



Appeal Decision

Site visit made on 21 May 2025

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 2nd of June 2025

Appeal Ref: APP/U2615/W/24/3353693

Hall Farm Business Park, Martham Road, Rollesby NR29 5DR

- 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 a planning permission.
 - The appeal is made by Mr Chris Tooke against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/24/0554/CD sought approval of details pursuant to condition No 4 of a planning permission Ref 06/23/0880/F granted on 5 April 2024.
 - The application was refused by notice dated 7 October 2024.
 - The development proposed is retrospective application for proposed retention of 4 units (6,6a,19 and 20) and the erection and/or completion of 3 no. new buildings (Units 9,10 and 11, 7 in total) on the submitted plan to be used as storage/workshop units and for office use.
 - The details for which approval is sought are set out in Condition 4 which requires that - No further works on site are to be undertaken until further details of the changes/proposed changes to all the relevant units (6a, 9, 10, 11, 19 and 20) have first been submitted to the Local Planning Authority as follows:
Details of all windows should be submitted at large scale (1:20) to the LPA and agreed in writing prior to commencement of development. Windows should be flush casements.
All materials should be submitted and agreed in writing prior to any re-commencement of development.
The development shall be undertaken only in strict accordance with the details as approved.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by the appellant against the Council which is subject to a separate decision.

Preliminary Matters

3. This appeal is in relation to the refusal of the Council to approve details required by Condition 4. It is important to note that I will not reconsider the planning permission or consider whether the condition is necessary or reasonable or meets the other tests set out in Planning Practice Guidance or in the National Planning Policy Framework. That is because the appeal before me is not one against the condition itself which would need to be considered separately under a different process.
4. In this regard I note that the appellant has pursued that different process and submitted an appeal, against Conditions 2,3 and 4 of the original consent which has been determined in April 2025.¹ The appeal was allowed, and a varied

¹ APP/U2615/W/24/3347097

planning permission was granted which deleted the previous Condition 3 and substituted it with a replacement condition.

5. However, the Inspector concluded that Condition 4 was reasonable and necessary and therefore it remains unaltered as part of the original consent, and I have determined the appeal on that basis.

Main Issue

6. The main issue is whether or not the details submitted by the appellant address the requirements of Condition 4.

Reasons

7. Much of the appellant's submissions concentrate on justifying the design of the windows and the materials. For example, the appellant sets out that they are consistent with the design and materials on site. However, as outlined above, this appeal is not considering such matters or whether the condition is reasonable or necessary. Rather, I need to consider whether the details submitted address the requirements of Condition 4.
8. Condition 4 is quite clear in that it is necessary for the appellant to submit details of all windows at a large scale. The appellant has submitted details of one indicative window. That clearly does not meet the requirements of the condition. I may have considered this approach reasonable if all the windows were the same size. However, I observed at the site visit that the windows fitted in the relevant units were not uniform. Further, the fitted windows and the window shown on the indicative drawing were not flush casements. Consequently, the submitted details in relation to the windows do not meet the requirements of Condition 4.
9. Condition 4 also requires that all materials should be submitted for approval. Although some information has been provided, I am not satisfied that adequate details about the materials have been submitted to address the requirements of Condition 4.
10. I therefore conclude that the details submitted by the appellant do not adequately address the requirements of Condition 4 and it follows that I am unable to discharge that condition.

Other Matters

11. As set out above, in this appeal I am not considering whether or not the relevant condition is necessary or reasonable. I am also not considering whether or not the window design and the materials are compatible or consistent with existing units on site. Consequently, any information on these matters has no material bearing on the determination of the appeal.
12. The appellant also highlights that the registration of the application was delayed and as a result he was unable to postpone installation of the windows. He also indicates that there was a lack of communication, and the condition imposed was not part of the agreement on conditions during initial discussions. However, any delays during the application process or the conduct of the Council does not alter the fact that Condition 4 has been imposed and I have found the appellant has not provided adequate details to discharge it. Consequently, these other matters have limited weight in the determination of the appeal.

Conclusion

13. For the reasons given above the appeal should be dismissed.

S Rawle

INSPECTOR