



Appeal Decision

Site visit made on 14 July 2025

by **C J Leigh BSc (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 September 2025

Appeal Ref: APP/P1940/W/25/3363622

Glenwood, Harthall Lane, Kings Langley, WD4 8JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by 'c/o FH Planning Services' against the decision of Three Rivers District Council.
 - The application Ref 24/1959/FUL was approved on 13 February 2025 and planning permission was granted subject to conditions.
 - The development permitted is demolition of existing dwelling and construction of a replacement two storey detached dwelling with annexe; installation of a heat pump and fence.
 - The conditions in dispute is No 6 which states that:
Immediately following the completion of this development, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and reenacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.
Part 1
Class A - enlargement, improvement or other alteration to the dwelling
Class AA - enlargement of a dwellinghouse by construction of additional storeys
Class B - enlargement consisting of an addition to the roof
Class E - buildings etc incidental to the enjoyment of a dwellinghouse
 - The reason given for the condition is:
In the interests of the proper planning of the site and its local context and the preservation of the openness of the Green Belt and in the interests of the visual amenities of the site and the area in general, in accordance with Policies CP1 and CP11, CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
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Decision

1. The appeal is allowed and the planning permission Ref 24/1959/FUL for demolition of existing dwelling and construction of a replacement two storey detached dwelling with annexe; installation of a heat pump and fence at Glenwood, Hartnell Lane, Kings Langley, WD4 8JN granted on 15 February 2025 by Three Rivers District Council, is varied by deleting condition 6 and substituting for it the following condition:

6) Immediately following the completion of this development, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and reenacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class AA - enlargement of a dwellinghouse by construction of additional storeys
Class B - enlargement consisting of an addition to the roof

Main issue

2. The planning permission granted by the Council removes permitted development rights under Classes A, AA, B and E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (the GPDO). The appellant's submissions explain there is a wish to undertake works covered by Class E. Therefore, the main issue is whether the condition's reference to Class E is necessary and reasonable having regard to the Green Belt and its openness.

Reasons

3. The appeal site contains a detached bungalow which has been the subject to a number of Certificates of Lawfulness and a planning permission for extensions and alterations, which were granted by the Council. Those schemes did not include any development under Class E.
4. I have seen the Council's Delegated Report for the permission the subject of this appeal. This explains that although the Council considered there would be harm to the openness of the Green Belt, permission was granted as, in broad terms, they considered the scheme an overall betterment from those various fallback proposals, as well as benefits from energy efficiency. This, it was concluded, represented very special circumstances sufficient to grant permission.
5. The conditions attached to the permission included removal of extensions to the permitted dwelling to restrict the built form, mass and bulk of that dwelling. The appellant does not dispute those restrictions. However, it is not evident to me that the removal of Class E rights was a factor in considering the matter of betterment over the fallback proposals and the very special circumstances question; the Report stated that such rights would be removed 'to ensure that the overall plot coverage is maintained, and the openness of the Green Belt is preserved'. My reading of the Report is that this differs in the Council's assessment of the potential for Class A and Class B rights, which were specifically referred to as resulting in further additions that would represent inappropriate development to the dwelling as disproportionate additions.
6. I acknowledge that development under Class E could involve the erection of buildings, enclosures or containers within the garden of the bungalow that is likely to have an adverse effect on the Green Belt and its openness. However, such development could already be carried out at the existing dwelling. I also consider that the various extensions and alterations under the Certificates of Lawfulness and the planning permission remain as a fallback position and, given their scope of work and the additional living space that they would create, there is more than a theoretical potential for those extensions to be carried out. Thus, the Class E rights could also be carried out with any of the fallback schemes.
7. In light of the above, any risk to the Green Belt already exists. Moreover, the GPDO does not specify any particular restrictions on development under Class E where land falls within the Green Belt. Thus, the Council's concerns as expressed in their appeal submissions that the property owner might erect development in the open countryside is one that can occur within the Green Belt and, as noted earlier, does not appear to me to be a matter that formed part of the Council's reasoning for

granting 24/1959/FUL. As the risk to the Green Belt from Part E rights already exists, the need to remove permitted development rights from the site would not be necessary to protect the Green Belt and its openness. In this matter I agree with my colleague Inspector who considered a similar appeal to remove the restriction on Class E rights attached to planning permission 24/0807/FUL (ref. APP/P1940/W/24/3352952).

8. Paragraph 55 of the National Planning Policy Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Paragraph 57 of the Framework says that 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. I consider that Condition 6 is not necessary and reasonable with regard to its reference to Class E, for the purposes of protecting the Green Belt and its openness.

Conclusion

9. I have varied Condition 6. In its varied wording it would comply with Policies CP1, CP11 and CP12 of the Three Rivers Core Strategy (2011) and Policies DM1 and DM2 of the Three Rivers Development Management Policies Local Development Document (2013). These policies taken together seek, amongst other matters, to protect the Green Belt, its openness and the purposes of including land within it, from inappropriate development.

C J Leigh

INSPECTOR