



Appeal Decision

Site visit made on 3 February 2025

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 February 2025

Appeal Ref: APP/N1730/W/24/3351138

4 Crossways, Crookham Village, Fleet, Hampshire GU51 5TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs M Young against Hart District Council.
 - The application Ref is 24/01192/AMCON.
 - The application sought planning permission for the erection of 8 dwellinghouses each with garage, at site of Greenways, Crookham Village without complying with a condition attached to planning permission Ref HWR/4652/18, dated 8 May 1973.
 - The condition in dispute is No 2 which states that: *Plans and particulars showing the detailed proposals for the following aspects of the development shall be submitted to and approved by the Local Planning Authority before development commences:*
 - a. *Landscaping, including the arrangements to be made for the permanent maintenance of the landscaped areas.*
 - The reason given for the condition is: *To avoid detriment to the appearance of the area.*
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has sought to regularise the creation of an off-road car parking space to the side of 4 Crossways. It was observed during the site visit that there are discrepancies between that existing and the submitted plans. The overall location of the car parking space appears similar, but the side elevation of the host dwelling adjacent to the car parking space has been imprecisely portrayed in light of a single storey extension. I have made my decision considering the submitted plans.
3. It is acknowledged the Council have failed to issue a decision. It has however submitted a comprehensive Statement of Case which clearly sets out its concerns with the proposal.

Background and Main Issues

4. To regularise the new car-parking space the appellant has sought to vary condition 2 of the original planning permission from 1973¹ which allowed the construction of 4 Crossways as part of a wider development. They consider condition 2 to be imprecisely worded and that it should be altered to: *"The landscaped area edged red on approved drawing MLP/01 and detailed drawing MLP/02 and as shown in the approved Planning Statement shall be maintained as such."*

¹ HWR/4652/18

5. As the appellant has applied under section 73A of the Town and Country Planning Act 1990 (as amended) considerations are limited to the impact of the proposed variation and the reasoning why the original condition was imposed.
6. Therefore, the main issues are whether condition 2 is precise, reasonable, and necessary and whether the proposed variation would be appropriate in regard to character and appearance.

Reasons

7. Condition 2 required details relating to landscaping, including its maintenance, to be submitted to and approved by the Local Planning Authority (the Council). From the evidence provided this condition appears to have been discharged by the submission of plan 534, which shows how the development would be landscaped and that the deeds of each property would require the retention of that landscaping with specific regard to the 'grassed front garden areas to be open plan layout' and to be maintained as grass.
8. It is acknowledged that how conditions are written have evolved, nevertheless the condition was suitably precise to enable necessary details to be submitted and agreed at the time the wider development was built.
9. In relation to the requirements for condition 2, the wider development, including the appeal site, is located prominently on the junction between The Street, Crondall Road and Pilcot Road. As such the appropriate landscaping of the site would have been imperative in ensuring the development fitted well into the character and appearance of the local area. Therefore, to require a landscaping scheme would have been reasonable and necessary.
10. Notwithstanding this, the proposed alternative wording submitted by the appellant only refers to the area edged in red on 2 specific plans, not the wider development as required by the original condition. As such, the proposed wording would inadvertently impact the whole development by removing the existing landscaping restrictions so would not maintain the reasons for the original condition being attached. It would not therefore be an appropriate substitution.
11. Consequently, the existing condition 2 is precise, reasonable, and necessary and the proposed variation would not be an appropriate replacement in regard to character and appearance. The variation would therefore fail to comply with saved Policy GEN1 of the Hart Local Plan (Replacement) 1996 - 2006 and Policy NBE9 of the Hart Local Plan (Strategy & Sites) 2032, insofar as they seek development to be in keeping with local character and positively contribute to the overall appearance of the local area.

Other Matters

12. I am mindful of the appellant's personal circumstances and the convenience of being able to park next to their home. Also, that under current parking standards it could be argued that the whole development is under provided for. However, as this is a variation of condition application, I am limited in what I am able to consider. This is also the case for the concerns raised in relation to highway safety, the impact of the new parking space on character and appearance and the setting of the nearby conservation area.

13. It is recognised the change of use to a car parking space, may require planning permission in its own right and there are other mechanisms open to the appellant to seek planning permission which would take these other matters into account.

Conclusion

14. In making this decision I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Nevertheless, it does not follow from the PSED that the appeal should succeed, and for the reasons set out above the appeal should be dismissed.

RJ Redford

INSPECTOR