



Appeal Decision

Site visit made on 19 August 2025

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1st September 2025

Appeal Ref: APP/H0520/W/24/3352681

7 Marina View Mill Road, Buckden, St Neots PE19 5QS

- 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 73A of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Ms S McDougall against the decision of Huntingdonshire District Council.
 - The application Ref is 19/00793/S73.
 - The application sought planning permission for side extension, new decking/fence, alterations to windows and additional windows & roof lights, new pv panels without complying with a condition attached to planning permission Ref 16/00657/FUL, dated 7 July 2016.
 - The condition in dispute is No 1 which states that: The development hereby permitted shall be carried out in accordance with the approved plans listed in the table above.
 - The reasons given for the condition is: For the avoidance of doubt to ensure that the development is carried out in accordance with the approved plans.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellant against the Council. This application is attached as a separate Decision.

Main Issue

3. Notwithstanding the Council's reason for refusal, the main issue is whether or not s73A of the Act allows the amendment of the condition as sought by the appellant.

Reasons

4. An application under s73 or s73A may not be used to obtain a permission that would require a variation to the terms of the 'operative' part of the planning permission. This includes the description of the development for which the original permission was granted. As set out above, the description of the original act of development was *side extension, new decking/fence, alterations to windows and additional windows & roof lights, new pv panels*.
5. The appellant seeks to vary condition 1, which relates to the approved plans. As highlighted by the Council, the amended plans introduce new development that was not part of the original application, including ground works and the gabion walls adjoining the marina edge. The amended plans therefore create a conflict with the operative part of the permission. There are no powers under s73 or s73A to grant a new planning permission with a different operative part to that contained in the original permission. Thus, the proposed amendments go beyond the powers

under s73A and cannot be made. Instead, a fresh planning application would be required.

6. Consequently, I conclude that s73A of the Act does not allow the amendment of condition 1 of planning permission Ref 16/00657/FUL as sought by the appellant.

Other Matters

7. The appellant's case understandably focuses on the reason for refusal, including the timeline of events. However, given my findings above, there is no need to consider the reason for refusal or any of the wider issues as these matters do not affect my conclusion on the main issue. Furthermore, I understand the appellant's frustration regarding the significant delay in determining the application. However, this is not a matter for me to address in the context of this appeal.

Conclusion

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

L Wilson

INSPECTOR