuildings at the property, in order to safeguard the character of the area and the openness of the Green Belt.
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Decision

1. The appeal is allowed and planning permission is granted for a proposed two storey side extension, single storey rear extension and single storey detached garage following demolition of existing garage at Yeomans, Priorswood, Compton, Surrey GU3 1DS in accordance with the terms of the application, Ref 23/P/01898, without compliance with condition number 4 previously imposed on planning permission Ref 2016/P/00167 dated 24 March 2016, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have determined this appeal on the basis of the Council's failure to determine the application within the statutory timescale. However, I have had

regard to the Council's appeal statement which identifies that the application would have been approved if the Council had been able to make a decision.

Main Issue

3. The main issue is whether the reinstatement of permitted development rights is appropriate.

Reasons

4. The appeal site comprises a large, detached home, set within spacious grounds and is located within the Green Belt.
5. The original permission contained a condition which removed permitted development rights. However, the Government did not omit such rights from developments in Green Belt locations. Indeed, by their very nature, the extent of development that is possible under permitted development is limited to ensure that any impacts are acceptable, including in Green Belt terms. For the same reasons, any such development would also be acceptable in terms of the impact on character and appearance.
6. I therefore find that the removal of condition 4 would not lead to unacceptable impacts on the character and appearance of the area, in accordance with Policies H4 and D4 of the Guildford Local Plan Development Management Policies 2023. Taken together, the relevant aspects of these policies seek to ensure that new development, including residential extensions, is well designed and preserves character and appearance. Removing the condition would also comply with Green Belt policy contained within Policy P2 of the Guildford Local Plan: Strategy and Sites, as well as the relevant sections of the National Planning Policy Framework.

Other Matters

7. A third party has queried the legitimacy of certain outbuildings that have been erected on the property. However, this matter falls outside of the remit of this appeal.

Conditions

8. Conditions 1 to 3 of the original permission have been reimposed for the reasons given by the Council at the time.

Conclusion

9. For the reasons given, the appeal is allowed.

C Butcher

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, block plan, existing elevations and floor plans and Y1/02 rev 02 received on 28 January 2016, and Y3/05a and Y3/05b received on 18 March 2016.
3. The external finishes of the development hereby permitted, including making good to the retained fabric, shall match in material, colour, size, style, bonding, texture and profile those of the existing building.