



Appeal Decision

Site visit made on 20 June 2025

by **G Ellis BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 July 2025

Appeal Ref: APP/N0410/D/25/3361080

Ruskin House, Mead Close, Denham, Uxbridge UB9 5AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr and Mrs A Patel against the decision of Buckinghamshire Council - South Area (South Bucks).
- The application Ref is PL/24/3742/VRC.
- The application sought planning permission for the demolition of garage and conservatory, single storey side/rear extension, alterations to existing rear extension. Alteration to existing drive and formation of new driveway without complying with conditions attached to planning permission Ref PL/24/2121/FA
- The condition in dispute is No.6 –
Notwithstanding the provisions of Article 3 and Classes A, B & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration (including the erection of a garage, stable, loosebox or coach-house within the curtilage) of or to Ruskin Mead dwellinghouse the subject of this permission, shall be carried out nor shall any building or enclosure required for a purpose incidental to the enjoyment of any said dwellinghouse as such be constructed or placed on any part of the land covered by this permission.
- The reasons given for the condition is:-
The site is located within the Metropolitan Green Belt where strict control over development is necessary in order to maintain the openness of the Green Belt. (Policy GB1 of the South Bucks District Local Plan (adopted March 1999) refers.).

Decision

1. The appeal is allowed and the planning permission granted for the demolition of garage and conservatory, single storey side/rear extension, alterations to existing rear extension. Alteration to existing drive and formation of new driveway at Ruskin House, Mead Close, Denham, Uxbridge UB9 5AZ in accordance with PL/24/3742/VRC with a variation to condition No.6 previously imposed on planning permission PL/24/2121/FA and subject to the conditions as set out in the attached schedule.

Background and Main Issues

2. Planning permission was granted under Council reference MO/2019/1857 for various alterations to the property. The property is located within the Green Belt, and in considering that proposal, the Council found that the scheme constituted inappropriate development and did not align with Local Plan policies. It was permitted as a result of very special circumstances, with the other considerations

noted as no increase in floorspace (a very minor reduction) and that there would be a betterment in terms of Green Belt openness with a consolidation of built form.

3. The permitted development rights that the condition in dispute would remove are Classes A (extensions), B (roof alterations) and E (buildings within the curtilage) of Part 1 Schedule 2 of the General Permitted Development Order (GPDO).
4. The appellant seeks either the removal of the condition or its variation to restrict Class E only. They also raise concerns regarding the wording of the condition.
5. The main issues are therefore whether or not the disputed condition is reasonable and necessary, with particular regard to the openness of the Green Belt, and whether it is precise.

Reasons

6. Paragraph 57 of the National Planning Policy Framework (the Framework) advises that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Paragraph 55 also states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.
7. The approved development is effectively a redistribution of the existing floorspace, with the proposed extensions facilitated by the demolition of the garage. The scale of the extensions exceeds the provisions of policy GB10 of the South Bucks District Local Plan, with the increase in floorspace being more than half of the original dwelling. The development was, however, granted planning permission as the Council considered the harm by reason of inappropriateness was clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposed development.
8. The potential to re-provide the floorspace that is to be removed through permitted development could diminish or eliminate the very special circumstances that have been demonstrated. In my view, this provides reasonable and necessary justification for the removal of permitted development rights, which would enable the provision of an outbuilding similar in scale to the existing garage. The removal of Class E only is the variation to the condition promoted by the appellant, and while it extends to all outbuildings and would cover small structures, it means that a planning application is required, not necessarily that all outbuildings are restricted.
9. While I understand the Council's rationale for including classes A and B in terms of the potential to increase the size of the property, I am also conscious that permitted development rights are national provisions and apply to properties within the Green Belt. Currently, the property is not subject to any restrictions, and I agree with the appellant that, based on the extent of the approved extensions to the side and rear of the property, opportunities for further extensions are limited. The roof is in its original form, and any alterations would be subject to the limitations of Class B and would not alter the building's footprint. It is indicated that the initial proposal was amended to remove alterations which were proposed for the roof. However, there are no plans before me, nor any specific evidence that the same changes could be achieved under permitted development.

10. Reference has been made to other appeal decisions relating to the removal of permitted development rights¹. These relate to different forms of development (a barn conversion and an ancillary building), and the potential harm to the character of the area is also noted in addition to the impact on Green Belt openness. As such, they are not directly comparable, and even in those cases, different permitted rights were removed. Accordingly, each proposal is to be considered on its own merits and the particular circumstances of that case.
11. Ruskin House is part of a residential area, and as acknowledged by the Council, such forms of development would not be out of keeping with the character and appearance of the area. The site is adjacent to a conservation area; however, no specific harm has been identified, and the reason for refusal is solely related to the Green Belt. In that regard, and based on the proposed development being contingent on the demolition of the garage, the removal of Class E is directly related to the development. However, in my view, there is no clear justification for removing permitted development rights in relation to Classes A and B, and they are not necessary or reasonable. I therefore conclude that condition No.6 should be accordingly varied.
12. The appellant has also raised concerns regarding the precise wording of the existing condition. As the condition is to be varied in terms of the classes, some variation to the wording is necessary, including the removal of reference to 'no enlargement, improvement or other alteration'. I have also omitted the unnecessary references to specific buildings, but I have amended the wording so that it directly refers to the requirement for planning permission for such development.
13. While neither party has referred to any other conditions, as this is an application under section 73, it is necessary to repeat the conditions of the original planning permission. However, section 73 cannot extend the time of an application, and therefore, condition No.1 is revised so that development must commence within 3 years of the date of the original permission. As I have no information that any of the other conditions have been complied with, I have reimposed all the other conditions.

Conclusion

14. For the reasons given above and taking into account all other considerations, I conclude that the appeal should be allowed in relation to the variation of condition No.6 and a new planning permission granted without the restrictions to permitted development right classes A and B.

G Ellis

INSPECTOR

¹ APP/X1925/W/20/3251426 and APP/N0410/W/22/3297693

Schedule of conditions

- 1 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.
- 2 The development to which this permission relates must be begun before the expiration of three years from the date of planning permission reference PL/24/2121/FA; granted on 26 November 2024.
- 3 No further windows shall be inserted at or above first floor level in the flank elevation(s) of the two storey extension hereby permitted.
- 4 The roof area of the single storey extension hereby permitted shall not be used as a balcony, roof garden, sitting out area or similar amenity area without the grant of further specific permission from the Local Planning Authority.
- 5 Prior to the commencement of development above ground level, details of ecological enhancements including one integrated bat box and one swift box, shall have been submitted to, and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the ecological enhancements, which shall have been installed prior to the first occupation of the development and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
- 6 Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Class E of Part 1 of Schedule 2 to the said Order shall be erected, constructed, or placed within the application site unless planning permission is first granted by the Local Planning Authority.
- 7 No development shall take place until the detached garage outbuilding on site at the time of the commencement of the development hereby permitted has been demolished in its entirety. All materials resulting from the demolition of the outbuilding shall be removed from the site by the substantial completion or occupation of the development hereby permitted, whichever is the sooner.
- 8 No other part of the development shall be occupied until the means of access has been provided in general accordance with the approved planning drawing and constructed to the appropriate Buckinghamshire Council access standards.
- 9 The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the initial commencement of the development hereby permitted and that area shall not thereafter be used for any other purpose.
- 10 The development to which this planning permission relates shall be undertaken solely in accordance with the following drawings:
PT229PL01-1A received on 21 November 2024
PT229PL01-2B received on 21 November 2024
PT229PL01-3A received on 21 November 2024
PT229PL01-4C received on 21 November 2024