



Appeal Decision

Site visit made on 4 June 2025

by **F Rafiq BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21ST July 2025

Appeal Ref: APP/N5660/W/25/3360567

27 Hillyard Street, Lambeth, London SW9 0NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with imposed on a grant of prior approval required under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr D Johnson (Grangewalk Developments Ltd) against the decision of the Council of the London Borough of Lambeth.
 - The application Ref: 24/01856/VOC.
 - The application sought planning permission for an application for prior approval for the erection of one addition storey of accommodation above the existing detached blocks of flats to create 2 (1x 1-bedroom, 1x 2-bedroom) self-contained residential units (Use Class C3) without complying with a condition attached to Ref: 20/03590/P20 dated 10 August 2021.
 - The condition in dispute states that: the development shall be completed within a period of 3 years starting with the date prior approval is granted.
 - The reason given for the condition is: in order to comply with the provisions of paragraph A.2(2) of Class A, Part 20, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The permission subject of this appeal was granted under the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO) and was subject to the prior approval process. The Council granted approval for an additional storey to provide two residential units, which is subject to a condition at paragraph A.2(2) of Class A, Part 20, Schedule 2 of the GPDO that requires the development to be completed within a period of 3 years. This completion has not taken place, and the appellant is seeking to extend the completion period to 10 August 2027.
3. It has been established¹ that an application may be made under section 73 of the 1990 Act for the development of land without complying with conditions subject to which a previous planning permission was granted by a development order. An appeal decision² has also been referenced which involved a case where works had already commenced and therefore in this respect differed from this appeal case where works have not started. However, it has not been explained why this difference is of significance, especially as the subject condition relates to the

¹ Pressland v. Hammersmith and Fulham LBC [2016] EWHC 1763 (Admin)

² APP/K3605/W/24/3338168

completion and not commencement of development. Although the time period for the completion of development has passed, this does not prevent me proceeding to determine this appeal.

4. Although at the time of this referenced *Pressland* case¹, the three-year completion requirement had not been added, and the Council consider this completion period to be fundamental to the prior approval, there is nothing before me that indicates why this condition – unlike others at Paragraph A.2 of Class A, Part 20, Schedule 2 of the GPDO – should be incapable of variation.
5. Whilst not referenced in the refusal notice, the Council has set out that they do not consider it appropriate to extend the timeframe of the subject condition. As such, and for the aforementioned reasons, I consider the main issue in this appeal is whether the condition is reasonable and necessary to enable the timely delivery of housing.

Reasons

6. No specific reason is given for the imposition of the condition subject of this appeal, other than to comply with the provisions of paragraph A.2(2) of Class A, Part 20, Schedule 2 of the GPDO but from the evidence before me, the prior approval for new dwellinghouses is to provide a less onerous and quicker route to delivering new housing. This is reflected in the subject condition requiring completion of the development within a three-year period, whereas typically planning permission is granted requiring development to be started within a particular time period.
7. The appellant has not set out any reason why the development was not able to be completed within the three-year timeframe, and why a further time period to 10 August 2027 is required for completion. The variation of the condition would conflict with the aim of delivering housing more quickly than what would have been otherwise possible through the planning application route.
8. I therefore conclude that the condition is reasonable and necessary to enable the timely delivery of housing.

Conclusion

9. For the reasons given above, I conclude the appeal should be dismissed.

F Rafiq

INSPECTOR