



Appeal Decision

Site visit made on 27 May 2025

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th June 2025

Appeal Ref: APP/N4720/W/25/3361756

The Lodge, Prospect Nurseries, Hillings Lane, Hawksworth, Leeds, West Yorkshire LS20 8PE

- 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 Martin Slack against the decision of Leeds City Council.
 - The application Ref 24/06457/COND sought approval of details pursuant to condition No 2 of a planning permission Ref 24/01031/FU, granted on 15 May 2024.
 - The application was refused by notice dated 20 December 2024.
 - The development proposed is retrospective application for change of use and alterations to part of agricultural barn to form one dwelling house incorporating garden and parking areas.
 - The details for which approval is sought are: *2) Within 6 months of this decision full details of Electric Vehicle Charging Points and cable enabled parking spaces shall be submitted to, and approved in writing by the Local Planning Authority. The approved details shall then be installed in accordance with the approved details and retained thereafter.*
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Decision

1. The appeal is allowed, and the details submitted pursuant to condition No 2 attached to planning permission 24/01031/FU granted on 15 May 2024 in accordance with the application dated 29 October 2024 are approved.

Preliminary Matters

2. Representations from the Council's Transport Development Services section refer to the EVCP being on the eastern elevation of the building, however the annotated plan it has provided erroneously suggests that the EVCP would be located on the southern elevation, in an area that appears to be inaccessible to vehicles. I have considered the appeal based on the plans and details submitted by the appellant, which indicate the EVCP would be located on the east elevation of the building.

Background and Main Issue

3. Planning permission was granted retrospectively in May 2024 for change of use and alterations to part of agricultural barn to form one dwelling house incorporating garden and parking areas. The Council appended a planning condition (No 2) to this permission requiring that, within 6 months of the decision, details of Electric Vehicle Charging Points (EVCP) and cable enabled parking shall be submitted to, and approved in writing by the Council. This appeal relates to the submission and agreement of details pursuant to the condition imposed.
4. The Council accepted the application to discharge the condition within 6 months of the planning permission being granted. The appellant proposes to install an EVCP on the east elevation of the existing building. The Council's Transport

Development Services section accepts that the manufacturer details submitted are acceptable, however contend that the location of the EVCP would not be accessible for the approved parking area.

5. The main issue is therefore whether the location of the EVCP is acceptable, with particular regard to its accessibility and the requirements of condition No 2.

Reasons

6. The block plan depicts a designated parking area to the northeast of the dwelling, close to the vehicular access to the site. A garden area is also shown to the east of the dwelling. However, neither of these areas are well defined on the plan and are connected by a driveway running alongside the dwelling to the rear of the site.
7. The area of the garden closest to this driveway is unenclosed and has been laid with a gravel surface. The evidence indicates that this is used by the appellant for parking cars and is large enough to accommodate at least one vehicle. The details provided by the appellant in pursuant of the condition indicate that the EVCP would be located on the external wall of the dwelling adjacent to this parking area, from which it would be readily accessible for vehicles parked here.
8. While the EVCP would be a considerable distance from the parking area identified on the approved block plan, there is nothing within condition No 2 that requires the EVCP to be located in this area specifically, and no development plan policies or local guidance have been provided that set out local requirements in this regard.
9. The EVCP would clearly be accessible to vehicles parked within the site and thus the location of the EVCP is acceptable, with particular regard to its accessibility and the requirements of condition No 2.

Conclusion

10. For the reasons given, the appeal is allowed

Ryan Cowley

INSPECTOR