
Appeal Decision

Site visit made on 5 August 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 September 2025

Appeal Ref: APP/T0355/W/25/3363672

Maryland, Horse Gate Ride, Ascot SL5 9LS

- 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 (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 Mr G Scott of Ashley Homes against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref is 24/00176.
 - The application sought planning permission for replacement dwelling following demolition of existing elements and x1 new vehicular access without complying with a condition attached to planning permission Ref 23/01094, dated 6 December 2023.
 - The condition in dispute is No 13 which states that:
"The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Approved Plan Reference Number(s):
P19/20/S/301 - Proposed Site Plan, version no.: , received on 3 May 2023
P19/20/S/310 - Proposed Floor Plans, version no.: , received on 3 May 2023
P19/20/S/311 - Proposed Elevations, version no.: , received on 3 May 2023"
 - The reason given for the condition is:
"To ensure that the development is carried out in accordance with the approved particulars and plans."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original planning permission¹ was approved on 26 July 2022 for a replacement dwelling and Condition 1 required that the development shall be commenced within 3 years from the date of the permission. A section 73 application² was approved on 6 December 2023 and Condition 1 required the development to begin no later than 3 years from the date of the original planning permission. That period has now passed.
3. The main parties have been consulted on this matter, and the appellant has confirmed in writing that the original planning permission expired on 26 July 2025. I therefore considered the appeal on this basis accordingly.

¹ Council Ref: 21/02702

² Council Ref: 23/01094

Main Issues

4. The main issues are:

- whether the permission that is subject to this appeal is extant, and if it is;
- whether the revised proposal would be inappropriate development in the Green Belt with regard to the Framework and any relevant development plan policies; and
- whether the revised proposal complies with the adopted policies relating to climate change.

Reasons

5. Section 73(4) of the Town and Country Planning Act 1990 sets out that section 73 does not apply if the planning permission was granted subject to a time limited commencement condition and that time period has expired without the development having begun.
6. There is no compelling evidence before me, including my own observations on site, that the development has begun. Consequently, I conclude that the permission subject to this appeal has lapsed and as such there is no extant permission to vary. Accordingly, Section 73 does not apply, and I do not need to consider the other main issues further.

Conclusion

7. For the above reasons, there can be no Section 73 appeal, and no further action will be taken on the appeal. The appeal is dismissed.

P Barton

INSPECTOR